Teckla-Osage-Rapid City 230kV Transmission Project

Stormwater Pollution Prevention Plan

Black Hills Power, Inc.

Developed by: BHC Environmental Services

Original Development August 2015

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Appendix A

Stormwater Pollution Prevention Plan

Wyoming Department of Environmental Quality
Template for the
Storm Water Pollution Prevention Plan
(for the Large Construction General Permit)

Print Form

Reset Form

PLEASE READ THIS PRIOR TO COMPLETING THE TEMPLATE. While use of this template is optional, your project SWPPP must follow the format set forth in Part 8.2 of the Large Construction General Permit (LCGP) for storm water discharges. SWPPPs that do not follow the required format will be returned to the applicant and processing will be delayed until a compliant SWPPP is submitted to the WDEQ. This template is intended to assist operators in developing a compliant SWPPP. For your convenience, each section below references the relevant paragraph of the LCGP. If there is any question about what is required for a section, refer to the LCGP for information.

The SWPPP is a site-specific, dynamic plan which, when implemented, will control erosion and sedimentation, prevent storm water contamination and comply with the requirements of the federal Clean Water Act and Chapter 2 of the Wyoming Water Quality Rules and Regulations. It is the permittee's responsibility to ensure all required items in the LCGP are adequately addressed and in compliance with all the requirements of the LCGP.

Project/Site information

WYPDES Authorization Number: WYR10 R105257

Project/Site Name: Teckla-Osage-Rapid City 230 kV Transmission Line (Also permitted in SD SDR10H659)

Project Location - Enter either:
Quarter/Quarter, Section, Township, Range
OR
Street Address and City
OR
Latitude and Longitude

Teckla Substation: 43.56256, -105.367510
Osage Substation: 43.971942, -104.411603
WY/SD Border Crossing: 43.969484, -104.055310
Lange Substation: 44.121069, -103.260250

Weston and Campbell County Wyoming
Pennington County South Dakota

SWPPP Administrator (8.2.1)

Company or Organization: Black Hills Power, Inc.

Name of Individual: Michael Pogany, PE

Title: Environmental Manager

Phone: 6057212737 Cell Phone: 6053903657

Fax: 6057211338 E-mail: mike.pogany@blackhillscorp.com

Narrative Site Description (8.2.2)

A brief description of the nature of the construction activity (8.2.2.1):

Black Hills Power (BHP) is going to construct and operate a 144 mile 230 kV transmission line from northeastern Wyoming to the Rapid City area in South Dakota. It would connect the Teckla Substation in Campbell County, Wyoming to the Osage Substation in Weston County, Wyoming and the Lange Substation located in Pennington County near Rapid City, South Dakota. This transmission line is being developed to strengthen the transmission network, improve transmission system reliability, and to help meet future demand for electricity and economic development in the region.

Proposed sequence of major activities including an estimated completion date (8.2.2.2)

The construction of the 230 kV line would follow the sequence of: 1) centerline surveyed and staked; 2) environmental clearance surveys; 3) identifying and constructing access roads; 4) work areas cleared as needed; 5) materials distributed along centerline; 6) pole holes and/or foundations installed, and poles framed and erected; 7) clearing of pulling, tensioning, and splicing sites; 8) OPGW ground wire or static wire and phase conductors installed; and 9) the site would be cleaned-up and reclaimed. Various phases of construction may occur at different locations throughout the construction process. This may require several crews operating at the same time at different locations.

Expected completion date for the activity is December 1, 2016, however could be extended later based on delays related to final regulatory approvals, weather delays, and wildlife considerations.

It is anticipated that the project will occur in three Phases.
1. Teckla Substation to Osage Substation
2. Osage Substation to WY/SD border
3. SD border to Lange Substation

An estimate of the total area of the project site (8.2.2.3):	Including ROW and Support Facilities = 3,244 acres
An estimate of the area expected to undergo clearing, excavation or grading, including off-site materials sources, access roads, areas for support activities and staging/storage areas (8.2.2.3) Note that areas included under a separate WYPDES storm water permit authorization do not need to be included here:	42 acres (33 WY, 9 SD)

Describe storm water discharges from support activities dedicated to the construction site (and permitted under the construction site LCGP) including, but not limited to, off-site materials borrow areas, concrete or asphalt batch plants, equipment staging yards, material storage areas and access roads constructed for the project (8.2.2.4):

6 material staging areas (2 South Dakota, 4 Wyoming) will be developed as part of the project. These areas will consist of material laydown yards only, no ground disturbance. Access to the right of way (ROW) will be accomplished using established roads and overland travel in an around the ROW. There will be minimal roads construction to access the ROW. The SWPPP site maps will be modified as those roads are built, as needed to access structure locations.

A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover (8.2.2.5):

The 144 mile project traveses through 36.3 miles of the Black Hills National Forest, 4.7 miles of Thunder Basin National Grassland, 2.6 miles of BLM land, 10.3 miles of state of Wyoming land, and 90 miles of private land in SD and WY. Existing vegetation varies by location from rangeland in the western portion north and east of the Teckla substation to the Osage substation. The land east of the Osage substation to the Lange substation crosses the Black Hills National Forest. Percent estimates of existing native ground cover vary significantly from perhaps 20% to 100%, depending on the geographic locations. For the SD portion, soil types fall within the Stovho-Trebor Complex (STC) and the Pactola Rock Outcrop-Virkula Complex. The STC is well drained, silty soils formed from weathered limestone and sandstone. The PRO-VC are well drained loamy soils from weathered metamorphic rock.

Provide the location and a description of any other potential pollution sources including, but not limited to, vehicle fueling, equipment maintenance, storage of fertilizers, chemicals or paint (8.2.2.6):

Other than sediment from disturbed areas, any other potential pollutant sources will have appropriate BMPs installed. Fueling of equipment will be performed by mobile refueling trucks. Any chemicals needed for the project will be stored in appropriate containers and within enclosed trailers on the identified laydown areas.

Provide the name of drainages or other surface water(s) of the state that may receive a storm water discharge from the construction activity. Identify the size, type and location of any outfall.

- Where a discharge is to an unnamed drainage, provide the name of the first named drainage within 1000 feet downstream of the discharge. If there is no named drainage within 1000 feet, indicate unnamed drainage.
- If the discharge is to a municipal separate storm sewer, indicate the owner of the system, the location of the storm sewer outfall and the name of the receiving water.
- If more space is needed, attach additional sheets (8.2.2.7).

There will be no discrete outfalls for discharge of stormwater from this project. The expected surface waters receiving stormwater discharge from this project include:
Several unnamed drainages. Named creeks in WY include: Porcupine, Black Thunder, Iron, Skull, Poison, Oil, Salt, Turner, Beaver, Sheep Canyon, Buffalo, Hay, and Lone Tree. Named creeks in SD include: Dutchman, Castle, Horse, and Rapid.

Identify any receiving water(s) that is listed on the state's most recent 303(d) report as impaired due to, or has an approved TMDL for, sediment, suspended solids or turbidity that is: 1) within 2000 feet of the construction site and that may receive runoff from the construction site or; 2) will receive construction site storm water discharges that enter a storm sewer system regardless of the distance from the receiving water. See 3.5.11 for additional information. (8.2.2.8)

There are no receiving waters in WY within 2000ft of the project area that are listed on the state's 303(d) report. One creek, Castle Creek (SD), is listed on the SD 303(d) report. The proposed project crosses Dutchman Creek, which is a tributary of Castle Creek.

Site Map(s) (8.2.3)

Attach one (or more) map(s) that provide, at a minimum, the following information. The map(s) should be prepared so that all of the required information is clearly displayed and it is clear what BMPs will be installed in each major stage of construction, including the time between the cessation of active construction and final stabilization. Provide multiple maps as necessary to clearly describe BMP timing and placement. The scale of the map(s) must be sufficient to identify the location of all the items listed below:

1. Preconstruction topography and location of surface waters of the state
2. Construction site boundaries.
3. All areas of soil disturbance and areas that are to remain undisturbed.
4. The location of surface waters of the state including any unnamed drainages.
5. Areas used for storage of building materials, soils, wastes, fuel, and concrete washout areas.
6. Locations of all existing or planned temporary or permanent erosion and sedimentation controls.
7. Locations of all other structural and non-structural best management practices for pollutants other than sediment, including but not limited to, fueling/maintenance areas and concrete washout disposal areas.
8. Site topography or storm water drainage patterns including lines showing boundaries between different drainage areas in the project area(s).
9. Areas where dedicated support activities (e.g. operations producing earthen materials such as sand and gravel, staging areas, portable asphalt or concrete batch plants) occur and are to be covered under the same general permit authorization. **Include all the same information requested in this section on these off site maps.**
10. Storm water discharge locations. Include discharge locations for offsite operations covered under this permit.
11. North Arrow. Include a legend where needed for clarity.

Best Management Practices (8.2.4)

At a minimum, structural storm water best management practices (BMPs) are expected to withstand and function properly during precipitation events up to, and including, a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 7.4 of the LCGP) that leaves the site from such storm events should be minimal. The 2-year, 24-hour event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth for the state of Wyoming is available on the WDEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.

The plan shall clearly describe the relationship between the stages of construction and the implementation and maintenance of controls and measures. For example, which controls will be implemented during each stage of construction, such as, clearing and grubbing necessary for perimeter controls, initiation of perimeter controls, remaining clearing and grading, road grading, storm drain installation, final grading, stabilization and removal of control measures.

The description of controls shall address the following *minimum components*. If the space provided below is inadequate, please attach additional sheets.

Erosion Prevention BMPs (8.2.4.1a). Clearly describe in detail the storm water erosion control BMPs that will be used at each major stage of construction. Indicate the location of the described measures on the site map(s) as required above. Examples of erosion control BMPs include, but are not limited to, preserving existing vegetation, scheduling (i.e., minimizing site disturbance at a given time), surface roughening, temporary and permanent seeding or planting, soil binders or tackifiers, erosion control blankets/mats, wind erosion control, storm water diversion practices upslope of a construction site, pipe slope drains and outlet protection.

Due to the large project area, certain installed BMPs are going to be field fit as the project progresses based on site conditions. However, several control practices will be implemented project wide to prevent erosion. Project disturbances will be scheduled, areas will only be open when construction is expected to occur in the immediate future. Existing access roads will be utilized to the greatest extent practicable and will be improved when necessary. Existing vegetation within the ROW will only be disturbed to the extent required to facilitate construction, primarily at the base of each structure, and therefore will serve as one of the primary BMPs utilized. All areas that are disturbed will be surface roughened to minimize erosion from precipitation and runoff.

Sediment Control BMPs (8.2.4.1b). Clearly describe in detail the sediment controls that will be used at each major stage of construction. Indicate the location of these BMPs on the required site map(s). Examples of sediment control BMPs include, but are not limited to, sediment barriers (such as straw bales, gravel/rock berms, silt fences, fiber rolls and wattles), undercut lots where curb and gutter is installed, exit tracking controls, vegetated buffer strips, grassed waterways, water bars and water wings.

Due to the large project area, certain installed BMPs are going to be field fit as the project progresses based on site conditions. However, several control practices will be implemented project wide to prevent erosion. Vegetated buffer zones will be utilized to the greatest extent practicable. In areas of more concentrated flow, rock berms, or brush berms may be used to catch sediment and to slow erosive runoff velocities. Water bars may be used on access roads. If temporary controls are needed for sediment, straw or compost wattles will be utilized.

Stabilization Measures (8.2.4.1c). Describe temporary or permanent stabilization measures (which include, but are not limited to, cover crop plantings, mulching, rolled erosion control products or surface roughening). Refer to the permit at Part 7.14 for additional information. Please note that implementation of stabilization measures is required in areas where further clearing, grading, excavating or other earth disturbing activities have permanently ceased or temporarily ceased and are not expected to resume for more than 14 days. See the permit at part 7.14 for further discussion and limited exceptions.

Temporary and permanent stabilization practices will be implemented within 14 days of termination of active construction. Temporary stabilization practices implemented on the project will include surface roughening on disturbed areas. For vertical areas, slope tracking may also be utilized. When construction is complete in an area, and weather conditions allow, temporary stabilized areas will be finally stabilized and seeded. Appropriate native forbs and grasses will be utilized for revegetation efforts, as recommended by local authorities.

Construction site dewatering (8.4.4.2) Describe the specific BMPs that will be used for discharges from construction site dewatering. Discharges must meet the conditions specified in Part 7.13 of the LCGP including the use of appropriate settling or filtering techniques and the use of velocity dissipation devices at the outlet. This section addresses accumulated storm water only. Discharge of ground water is subject to another WYPDES discharge permit for wastewater.

Construction site dewatering is not anticipated for this project. If dewatering is later discovered to be needed, the appropriate permitting and BMPs will be implemented. The SWPPP will also be updated accordingly.

Operational Controls (8.2.4.3)

Good Housekeeping (8.2.4.3a). Describe in detail the good housekeeping BMPs/procedures that will be implemented to maintain a clean and orderly facility. At a minimum, this section shall address litter, debris, chemicals, fertilizers and sanitary waste. Also include measures to remove sediment that has left the construction site.

Contractors will utilize dumpsters for the disposal of solid wastes. Any chemicals or fertilizers for the project will be stored under cover to prevent contamination of stormwater runoff. It is likely that portable toilets will be required for various locations on the project area. If this occurs, all sanitary facilities will be appropriately sited and contained to prevent stormwater contamination. 3rd party contractors will be utilized to dispose of sanitary wastes in accordance with all state and federal regulations.

Regarding sediment, any sediment that has left the project site and poses potential to impact surface water resources will be excavated and replaced on site and stabilized to prevent further erosion. Routine inspections will document and problem areas and identify corrective actions needed.

Bulk Storage of Petroleum Products (8.2.4.3b). Describe in detail the specific practices that will be used for storage of bulk petroleum products. Include spill handling procedures. Those sites that are covered by and in compliance with other relevant plans (such as a Spill Prevention Control and Countermeasure (SPCC) plan) may reference that plan below as fulfilment of this requirement. See the permit for more information.

If bulk storage of petroleum products is required, where practicable, it will be stored under cover in a job trailer. Larger quantities of petroleum exceeding 55 gallons will be stored in secondary containment with adequate freeboard for precipitation. Any areas of petroleum storage will be identified in the SWPPP site maps.

Petroleum spills exceeding 25 gallons outside of containment, chemical spills exceeding 5 gallons, OR any oil or chemical spill that reaches a water of the state, will be immediately reported to the project manager Mark Carda at (605) 390-2181 and the BHP Environmental Manager Mike Pogany at (605) 390-3657. The environmental manager will institute spill response reporting requirements as outlined in the BHP Emergency Response Matrix.

Concrete Washout and other Related Waste (8.2.4.3c). Clearly describe the specific practices that will be used to contain concrete wash waters. Where applicable, management of concrete grindings and slurry must also be described. Include relevant operations at portable concrete batch plants that are covered under the same authorization as the construction activity.

In places where concrete will be used, trucks will direct concrete washout into shallow depressions in the permanent disturbance area at the structure and the hardened concrete will be incorporated into the backfill for the structure. In no case will concrete washout be allowed to enter a water of the state.

Employee Training (8.2.4.3e). Describe your training program to inform personnel of their responsibility in implementing the practices and controls in the SWPPP, including, but not limited to, spill response, good housekeeping and sediment control.

Training will be provided to BHP and contractor staff regarding stormwater permitting and SWPPP requirements at the initiation of the project activities at the preconstruction meeting. Training will include company expectations for site conditions, BMP maintenance, housekeeping and inspections.

Maintenance (8.2.5)

Maintenance. Describe the schedule, intervals or conditions upon which BMPs described in the SWPPP will be maintained. Each type of structural BMP (e.g., wattles, silt fence, rolled erosion control products, basins/ponds, etc.) described in the SWPPP should be addressed. Please note that BMPs found to be in need of maintenance must repaired, maintained or replaced in accordance with Appendix C, Part 2.

All BMPs will be maintained in effective operating condition. Maintenance will be performed on all installed BMPs when sediment accumulation reaches 1/3 (WY) or 1/2 (SD) of the capacity of the device or as recommended by manufacturer's recommendations. On areas of active construction, the repairs will be made within 24 hours (WY) or within 7 days (SD) of discovery and as field conditions allow access. On areas of the project that are inactive, repairs will be made within 14 days.

Inspections (8.2.6)

Inspection Schedule. Describe an inspection program and schedule that meets the requirements of the LCGP, Part 9.

The Wyoming portion of the project under active construction will be inspected once per week, by the construction inspector, or his designee. The South Dakota portion of the project will be inspected at least weekly and within 24 hours of a 0.5" storm event. Weekly inspections will be emailed to the SWPPP administrator for filing and initiation of corrective actions when needed.

SWPPP Certification (8.2.7):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the large construction general permit and I agree to comply with those requirements.

IVAN VANCAS — Vice President, Operations Services

Printed Name of Person Signing — Title

Signature — 8/10/15 — 605 721 1428

Date — Telephone

Authorized signatories for this notice of intent are the following. Please note that the permittee may authorize other parties to SWPPPs and inspection reports as described in the permit at Part 10.7:	
For corporations:	*A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates.*
For partnerships:	*A general partner.*
For a sole proprietorship:	*The proprietor.*
For a municipal, state, federal or other public facility:	*Either a principal executive officer or ranking elected official.*

Appendix B

Notices of Intent WY and SD (when developed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)
to Obtain Coverage Under the SWD General Permit for Storm Water Discharges Associated with Construction Activities

Return to:

SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

I. Site Owner Contact Information:

Company Name: Black Hills Energy - South Dakota, Black Hills Power, Inc.
Primary Contact Person: Michael Pogany
Mailing Address: Po Box 1400
City: Rapid City State: SD Zip Code: 57709-1400
Phone Number: 605-721-2737 Email Address: mike.pogany@blackhillscorp.com

II. Contractor Information:

Will any contractors be responsible for erosion and sediment control practices? ☒ Yes ☐ No

(A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified.)

III. Construction Project Information: *(Physical location of the construction site to be permitted)*

Project Name: Tekla - Osage - Rapid City 230kV Transmission Line
Primary Contact Person: Michael Pogany
Street Address: SD border - Lange Substation
City: N/A County: Pennington State: SD Zip Code:
Latitude: 44.121069 Longitude -103.260250 Source: (e.g. GPS, Google, etc.) GPS
Quarter: Section: Range: Township:
Phone Number: 605-721-2737 Email Address: mike.pogany@blackhillscorp.com

Type of Ownership: ☒ Private ☒ Federal ☐ State ☐ Public (Other than Federal or State)

Is this project located on Tribal Lands? ☐ Yes ☒ No

What is the total area disturbed by the project (in acres)? SD, 9 acres total

Do you wish to receive a full copy of the permit? ☐ Yes ☒ No

Will this project encroach, damage or destroy one of the historic sites identified at the following websites: http://history.sd.gov/Preservation/NatReg/NatReg.aspx or http://www.nps.gov/nhl/find/statelists/sd/SD.pdf ☐ Yes ☐ No

IV. Storm Water Pollution Prevention Plan:

Has the Pollution Prevention Plan been developed as required? ☒ Yes ☐ No

Please note - the Plan must be developed ***before*** the NOI is submitted. *DENR will not issue coverage until the storm water pollution prevention plan has been developed.*

FOR DENR USE ONLY

Postmark Date: _____ Permit Number: _____ Date Permitted: _____ Initials: _____

IV. Receiving Waters:

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water. Attach additional sheets if necessary.

Dutchman, Castle, Horse, & Rapid Creeks plus unnamed tributaries

V. Nature of Discharge:

Please include a brief description of the construction project:

Construct 230kV transmission line from Teckla, WY to Osage, WY to Rapid City, SD Lange substation

Will construction dewatering be required? ☐ Yes ☒ No If Yes, please complete Section VII also.

VI. Construction Project Dates:

Project Start Date (MM/DD/YYYY): SD portion June 15th, 2016

Estimated Completion Date (MM/DD/YYYY): Dec. 31, 2016.

VII. Dewatering History: *(Construction Activities involving dewatering activities)*:

Date dewatering will commence: _____

Date dewatering will end: _____

Total volume of dewatering: _____

Average flow rate of dewatering: _____

Source of water to be discharge: _____

Receiving water: _____

Brief description of water treatment processes employed, if any:

Is there any reason to believe that the dewatering discharge may contain anything other than uncontaminated groundwater and storm water?

☐ Yes ☒ No

If yes, you must also submit a NOI for coverage under the temporary discharge general permit. The construction storm water general permit does not cover discharges of contaminated groundwater.

NOTE: Please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

VIII. Other Information

List other information which you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

Multi-state project with multiple state & federal permits. Wyoming WYPDES stormwater permit # WYR105257.

SD EForm - 2088LD V1

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF Black Hills Power, Inc.

STATE OF South Dakota

COUNTY OF Pennington

CERTIFICATION OF APPLICANT

I, Stuart Wevik, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this 27 day of May, 2016.

Stuart Werit
Applicant (print)

Stuart Werit
Applicant (signature)

Subscribed and sworn before me this 27th day of May, 2016.

Carolyn J. Scheler
Notary Public (signature)

My commission expires: 1-10-2021

CAROLYN J. SCHELER NOTARY PUBLIC SOUTH DAKOTA

(SEAL)

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

7008 1140 0000 5614 1790

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OFFICIAL USE

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

RAPID CITY SD 57701-9998
JUN 01 2016
Postmark Here

SD DENR
PMB 2020 - Surface Water Quality Program
523 E Capitol Ave
Pierre, SD 57501-3181

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SD DENR
PMB 2020 - Surface Water Quality Program
523 E Capitol Ave
Pierre, SD 57501-3181

9590 9401 0017 5205 5838 14

2. Article Number *(Transfer from service label)*

7008 1140 0000 5614 1790

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

CENTRAL MAIL SERVICES
320 E SIOUX AVE
PIERRE SD 57501

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

JUN 08 2016

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053 — Domestic Return Receipt

Renewal Form
for the
Large Construction General Permit
for Storm Water Discharges
(for the 2016 permit renewal)

Official Use Only
Date received:

Use this form to renew storm water permit coverage for the project listed below. The large construction general permit (LCGP) that you have had coverage under expired 4/21/16. It has been replaced by a new permit. See material accompanying this form for more complete information. **Complete and return this form by June 30, 2016 to continue coverage under the Large Construction General Permit. If no renewal is received, coverage for this project will expire July 31, 2016.**

Part 1 – Verify or Correct Existing Data

To renew your existing coverage under the new LCGP please verify that the information below is correct and add any missing information. Please make corrections on this form very obvious. Fields that don't appear to have been changed will not be reviewed by storm water program staff.

The project operator and permittee is (usually a company name):	Black Hills Power, Inc.		
Permittee contact: *(a person who is an employee or an officer of the Permittee who meets the signatory requirements specified below and is the "legally responsible" person)*			
Name	~~Ivan Vancas~~ Stuart Wevik		
Mailing Address City, State, ZIP	PO Box 1400 Rapid City, SD 57702		
Phone	605-721-2737	***Email:***	mike.pogany@blackhillscorp.com

Local Contact: ☐ **Same as permittee contact** *Person who is familiar with the project and who will be the primary contact for setting up inspections and inquiries into site operations, etc.*			
Name	Michael Pogany		
Company	Black Hills Power, Inc.		
Mailing Address City, State, ZIP	PO Box 1400 Rapid City, SD 57702		
Phone:	605-721-2737	***Email:***	mike.pogany@blackhillscorp.com

Storm water authorization number is:	**WYR105257**		
The project name is:	Teckla-Osage-Rapid City 230 kV Transmission Line		
The project location is:	Section 34, Township 42 North, Range 73 West to Section 15, Township 46 North, Range 60 West.	lat/long:	43.56256 / -105.36751
The project is located in the following county(ies):	Campbell Weston	***Expected acres to be disturbed:***	42

The undersigned acknowledges that the project storm water pollution prevention plan (SWPPP) must be amended by October 1, 2016 to meet the requirements of the renewed permit (see part 8 of the permit).

Part 2 – For Transferring Permit Authorization to a New Operator Only or a Company Name Change

☐ ***Check this box if this you are transferring this authorization to your organization from another operator or your company's name has changed.***

By your signature below you agree to accept the transfer as stated in the paragraph below.

For transfers: I hereby accept transfer of this Wyoming Discharge Permit Authorization. I have reviewed the terms and conditions of the large construction general permit and hereby assume and agree to pay, perform and discharge the obligations of the permit. I have also reviewed the storm water pollution prevention plan (SWPPP) for this project and will amend the SWPPP as necessary (see Part 8 of the permit).

Part 3 – Permit Fee

A check covering the required permit fee must be submitted with this renewal form. Please go to the WYPDES fee calculator to calculate the required fee or see the permit at Part 6 for more information. Please provide the following information to verify your fee amount:			
Date coverage will start. This date is the day the new permit was issued:			April 22, 2016
Date you wish coverage under the LCGP to expire (not to exceed 3/15/20). *LCGP coverage must be maintained on this project until the project no longer requires permit coverage (i.e., the project reaches "finally stabilized" condition – see Part 2.8 in the permit for a definition). Permittee must renew coverage if the project is not "finally stabilized" by this date:*			12/29/2017
Amount remitted:	$200.00 As per fee calculator	Check # (if available):	

Part 4 – Certification and Signature of the "Legally Responsible Person."

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the large construction general permit and I agree to comply with those requirements and any additional sage grouse Executive Order stipulations and operating restrictions or recommendations provided by the Wyoming Game & Fish Department for activities in Greater Sage Grouse Core Areas.

Stuart Wevik — Group Vice President, Electric Utilities

Printed Name of Authorized Signatory (see box below) — Title

Stuart Wevik — 5/27/16 — 605 721-2222

Signature of Authorized Person — Date — Telephone

Section 35-11-901 of Wyoming Statutes provides that:

> "Any person who knowingly makes any false statement, representation, or certification in any application . . . shall, upon conviction, be fined not more than ten thousand dollars ($10,000) per day for each violation or imprisoned for not more than one (1) year, or both."

Authorized signatories for this Renewal Form are the following "legally responsible persons:"	
For corporations:	*A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates.*
For partnerships:	*A general partner.*
For a sole proprietorship:	*The proprietor.*
For a municipal, state, federal or other public facility:	*Either a principal executive officer or ranking elected official.*

To maintain permit coverage you must return this form to WDEQ by June 30, 2016.

Mail or hand deliver this renewal form to:

WYPDES Storm Water Section
WDEQ/WQD
200 West 17th Street
Cheyenne, WY 82002

/bls
c:\bsahl\storm_water\construction\cgp_2016\draft_lcgp\renewal_mailing\2016renewal_form_merge.doc

Check Date: May/31/2016		Supplier Number: 0000063684				Check No: 0000687487
Invoice Number	**Invoice Date**	**Voucher ID**	**Gross Amount**	**Discount Taken**	**Late Charge**	**Paid Amount**
05261620000-SOW	May/26/2016	00072909	200.00	0.00	0.00	200.00

Check Number	Date	Total Gross Amount	Total Discounts	Total Late Charge	Total Paid Amount
0000687487	May/31/2016	$200.00	$0.00	$0.00	$200.00

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND ON WHITE PAPER. A VOID PANTOGRAPH AND MICROPRINTING. THE BACK OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK.

BH SERVICE COMPANY LLC
PO BOX 8106
RAPID CITY SD 57709

Date May/31/2016

WELLS FARGO
115 HOSPITAL DRIVE
VAN WERT OH 45891

0000687487

56-382/412

9600193131

Pay ****TWO HUNDRED AND XX/100 DOLLAR ****

Pay Amount
$200.00***

To The Order Of

STATE OF WYOMING
DEPT OF ENVIRONMENTAL QUALITY
200 W 17TH ST 3RD FLR
CHEYENNE WY 82002

Rich Kigly
Authorized Signature

⑈0000687487⑈ ⑆041203824⑆ 9600193131⑈

Appendix C

Sage Grouse Correspondence

WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: http://gf.state.wy.us

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.

- 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

WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

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

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,

Mark Kohishi
Deputy Director

MK/mf/gb

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

WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006
Phone: (307) 777-4600 Fax: (307) 777-4699
wgfd.wyo.gov

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.

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 Macrh 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 wells 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/mf/gb

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

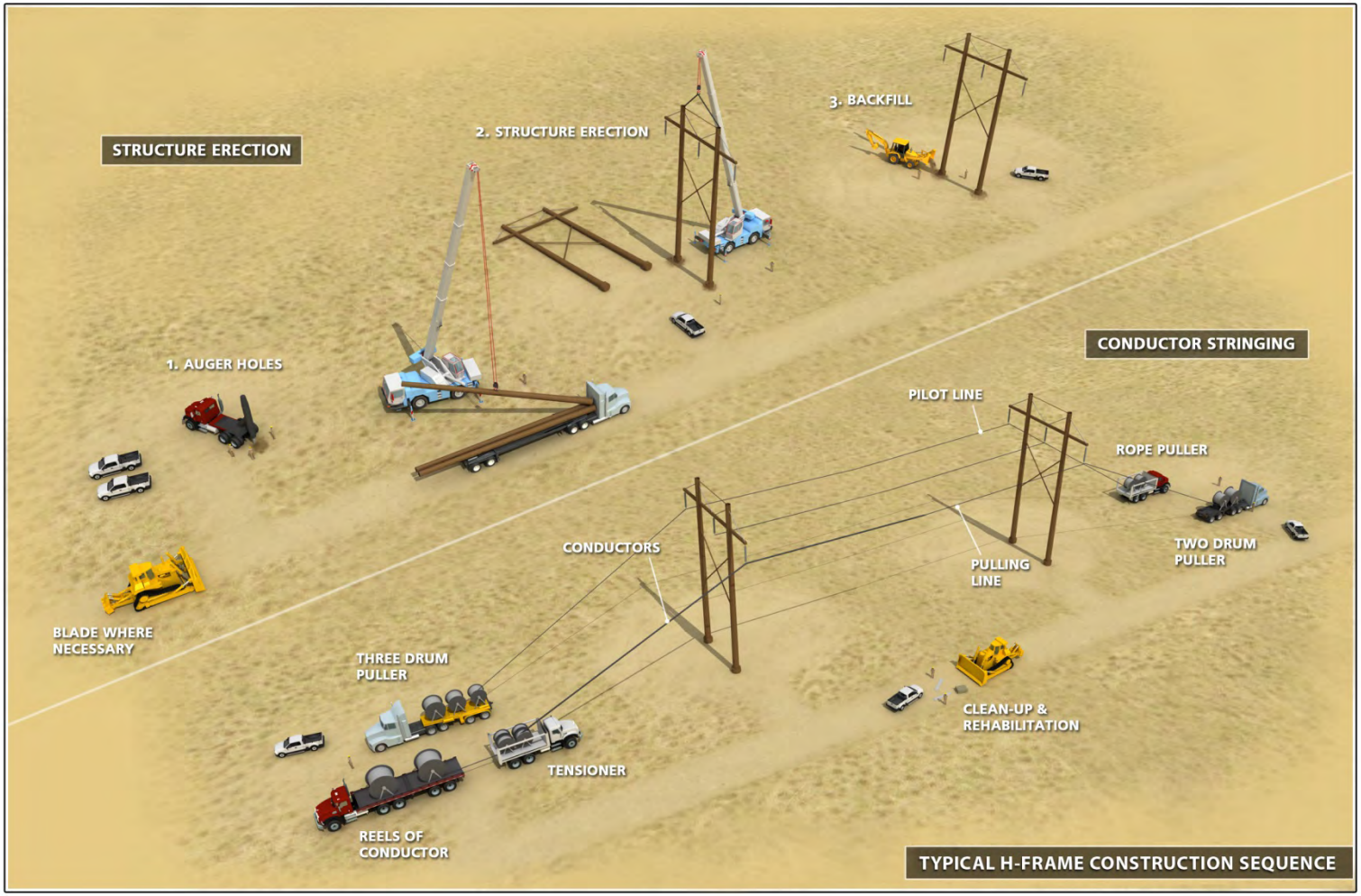
cc: USFWS
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne
Nicholas Graf, WyGISC

Appendix D

Typical Construction Process Diagram

Figure 2-3

Transmission Construction Process



Source: Power Engineers

Appendix E

Disturbed Area Calculations

Calculations

MP 8/6/15

Disturbed Area Calculations

Total Area = ROW + Support Facilities
(Public / Private) (decking, access roads, laydown, splicing sites)

Disturbed Areas include:

- New Access Road const
- laydown yards -
- each structure site work area

Total Area Calculation as per EIS (pg 2-3)

100ft wide Public - $53.9 \text{ miles} \times \frac{5280 \text{ ft}}{1 \text{ mile}} \times 100 \text{ ft} \times \frac{1 \text{ ac}}{43560 \text{ ft}^2} = 6533 \text{ acres}$

125ft wide Private - $90 \text{ miles} \times \frac{5280 \text{ ft}}{1 \text{ mi}} \times 225 \text{ ft} \times \frac{1 \text{ ac}}{43,560 \text{ ft}^2} = 2454.5 \text{ acres}$

3108 acres ROW

Support facilities:

Laydown: 24 acres | 3, 8-acre laydown yards (one already graveled) — Peabody, Christensen, Durham (Turkey Track)

2.20 | 1, established yard Osage 2.20 acres

26.2 acres

Splicing: done in ROW

decking 44 sites x 2.5 acre/location = 110 acres

Total area = 3108 + 26.2 + 110 = 3244 acres

MP 8/6/15

Disturbed Area Calculations 14.64 ac Wy
Wy = 638 SD = 400 (est) 9.18 ac SD

Structures: 20'x50' (est.) x 1038 # of structures = 23.83 acres
20 x 50 x 1,038 ÷ 43560

laydown yards: 2 X 8 acre = 16 acres =
+
+ OSage 2.20 ac = 18.20 ac

1 graveled laydowns likely not disturbed (mowed at most)

access roads: All are existing. Gravel or stabilized surface. No disturbance.

ROW roads: Two track roads. Overland route. Minimal grading needed. disturbed area in structure calculations should also cover ROW road grading. No disturbance

23.8 + 18.2 = Total disturbed = 42 Acres Approx. 32.8 ac Wy 9.2 ac SD

Area disturbed calcs based on project info as of 8/6/15. Subject to change and design build infield.

Mike Pogany 8/6/15
BHP Env. Manager

Mike Pogany, PE | Black Hills Power, Inc

Tecktla - Osage - Rapid City 230 kV Disturbed Area Calculations

Revised 6/29/16

South Dakota portion:

Assume worst case scenario @ each structure to account for unforseen minor pad leveling

SD: Penn county 284 structures total assume 20' x 50' Area pad

Structures: 284 x 1000 sqft = 284,000 sqft = 6.52 acres

includes incidental leveling, & minor access to structure

Temporary
New Access Roads: not included above

Access to Structures 875, 876

Temp. Two track Road: 14' max wide grading x 4000 ft long

14' x 4000' = 56,000 sq ft

= 1.29 acres

Structures 791, 792 access

Temp. Two Track Road: 14' max x 3000 = 42,000 sqft

= 0.96 acres

Worst case scenario = 8.77 acres estimated

6/29/16

Appendix F

General Stormwater Construction Permits (WY and SD)

Permit No.: SDR100000

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501-3181

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

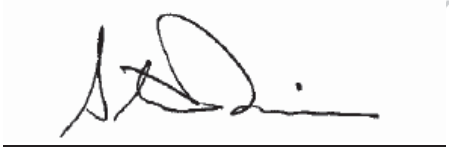
Authorization to Discharge Under the
Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD) Chapters 74:52:01 through 74:52:11, operators of storm water discharges from **construction** activities, located in the State of South Dakota are authorized to discharge in accordance with the conditions and requirements set forth herein.

This General Permit shall become effective on **February 1, 2010**.

This General Permit and the authorization to discharge shall expire at midnight, **January 31, 2015**.

Signed this **31st** day of **December, 2009**



Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

Note – This page will be replaced with a copy containing the assigned permit number once coverage is authorized.

TABLE OF CONTENTS

1.0 DEFINITIONS

"ARSD" means the Administrative Rules of South Dakota.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Construction Activities" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Concrete Washout" as used in the General Permit refers to any wash waters derived from the cleaning of concrete trucks and/or equipment.

"Control Measures" as used in this General Permit, refers to any Best Management Practice or other method used to minimize erosion and sedimentation, and thereby minimize the discharge of pollutants to waters of the state.

"DENR" means the South Dakota Department of Environment and Natural Resources.

"Discharge" as used in the General Permit is as an addition of any pollutant or combination of pollutants to surface waters of the state from any point source. Construction sites disturbing one or more acres are point sources. Therefore, any water flowing off the construction site constitutes a discharge and must be covered by a Surface Water Discharge permit.

"Final Stabilization" means one of the following:

1. All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the native cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of gravel, riprap, gabions, or geotextiles) have been employed; or

2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent (0.70 X 0.50 = 0.35) would require 35 percent total cover for final stabilization. On sites with no natural vegetation, no vegetative stabilization is required.

3. For construction projects on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural

activities, such as buffer strips immediately adjacent to "waters of the state," and areas that are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in (1) or (2) above.

A **"Larger Common Plan of Development or Sale"** means a contiguous area of one or more acres where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan.

"Minimize" means to reduce and/or eliminate to the extent achievable using control measures (including Best Management Practices) that are technologically available and economically achievable and practicable in light of best industry practice.

"MS4" or "Municipal Separate Storm Sewer System" is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying storm water;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"Municipality" means a city, town, county, district, sanitary district, or other public body created by or under state law with jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

"NOI" means Notice of Intent to be covered by this General Permit (See Attachment A).

"Nonpoint Source" means a source of pollution that is not defined as a point source.

"NOT" means Notice of Termination (See Attachment B).

"Operator" means the owner, party, person, general contractor, corporation, or other entity that has day-to-day operational control over a construction project. The operator, along with the owner, is responsible for ensuring compliance with all conditions of the General Permit and with development and implementation of the "Storm Water Pollution Prevention Plan".

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or any industrial, municipal, or agricultural waste discharged into waters of the state. This term does not mean sewage from watercraft; or water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state after it is determined that such injection or disposal will not result in the degradation of ground or surface water resources.

"Qualified Local Program" is a municipal program for storm water discharges associated with construction sites that has been formally approved by DENR to act in lieu of the state program.

"Regulated Substance" means the compounds designated by DENR under South Dakota Codified Law, §§ 23A-27-25, 34A-1-39, 34A-6-1.3(17), 34A-11-9, 34A-12-1 to 34A-12-15, inclusive, 38-20A-9, 45-6B-70, 45-6C-45, 45-6D-60, and 45-9-68, including pesticides and fertilizers regulated by DENR of Agriculture, the hazardous substances designated by the EPA pursuant to section 311 of the Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500 as amended by the Clean Water Act of 1977, Pub.L. 95-217, the toxic pollutants designated by Congress or the EPA pursuant to section 307 of the Toxic Substances Control Act, Pub.L. 99-519, the hazardous substances designated by the EPA pursuant to section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub.L. 96-510, and petroleum, petroleum substances, oil, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, substances, or additives to be utilized in the refining or blending of crude petroleum or petroleum stock, and any other oil or petroleum substance. This term does not include sewage and sewage sludge.

"Runoff Coefficient" means the percentage of precipitation that appears as runoff. The value of the coefficient is determined on the basis of climatic conditions and physiographic characteristics of the drainage area and is expressed as a constant between zero and one.

"Secretary" means the Secretary of Department of Environment and Natural Resources, or an authorized representative.

"Storm Water" means, for the purpose of this General Permit, storm water runoff, snow melt runoff, or surface runoff and drainage.

"Storm Water Associated with Construction Activity" means the discharge of storm water runoff from construction activities including, but not limited to, clearing, grading, and excavating, that result in land disturbance of one or more acres of total land area, or which may

be part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land.

"Storm Water Associated with Industrial Activity" means storm water runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 CFR § 122.26(b)(14).

"Storm Water Management Plan" means a plan developed by a municipal separate storm sewer system to address the six minimum control measures described in the MS4 storm water regulations.

"SWD" means Surface Water Discharge.

"SWPPP" means Storm Water Pollution Prevention Plan. A SWPPP identifies potential sources of storm water pollution at a construction site and specifies structural and non-structural controls that will be in place to minimize negative impacts caused by storm water discharges associated with construction activity. The purpose of these controls is to minimize erosion and run-off of pollutants and sediment. See Section 4.0 for details on the requirements for a SWPPP.

"TMDL" or "Total Maximum Daily Load" means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Waters of the State" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

2.0 COVERAGE UNDER THIS PERMIT

2.1 Permit Area

This General Permit shall apply to storm water discharges from construction sites located within the state of South Dakota.

2.2 Discharges Covered

The following discharges shall be covered under this General Permit:

1. All discharges of storm water associated with construction activity from construction sites resulting in the disturbance of one or more acres of total land area.

2. Storm water discharges from operators disturbing less than one acre that are part of a larger common plan of development or sale that, combined, disturb one or more acres.

3. Discharges from construction sites less than one acre that have been designated by the Secretary as needing a permit.

4. Storm water construction discharges mixed with a storm water discharge from an industrial source, where:

   a. The industrial source is located on the same site as the construction activity; and

   b. The storm water discharges from an industrial source is covered by a separate surface water discharge general permit or individual permit.

5. The following non-storm water discharges may also be authorized by this General Permit:

   a. Discharges from fire fighting activities;

   b. Uncontaminated ground water; and

   c. Waters used as a best management practice to control dust or wash vehicles at the construction site.

   These non-storm water discharges shall be identified in the SWPPP, along with an explanation of pollution prevention measures that will be implemented.

2.3 Discharges Not Covered

The following discharges are not authorized by this General Permit:

1. **Post Construction Discharges.** This General Permit does not authorize storm water discharges after construction activities have been completed and final stabilization at the site is achieved. Industrial and post-construction storm water discharges may need to be covered by a separate storm water permit.

2. **Discharges Mixed with Non-Storm Water.** This General Permit does not authorize discharges of non-storm water, except as provided in Section 2.2.

3. **Section 404 Permitted Discharges.** This General Permit does not authorize a permittee to discharge fill material into waters of the state. Such discharges are required to obtain a Section 404 federal Clean Water Act permit from the U.S. Army Corps of Engineers.

4. **Discharges Threatening Water Quality.** This General Permit does not authorize storm water discharges from construction sites the Secretary determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. In such cases, the Secretary may deny coverage under the General Permit or require the permittee to obtain an individual Surface Water Discharge permit.

5. **Discharges of Regulated Substances.** This General Permit does not authorize the discharge of regulated substances, hazardous substances, or oil resulting from on-site spills. Permittees are subject to federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. Spills in excess of reportable quantities shall be properly reported as stated in Section 5.1.

2.4 Obtaining Authorization

1. To request coverage under this General Permit, the owner shall complete a Notice of Intent (NOI) form, included in Attachment A, and submit it to the address indicated on the form.

    a. The owner shall identify the contractor responsible for the day-to-day operation of the construction site, if different from the owner. The Contractor Certification Form included in Attachment C shall be submitted to DENR once the contractor has been identified. A new Contractor Certification Form shall be submitted if additional or different contractors will be responsible for day-to-day operation at the construction site.

    b. This information shall be submitted at least 15 days **prior** to when the work commences at the site.

    c. Incomplete NOIs will not be processed and will be returned.

2. Upon receipt of a complete NOI, the Secretary shall make the decision to grant or deny coverage or request additional information. If the Secretary grants coverage under the General Permit, a letter of authorization will be sent to the permittee.

3. A copy of the Secretary's authorization letter and the cover page of the General Permit shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit) from the date construction activities are initiated until final stabilization is achieved and coverage under this General Permit is terminated.

4. When a new owner purchases a construction site after submittal of a NOI, the current permittee is responsible for notifying the new owner(s) of the General Permit requirements and the importance of achieving final stabilization on the site. Permit coverage shall be transferred to the new owner. Attachment D includes a form for transferring permit coverage for all or a portion of a project or development to a new owner.

5. Owners are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after General Permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time the construction commenced and authorization of storm water discharges is granted.

6. Upon the effective date of the new General Permit, the existing General Permit will be terminated. If permittees authorized under the existing General Permit need to continue coverage under the new General Permit, a Notice of Intent for Reauthorization and Certification of Applicant shall be submitted prior to the issuance of the new General Permit. The Notice of Intent for Reauthorization and Certification of Applicant form is found in Attachment E.

2.5 Additional Notification

Facilities that are operating under approved local sediment and erosion plans, grading plans, or storm water management plans shall also submit signed copies of the NOI to the local agency approving such plans at least 15 days prior to commencing work, or sooner where required by local rules.

2.6 Terminating Coverage

1. Permittees wishing to terminate coverage under this General Permit shall submit a Notice of Termination (NOT) signed in accordance with Section 6.9. The Notice of Termination form is found in Attachment B. Compliance with this General Permit is required until a NOT is submitted and General Permit coverage has been terminated.

2. Permittees shall not submit a NOT until all storm water discharges authorized by this General Permit are eliminated and final stabilization has been achieved on all portions of the site for which the permittee is responsible.

3. All permittees shall submit a NOT within thirty (30) days after final stabilization has been achieved.

4. The General Permit allows for co-permittees on a site. However, if a permittee has transferred coverage to a new owner and no longer has responsibility for any portion of the site, a NOT shall be submitted by the previous owner terminating coverage under the General Permit.

3.0 EFFLUENT LIMITS

Effective immediately and lasting through the life of the General Permit, all permittees shall comply with the effluent limits below. All permittees are expected to meet the following effluent limits to minimize the pollutants present in the discharges associated with construction activity.

3.1 Precipitation Design Event

All sediment and erosion controls shall be selected, designed, and installed to minimize the pollutants present in runoff from a rainfall event of up to two (2) inches in a 24-hour period.

3.2 Sediment Controls

The permittee is required to implement sediment controls based on the amount of land disturbed by the project. The sediment control requirements are as follows:

1. For drainage locations serving less than 10 disturbed acres at one time, sediment basins and/or sediment traps shall be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area.

2. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary or permanent sediment basin shall be provided. This basin shall provide storage for a calculated volume of runoff from the disturbed drainage area from a 2-inch precipitation event in a 24-hour period.

3. Where it is not possible to construct a temporary sediment basin for drainage locations that serve 10 or more disturbed acres at one time, smaller sediment basins and/or sediment traps or equivalent controls shall be used. At a minimum, equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

   The permittee shall document in the SWPPP its rationale for using alternative sediment controls instead of a sediment basin. This rationale will be reviewed during inspections of the construction site.

3.3 Maintenance of Sediment Controls

The permittee shall maintain all sediment controls in effective working order. If any controls are not operating effectively, the permittee shall perform maintenance on the controls as necessary to maintain the continued effectiveness of the storm water controls and before the next anticipated storm event or within seven (7) days of identifying the need for maintenance, whichever comes first.

1. The erosion and sediment controls required for compliance with the effluent limits shall be maintained from the beginning of the construction activity until final stabilization is complete. At a minimum, the permittee shall:

a. Remove sediment from sedimentation ponds when design capacity has been reduced by 50% or more.

b. Remove sediment from silt fences and other sediment controls before the deposit reaches 50% the above-ground height.

2. All erosion and sediment control measures and other protective measures identified in the SWPPP shall be maintained in effective operating condition. If the site inspections required by Section 3.12 identify BMPs that are not operating effectively, maintenance shall be performed as stated above.

3.4 Off-Site Sediment Tracking and Dust Control

The permittee shall minimize dust generation and vehicular tracking of soil off-site. At a minimum, street sweeping shall be performed if other best management practices are not adequate to minimize sediment from being tracked on to the street.

3.5 Off-Site Accumulations

1. If sediment escapes the construction site, the permittee shall remove the off-site accumulations of sediment at a frequency sufficient to minimize impacts.

2. The permittee shall revise the SWPPP and implement controls to minimize further off-site sedimentation.

3.6 Inlet Protection

All storm drain inlets that receive storm water flows from the construction site shall be protected with appropriate best management practices during construction to minimize the discharge of pollutants from the site. The inlet protection shall be maintained until all sources with the potential for discharging to the inlet have reached final stabilization.

3.7 Erosive Velocity Control

The permittee shall place velocity dissipation devices at discharge points and along the length of a runoff conveyance, as necessary, to provide a non-erosive flow and protect the receiving water body's natural, pre-construction uses and characteristics, both physical and biological.

3.8 Soil Stockpiles

Temporary soil stockpiles shall have silt fence or other effective controls to minimize sediment runoff, at a minimum. Soil stockpiles shall not be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches, or where likely to be disturbed during storm events.

3.9 Erosion Control and Stabilization

The permittee shall stabilize disturbed portions of the site as soon as possible with appropriate BMPs, but in no case more than 14 days after construction activity has temporarily or permanently ceased on any portion of the site. An exception to this effluent limit is allowed if earth-disturbing activities will be resumed within 21 days. All other exceptions shall be approved on an individual basis by the Secretary.

3.10 Construction and Waste Materials

The permittee shall properly handle, store, and dispose of litter, construction debris, construction chemicals, and concrete washout to minimize pollutants entering storm water discharges. Permittees are required to minimize the discharge of solid materials to waters of the state (except where authorized by a Section 404 permit from the United States Army Corps of Engineers).

3.11 Spills / Releases in Excess of Reportable Quantities

1. The permittee shall have the capacity to control, contain, and remove spills at the site. If spills do occur, the permittee shall modify the SWPPP and implement controls to minimize the potential for contamination of the storm water.

2. Spills in excess of reportable quantities shall be properly reported as stated in Section 5.1.

3.12 Site Inspections

1. An inspection of the site shall be conducted at least once every seven (7) calendar days and within 24 hours of the end of storm that is 0.5 inches or greater, or a snowmelt event that causes surface erosion. Once a site has been temporarily stabilized and construction has ceased for the winter, such inspections shall be conducted at least once per month.

2. The inspections shall be conducted by personnel who are familiar with the General Permit conditions and with the proper installation and operation of storm water controls.

3. The inspection shall include disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials, structural control measures, and locations where vehicles enter or exit the site. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system, and erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly and sediment is not tracked off-site.

4. The permittee shall maintain records of each inspection and resulting maintenance activities, including:

    a. Date and time of inspections;

    b. Name(s) and title(s) of personnel conducting the inspections;

    c. Findings of inspections;

    d. Corrective actions taken;

    e. Dates and amount of all rainfall events greater than 0.5 inches in 24 hours; and

    f. Documentation of any changes made to the SWPPP.

Where an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this General Permit. The report shall be signed in accordance with the signatory requirements in Section 6.9.

5. The SWPPP shall be revised if the site inspections identify any non-compliance with the effluent limits. The changes shall be implemented at the site within seven (7) calendar days following the inspection.

4.0 STORM WATER POLLUTION PREVENTION PLAN

4.1 Deadlines for SWPPP Preparation and Compliance

The Storm Water Pollution Prevention Plan, also referred to as "the SWPPP," shall be developed **prior** to the submittal of the NOI and shall be implemented for all construction activity.

For permitted sites that had been covered under the July 1, 2002 General Permit, and reauthorized under this General Permit, the SWPPP shall be updated to reflect the conditions and requirements of this General Permit by **July 1, 2010.**

4.2 Contents of SWPPP

The SWPPP shall be developed to ensure compliance with the Effluent Limits in Part 3.0. The SWPPP shall include, at a minimum, the following items:

1. **Site Description**
   Each SWPPP shall provide the information indicated below:

   a. A description of the overall project and the type of construction activity;

   b. A description of potential pollutant sources;

   c. Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, grubbing, or other construction activities during the life of the project;

   d. A description of the intended sequence of activities which disturb soil;

   e. A description of the soil within the disturbed area(s);

   f. The name of the surface water(s) at or near the disturbed area that could potentially receive discharges from the project site; and

   g. A site map indicating:

      (1) Drainage patterns with flow directions marked with arrows,

      (2) Approximate slopes anticipated after major grading activities;

      (3) Areas of soil disturbance, noting any phasing of construction activities;

      (4) Location of major structural and nonstructural controls identified in the SWPPP;

      (5) Location of areas where stabilization practices are expected to occur;

      (6) Surface waters, including an aerial extent of wetland acreage;

(7) Locations where storm water is discharged to surface water;

(8) Locations of any spills, leaks, or soil contamination that could impact the storm water runoff from the site; and

(9) Areas of concern including, but not limited to: fueling stations, waste storage, and concrete washout areas. The permittee shall provide designated areas for these activities.

2. **Controls**

For each major activity identified in the site description, the SWPPP shall describe the necessary control measures, along with the timeframe for implementing the controls and who is responsible for implementation. The description and implementation of controls shall address the following minimum components:

a. **Erosion and Sediment Controls**

(1) **Stabilization Practices**

The SWPPP shall include a description and schedule of interim and permanent stabilization practices. The SWPPP shall also include a record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures will be initiated. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Stabilization measures shall be initiated in accordance with Section 3.9.

(2) **Structural Diversion Practices**

The SWPPP shall include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree possible. Placement of structural diversion practices in floodplains and wetlands should be avoided to the degree possible. The installation of these devices may be subject to Section 404 of the federal Clean Water Act.

b. **Storm Water Management**

The SWPPP shall include a description of best management practices that will be installed during the construction process to control pollutants in storm water discharges occurring after construction operations have been completed. The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels. Such practices may include structural methods such as storm water ponds, open vegetated swales and natural depressions to allow infiltration of runoff onsite, and sequential systems that combine several practices.

c. **Other Controls**

(1) The SWPPP shall include a description of procedures to maintain vegetation, erosion and sediment control measures, and other protective measures identified in the SWPPP. This includes minimizing tracking of sediments off-site and generation of dust.

(2) The SWPPP shall include a description of chemicals, construction materials, and waste materials expected to be stored on-site, with updates as appropriate. The SWPPP shall also include a description of controls to minimize pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and spill prevention measures and response.

d. **Compliance with Local Requirements**

Permittees shall include applicable local erosion and sediment requirements in their SWPPP. The SWPPP shall be modified if the permittee is notified the local requirements have changed.

3. **Maintenance**

All erosion and sediment control measures and other protective measures identified in the SWPPP shall be maintained in effective operating condition. If site inspections required in Section 3.12 identify BMPs that are not operating effectively, maintenance shall be performed in accordance with Section 3.3.

4.3 Keeping SWPPPs Current

1. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the state. The SWPPP shall also be amended if the SWPPP proves to be ineffective at minimizing pollutants present in the storm water.

2. The Secretary may notify the permittee at any time that the SWPPP does not meet the minimum requirements of this Section. This notification will identify the provisions of the General Permit that are not being met by the SWPPP and identify which provisions require modifications in order to meet the minimum requirements. Within seven (7) days of notification, the permittee shall make the required changes to the SWPPP and shall submit to the Secretary a written certification that the requested changes have been made. The Secretary may take appropriate enforcement action for the period of time the permittee was operating under a SWPPP that did not meet the minimum requirements of this General Permit.

3. If the inspections required in Section 3.12 identify necessary changes to the SWPPP, the SWPPP shall be revised and the changes implemented no later than seven (7) calendar days following the inspection.

5.0 SPECIAL CONDITIONS

5.1 Unauthorized Release of Regulated Substances

1. This General Permit does not authorize the discharge of any regulated substance listed in the Administrative Rules of South Dakota (ARSD) § 74:34:01:03, including but not limited to fertilizers, pesticides, and petroleum substances such as oil and gasoline. If a release occurs, the permittee is required to notify DENR's Ground Water Quality Program at (605) 773-3296 or Emergency Management at (605) 773-3231 within 24 hours of having knowledge of the discharge.

2. A written report of the unauthorized release of any regulated substance, including quantity discharged and the location of the discharge, shall be sent to DENR within 14 days of the discharge.

3. The SWPPP shall identify and address the following measures: ways to prevent the reoccurrence of such releases; the proper response to such releases if and when they do occur; and steps to prevent pollutants from contaminating storm water runoff. The SWPPP shall be modified and changes implemented, as appropriate.

5.2 Larger Common Plan of Development

1. When individual lots that were included as a portion of the original common plan are sold before completion of the entire plan, the current permittee shall ensure the lot is properly stabilized in accordance with Section 3.9 prior to transfer of ownership. The current permittee is responsible for notifying the new owners of the General Permit requirements and the importance of achieving final stabilization on the site.

2. Attachment D includes a form for transferring General Permit coverage for all or a portion of a project or development to a new owner. Upon transfer of coverage, an individual lot owner becomes a co-permittee and is the primary party responsible for permit compliance on their lot until final stabilization is reached.

3. A co-permittee may submit a NOT requesting DENR terminate coverage when all construction is complete for their individual lot or land area and the lot has reached final stabilization. Permit coverage will continue in full force and effect for all remaining co-permittees until each lot or disturbed area in the entire project has reached final stabilization and a NOT has been submitted for each lot.

5.3 Qualified Local Programs

1. To receive approval as a qualified local program, DENR will review the local requirements to ensure they comply with both state and federal requirements. DENR may authorize minor variations and alternative standards in lieu of the specific conditions of the General Permit based upon the unique comprehensive control measures established in the qualifying local program. DENR will review each qualifying local program for recertification during the renewal of its municipal separate storm sewer system permit.

2. If a construction site is within the jurisdiction of a qualifying local program, the

operator shall submit a Notice of Intent to DENR to be covered under the General Permit and comply with all requirements of the qualifying local program. **Compliance with the qualifying local program requirements is deemed to be compliance with this General Permit. A violation of qualifying local program requirements is also a violation of this General Permit.**

3. List of Qualifying Local Programs: At this time only the City of Sioux Falls is meeting DENR's minimum requirements. If additional municipalities are approved as a Qualifying Local Program in the future, a modification to this General Permit will be offered for public comment in the municipality's local newspaper.

6.0 STANDARD PERMIT CONDITIONS

6.1 Duty to Comply

1. The permittee shall comply with all conditions of this General Permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal. The permittee shall give the Secretary advance notice of any planned changes at the permitted facility or of an activity that may result in permit noncompliance.

2. Any person who violates a General Permit condition or makes any false statement, representation, or certification, may be subject to enforcement action under SDCL, Chapter 34A-2.

3. The permittee is responsible for complying with all local ordinances and requirements. Local governments may have additional or more stringent requirements than those included in this General Permit.

6.2 Continuation of the Expired General Permit

1. An expired general permit continues in force and effect until a new general permit is issued. Any permittee with coverage under the General Permit at the time of expiration will continue to have coverage until a new General Permit is issued.

2. If the permittee wishes to continue an activity regulated by this General Permit after its expiration date, the permittee must submit a Notice of Intent. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this General Permit.

6.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

6.4 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 Removed Substances

Collected solids, sludges, grit, or other pollutants removed in the course of treatment shall be properly disposed of in a manner to prevent any pollutant from entering waters of the state.

6.6 Duty to Provide Information

1. The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for

modifying, revoking and reissuing, or terminating this General Permit, or to determine compliance with this General Permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this General Permit.

2. The permittee shall make the SWPPP available upon request to the Secretary, EPA, and, in the case of storm water that discharges through a municipal separate storm sewer system, to the operator of the municipal system.

6.7 Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Secretary, the permittee shall promptly submit such facts or information.

6.8 Retention of Records

1. The permittee shall retain on-site, or make readily available, a copy of the SWPPP and DENR's letter granting coverage under this General Permit from the date of project initiation to the date of final stabilization.

2. The permittee shall retain copies of SWPPPs, inspection records, all reports required by this General Permit, and records of all data used to complete the NOI and NOT for a period of at least three (3) years from the date that the site is finally stabilized. This period may be extended by request of the Secretary at any time.

3. All reports and documents required by this General Permit shall, upon request of the Secretary, be submitted to the South Dakota Department of Environment and Natural Resources at the address below:

SD Department of Environment & Natural Resources
Surface Water Quality Program
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

6.9 Signatory Requirements

1. All Notices of Intent and Notices of Termination submitted to the Secretary shall be signed and certified by the following signatory official:

   a. For a corporation: by a responsible corporate officer;

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

   c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official; or

d. The owner of the project.

2. All other reports required by the General Permit, SWPPPs, and other information requested by the Secretary shall be signed by a person described above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Secretary. The authorization shall specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company.

   b. If an authorization under this section is no longer accurate because a different contractor has responsibility for the overall operation of the construction site, a new Contractor Certification Form shall be submitted to the Secretary prior to, or together with, any reports, information, or applications to be signed by that authorized representative.

3. The following certification statement shall be included with all documents signed under this section:

   I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

6.10 Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the federal Clean Water Act.

6.11 Property Rights

The Secretary's issuance of coverage under this General Permit does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state, or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties. The State does not warrant that the permittee's compliance with this General Permit and operation under this General Permit will not cause damage, injury or use of private property, an invasion of personal

rights, or violation of federal, state, or local laws or regulations. The permittee is solely and severally liable for all damage, injury, or use of private property, invasion of personal rights, infringement of federal, state, or local laws and regulations, or taking or condemnation of property owned by third parties, which may result from actions taken under the General Permit.

6.12 Severability

If any portion of this General Permit is found to be void or is challenged, the remaining permit requirements shall remain valid and enforceable.

6.13 Requiring an Individual Permit or an Alternative General Permit

The Secretary may either deny coverage or require any person requesting coverage under the General Permit to apply for, and obtain, an individual Surface Water Discharge permit. Cases where an individual permit may be required include, but are not limited to the following:

1. The permittee is not in compliance with the conditions of the General Permit;

2. A change has occurred in the availability of demonstrated technologies or practices for the control or abatement of pollutants applicable to construction sites;

3. Effluent limitation guidelines are promulgated for point sources covered by this General Permit;

4. A water quality management plan containing requirements applicable to construction sites is approved;

5. The discharge is a significant contributor of pollution to waters of the state or it presents a health hazard; and

6. The discharge is to an impaired water body where the best management practices are not sufficient to implement the assigned waste load allocations.

6.14 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all systems of treatment and controls that are used to achieve compliance with the conditions of this General Permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee, only when necessary to achieve compliance with the conditions of the General Permit.

6.15 Inspection and Entry

Upon the presentation of credentials and other documents as may be required by law, the permittee shall allow the Secretary, the EPA Regional Administrator, or the operator of a municipal separate storm sewer system receiving discharges from the site, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and,

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act (SDCL 34A-2), any substances or parameters at any location.

6.16 Permit Actions

This General Permit may be modified, revoked and reissued, or terminated by the Secretary for cause. A request by a permittee for such changes does not stay any permit condition.

ATTACHMENT A

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for Storm Water Discharges Associated with Construction Activities

Return to:

SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

I. Site Owner Contact Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

II. Contractor Information:

Will any contractors be responsible for erosion and sediment control practices? ☐ Yes ☐ No

(A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified.)

III. Construction Project Information: *(Physical location of the construction site to be permitted)*

Project Name: _____

Primary Contact Person: _____

Street Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Latitude: _____ Longitude _____ Source: (e.g. GPS, Google, etc.) _____

Quarter: _____ Section: _____ Range: _____ Township: _____

Phone Number: _____ Email Address: _____

Type of Ownership: ☐ Private ☐ Federal ☐ State ☐ Public (Other than Federal or State)

Is this project located on Tribal Lands? ☐ Yes ☐ No

What is the total area disturbed by the project (in acres)? _____

Do you wish to receive a full copy of the permit? ☐ Yes ☐ No

Will this project encroach, damage or destroy one of the historic sites identified at the following websites: http://history.sd.gov/Preservation/NatReg/NatReg.aspx or http://www.nps.gov/nhl/find/statelists/sd/SD.pdf ☐ Yes ☐ No

IV. Storm Water Pollution Prevention Plan:

Has the Pollution Prevention Plan been developed as required? ☐ Yes ☐ No

Please note - the Plan must be developed ***before*** the NOI is submitted. *DENR will not issue coverage until the storm water pollution prevention plan has been developed.*

FOR DENR USE ONLY

Postmark Date: _____ Permit Number: _____ Date Permitted: _____ Initials: _____

IV. Receiving Waters:

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water. Attach additional sheets if necessary.

V. Nature of Discharge:

Please include a brief description of the construction project:

Will construction dewatering be required? ☐ Yes ☐ No If Yes, please complete Section VII also.

VI. Construction Project Dates:

Project Start Date (MM/DD/YYYY):

Estimated Completion Date (MM/DD/YYYY):

VII. Dewatering History: *(Construction Activities involving dewatering activities)*:

Date dewatering will commence:

Date dewatering will end:

Total volume of dewatering:

Average flow rate of dewatering:

Source of water to be discharge:

Receiving water:

Brief description of water treatment processes employed, if any:

Is there any reason to believe that the dewatering discharge may contain anything other than uncontaminated groundwater and storm water?

☐ Yes ☐ No

If yes, you must also submit a NOI for coverage under the temporary discharge general permit. The construction storm water general permit does not cover discharges of contaminated groundwater.

NOTE: Please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

VIII. Other Information

List other information which you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF	)	
	)	**CERTIFICATION OF**
_____	)	
	)	**APPLICANT**
STATE OF _____	)	
	)	
COUNTY OF _____	)	

I, _____, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner, or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;

(b) Has been convicted of a felony or other crime involving moral turpitude;

(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(d) Has had any permit revoked under the environmental laws of any state or the United States; or

(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification,

consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____ , 20____ .

_____
Applicant (print)

_____
Applicant (signature)

Subscribed and sworn before me this _____ day of _____ , 20_____ .

_____
Notary Public (signature)

My commission expires: _____

(SEAL)

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

ATTACHMENT B

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF TERMINATION (NOT)
of Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Construction Activities

This form is required to be submitted when a discharge permit is no longer required or necessary. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

I. Primary Contact Information:

Company Name: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

II. Mailing Address of Facility/Site Location

Project Name: _____

Primary Contact Person: _____

Street Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

III. Permit Number: _____

I certify under penalty of law that all storm water discharges associated with construction activity from the identified facility that are authorized by a SWD general permit have been eliminated. I understand that by submitting the Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the state is unlawful under the federal Clean Water Act and the South Dakota Water Pollution Control Act if the discharge is not authorized by a SWD permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the South Dakota Water Pollution Control Act. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: NOT shall be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name (print) _____ Title _____
Signature _____ Date _____

FOR DENR USE ONLY
Postmark Date: _____ Date Terminated: _____ Initials: _____

ATTACHMENT C

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
CONTRACTOR CERTIFICATION FORM
for Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Construction Activities

This form is required to be submitted when a contractor will act has an operator and have day to day responsibility for erosion and sediment control measures. Submission of this form shall in no way relieve the permittee of permit obligations. Please submit this form to the following address:

original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

Project Name: _____ Permit Number: _____

Site Legal Location: _____

Contractor Company Name: _____

Responsible Contact Person: _____

Contractor Address: _____

City: _____ State: ___ Zip Code: _____

Phone: _____ Email: _____

The contractor(s) responsible for the day to day operation of the construction site shall certify the following:

"I certify under penalty of law that I understand and will comply with the terms and conditions of the Surface Water Discharge General Permit for Storm Water Discharges Associated with Construction Activities for the project identified above."

I have read and understand South Dakota Codified Law Section 1-40-27 which provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

(a) Has intentionally misrepresented a material fact in applying for a permit;
(b) Has been convicted of a felony or other crime involving moral turpitude;
(c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;
(d) Has had any permit revoked under the environmental laws of any state or the United States; or
(e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."

Dated this _____ day of _____ , 20____ .

_____
Applicant (print)

_____
Applicant (signature)

Subscribed and sworn before me this _____ day of _____ , 20_____ .

_____
Notary Public (signature)

My commission expires: _____

(SEAL)

PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE ALL FACTS AND DOCUMENTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION

ATTACHMENT D

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
TRANSFER OF PERMIT COVERAGE FORM
for Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Construction Activities

This form is required to be submitted when ownership of a construction project or an individual lot in a larger common plan of development has been transferred to a different owner. Please submit this form to the following address:

original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

Project Name: _____ Permit Number: _____

Site (Lot) Legal Location: _____

Site (Lot) Description: _____

Previous Owner Name: _____ New Owner Name: _____

Stabilization Measures Implemented Prior to Transfer: _____

_____

Date transfer of property responsibility and liability becomes effective: _____

**** NOTE**: Any change in location, operation, and/or coverage area requires that the Storm Water Pollution Prevention Plan be updated and revised to reflect all changes.

The site (lot) described above is covered under the General Permit for Storm Water Discharges Associated with Construction Activity. Temporary or permanent stabilization has been established on the site, which has now transferred ownership/responsibility as indicated above. The new owners, or operators, have been made aware of the importance of site stabilization in an effort to control pollutant runoff and/or sedimentation.

The new owner assumes responsibility for implementing best management practices to reduce or eliminate a discharge of pollutants to waters of the state. The new owner is aware that permit coverage for the site is required until all soil-disturbing activities at the site have been completed and one of the following conditions have been met:

- **all portions of the site not covered by pavement or permanent structures have a uniform perennial vegetative cover over at least 70% of the site; or**
- **equivalent permanent stabilization measures have been employed, such as the use of riprap, gabions, or geotextiles**

_____	_____
New Owner/Operator	Previous Owner/Operator
_____	_____
Date	Date

ATTACHMENT E

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF INTENT (NOI) for REAUTHORIZATION

of Coverage Under the SWD General Permit for Storm Water
Discharges Associated With Construction Activities

The following facility currently has coverage under the General Permit for Storm Water Discharges Associated with Construction Activities. ***This form must be submitted if you wish to continue coverage under the General Permit.*** Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the following address:

original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351

PLEASE PRINT OR TYPE (Update Information below as needed)

I. Permittee Information

Permittee Name: _____

Company Name: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

II. Project Information

Project Name: _____

Project Description: _____

Project Start Date: _____

Estimated Completion Date: _____

III. Permit Number:

IV. Signature of Applicant

By signing this form, you are requesting to continue permit coverage under the reissued General Permit. You are certifying you will comply with the new General Permit and update your Storm Water Pollution Prevention Plan if necessary to meet the reissued General Permit conditions.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including revocation of the permit and the possibility of fine and imprisonment for knowing violations. In addition, I certify that I am aware of the terms and conditions of the General Storm Water permit and I agree to comply with those requirements.

NOTE: NOI must be signed by the authorized chief elective or executive officer of the applicant, or by the applicant, if an individual.

Name (print) _____ Title _____

Signature _____ Date _____

Large Construction General Permit to Discharge Storm Water Associated with *Large Construction Activity* Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may discharge storm water associated with large construction activities, are hereby authorized to discharge to surface waters of the State of Wyoming upon compliance with the requirements of this permit.

This general WYPDES permit WYR10-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

This permit shall become effective when signed and expire on February 1, 2020.

Discharges are authorized under this permit only after submission of a Notice of Intent to, and receipt of a Letter of Authorization, from the Department of Environmental Quality/Water Quality Division. See Part 3 of the permit for additional information.

Kevin Frederick
Administrator - Water Quality Division

Todd Parfitt
Director – Department of Environmental Quality

April 22, 2016
Date of Issuance

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TABLE OF CONTENTS

Preamble

The purpose of this Preamble is to provide the construction project "operator" (permittee) who submits an application package for coverage under the Large Construction General Permit (LCGP) to Discharge Storm Water Associated with Large Construction Activity with a summary of the requirements of this permit.

The basic principle of the permit is to identify pollutant sources associated with construction activities and install and maintain Best Management Practices (BMPs) to reduce the potential discharge of pollutants from the construction project. The degree of pollution control necessary will vary depending on the site and the associated construction activity, but the BMPs and pollution control measures must collectively prevent exceedances of applicable water quality standards in Surface Waters of the State.

Other potential pollutants likely to be a problem at sites are fuels, lubricating oils, construction materials, various wastes, fertilizers, or pesticides. Proper management of these materials is essential to ensure potential pollutants are not discharged from the construction activity to Surface Waters of the State.

In order to achieve compliance with the conditions of this permit, the permittee is required to address the effluent limitations in Part 7 by developing a Storm Water Pollution Prevention Plan (SWPPP) as described in Part 8 and by applying at least the minimum management requirements found in Appendix C. The SWPPP must clearly address the effluent limitations and the selected BMPs to be used to manage pollutant sources and ensure appropriate protection of state surface waters.

The permit requires that the entire site achieve a "finally stabilized" condition before permit coverage may be terminated or allowed to expire. In Wyoming's largely semi-arid climate, the time necessary to achieve a "finally stabilized" condition often requires permit coverage well beyond the end of the conventional earthwork and facility construction phase to ensure vegetation or other site stabilization measures are in place.

Part 1 Coverage Under This Permit

1.1 Permit area. The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.

1.2 Storm water discharges covered under this permit

1.2.1 Storm water discharges associated with new and existing large construction activities.

1.2.2 Storm water discharges from areas that are dedicated to support activities (e.g., operations producing earthen materials, such as sand and gravel, staging areas, portable asphalt or concrete batch plants) for use at a single large construction activity may be covered under this permit provided:

1.2.2.1 The support activity is not an on-going operation serving multiple, unrelated construction projects and does not operate beyond the completion of the construction activity.

1.2.2.2 Appropriate best management practices are identified in the storm water pollution prevention plan for discharges from the support activity.

1.2.3 Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions on a permitted site provided that requirements specified in Part 7.14 are followed and necessary best management practices (BMPs) are installed and effective.

1.2.4 *Storm water discharges from "large construction activities" receive coverage under this permit when the Administrator or his agent provides a written authorization to the applicant that the Notice of Intent has been accepted and the permitted activity is covered under the general permit.*

1.2.5 This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.

1.3 Storm water discharges not covered under this permit. The following storm water discharges are not provided coverage under this permit:

1.3.1 Storm water discharges from large construction activities with individual WYPDES permits that include storm water control requirements.

1.3.2 Storm water discharges from large construction activities covered under another industry- or geographically-specific general WYPDES permit.

1.3.3 Storm water discharges that are commingled with wastewaters (including significant ground water).

1.3.4 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).

1.3.5 This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA). It is your responsibility to ensure that the project and resulting discharges comply with the respective requirements of these statutes.

1.3.6 Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Post-construction industrial storm water discharges may need to be covered by a separate storm water permit.

1.3.7 Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment, suspended solids or turbidity are not covered unless the applicant develops a SWPPP that is consistent with the assumptions, allocations and requirements in the approved TMDL. Information about TMDL allocations may be found at the following website: http://deq.wyoming.gov/wqd/water-quality-assessment/.

1.3.8 Storm water discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

Part 2 Definitions

2.1 **"Access Roads"** means private roads which are exclusively or primarily dedicated for use by the permittee.

2.2 "**Administrator**" means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality or his agent.

2.3 "**Best Management Practices**" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and/or other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2.4 **"Common Plan of Development or Sale"** means projects that may occur in multiple locations and/or in multiple phases, but are part of a single, overall plan. Documentation of common plans may include announcements or other documentation (including signs, public notices, hearings, marketing information, drawings, financing records, permit applications, zoning request, maps, etc.) or physical demarcations (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activity will or may occur in the area.

2.5 "**CWA**" means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq*.

2.6 **"Department"** means the Wyoming Department of Environmental Quality

2.7 **"Energy Dissipation"** means methods employed at pipe outlets to prevent erosion by dissipating or lowering the energy of the discharge. Examples include, but are not limited to, concrete aprons, riprap, splash pads, and gabions which are designed and installed to prevent erosion.

2.8 **"Finally Stabilized"** means that all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the typical or native background vegetative cover for the area has been established on all disturbed unpaved areas and areas not covered by permanent structures. Final stabilization using vegetation must be accomplished using plants or seed mixtures of forbs, grasses and/or woody vegetation that are adapted to the conditions of the site.

2.9 "**Large Construction Activity**" means any clearing, grading, or excavation project which will disturb five or more (not necessarily contiguous) surface acres. Large construction activity also includes the disturbance of less than five acres of total land area when that disturbance is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. *Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.*

2.10 **"nForm"** means an electronic Notice of Intent (NOI) that can be used to apply for coverage under most WYPDES general permits. Users must set up accounts with "egov" and "ENVITE" prior to editing or submitting an online NOI. Go to http://deq.wyoming.gov/wqd/nform/ for further information. Use of nForm is not a requirement.

2.11 **"Operator"** is the company, individual or organization that has day-to-day supervision and control of activities occurring at the construction site and/or the ability to modify project plans and specifications related to the SWPPP. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit. The operator shall be knowledgeable in all areas necessary to comply with this permit.

2.12 **"Reportable Quantity"** means any spill or release of oil and hazardous substances which enters any water of the state, or releases that are determined to be a threat to enter waters of the state and are a) considered a "hazardous substance," or b) any amount greater than either 10 barrels of any combination of crude oil/petroleum condensate/produced water or 25 gallons of refined crude oil products. Notice of spills meeting this definition should be made to the WDEQ at 307-777-7781. This number is available for reporting 24 hours a day. An online reporting form is also available at http://deq.wyoming.gov/admin/spills-and-emergency-response/. Refer to this website or Chapter 4 of the WWQRR for more information.

2.13 **"Section 303(d) List or 303(d) List"** means a list of Wyoming's water quality-limited surface waters requiring the development of Total Maximum Daily Loads (TMDLs) to comply with Section 303(d) of the federal Clean Water Act. A copy of the current Integrated 305(b) and 303(d) Report is available on the WQD website at http://deq.wyoming.gov/wqd/water-quality-assessment/. A link to a map of 303(d) listed waters, waters with approved TMDLs and class 1 waters is available on the WDEQ storm water webpage.

2.14 "**Severe Property Damage**" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2.15 **"Spill Prevention Control and Countermeasure Plan (SPCC)"** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but may be referenced as part of the SWPPP when appropriate.

2.16 "**Storm Water**" means storm water runoff, snow melt runoff, and surface runoff and drainage.

2.17 "**Storm Water Associated with Large Construction Activity**" means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five or more acres of total land area. Large construction area also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger plan will ultimately disturb five acres or more.

2.18 **"Storm water Associated with Industrial Activity"** means storm water discharges from any of the activities defined in Section 6 (g) (ii) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.

2.19 **"Surface Waters of the State"** means all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the State.

2.20 **"SWPPP"** means Storm Water Pollution Prevention Plan.

2.21 **"Temporary Stabilization"** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Surface roughening may also be considered a temporary stabilization method. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "final stabilization."

2.22 **"Total Maximum Daily Load (TMDL)"** means the maximum amount of a specific pollutant that can be assimilated by a surface water without causing an impairment of designated uses or violating

water quality standards. The allowable amount takes into account all sources of that pollutant in a watershed, including point sources and non-point sources, and requires a portion to be set aside as a margin of safety.

2.23 "**Wyoming Surface Water Quality Standards**" refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

2.24 **"Wyoming Pollutant Discharge Elimination System (WYPDES)"** means the state program for issuing, modifying and reissuing, terminating, monitoring and enforcing permits for discharging pollutants into surface waters of the state under the provisions of the Wyoming Water Quality Rules and Regulations, Chapter 2; W.S. 35-11-101 through 35-11-1803 and the federal Clean Water Act.

Part 3 Notice of Intent (NOI) – Obtaining an Authorization to Discharge

3.1 Who must apply. Operators of any large construction activity as defined in Part 2.9. Failure to obtain appropriate coverage may result in an enforcement action.

3.2 Deadline to apply. Except as authorized in Part 3.4 of this permit, an operator seeking authorization under this permit shall submit a complete Application Package to the Department at least 30 days prior to commencing construction activities. The NOI may be found on the program website at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/ or by calling the Division at 307-777-7781. Contents of the "application package" will vary based on the reason for the submission. See below for more information.

3.3 Processing of NOIs.

3.3.1 Upon successful review by WDEQ staff, the applicant will be issued a Letter of Authorization (LOA) which authorizes the discharge of regulated storm water under the terms of this permit. Issuance of an LOA for a construction activity does not imply that the WDEQ has "approved" the applicant's SWPPP. It is the responsibility of the permittee to ensure the effectiveness of their SWPPP through the appropriate BMP selection, design, inspection, and maintenance.

3.3.2 NOIs that are incomplete will not be processed and will be returned. If an incomplete SWPPP is submitted, both the NOI and SWPPP will be returned and the NOI will not be processed.

3.4 Expedited processing. With just cause, and at the request of the operator, the Administrator may:

3.4.1 Allow the operator of a new large construction activity to submit a complete application package to the Administrator no later than 10 days prior to commencing construction activities; and

3.4.2 Notify the applicant of the approval or disapproval of coverage under this permit within 10 days of receipt of the NOI.

3.4.3 Application packages where the attached SWPPP contains designs for sediment ponds or basins (as discussed in Part 7) are not eligible for expedited processing.

3.4.4 A written request of expedited processing must accompany the NOI.

3.5 Form of NOI submission.

3.5.1 Paper or hard copy NOIs must be mailed or hand delivered to the WDEQ. NOIs must have an original signature to be valid.

3.5.2 Online submission for Notices of Intent is available

3.5.2.1 The online NOI is called nForm and is available through the WDEQ/WQD/WYPDES website.

3.5.2.2 Before submitting an NOI through nForm, users must establish accounts through Wyoming Online Services (eGov) and the Environmental IT Environmental (ENV-ITE) system. See the nForm webpage under the Water Quality Division for more information and step-by-step instructions.

3.5.2.3 Online payment of permit fees is not available as of this writing. Online applicants will submit payment separately by mail.

3.5.2.4 WQD encourages applicants to use the online system whenever possible.

3.6 NOI contents. The NOI shall include the following information, at a minimum:

3.6.1 If the NOI submission is to renew coverage under the general permit, the permittee must so indicate and provide the authorization number to renew;

3.6.2 Permittee: The name of the company, entity, or individual (meeting the definition of "operator" in Part 2.11) seeking permit coverage and contact information for the legally responsible person as defined in Part 10.7.1;

3.6.3 Local Contact: The name, title and contact information for a person who is familiar with the facility operation and who will be the primary contact for WDEQ for questions about facility operations, scheduling inspections and permit compliance.

3.6.4 Permit fee information: Date the NOI will be submitted, requested expiration date (see Part 6 for more information), amount remitted, and (if available) check number;

3.6.5 Sage Grouse Core Area Determination. The permittee must determine if any part of their project is in Sage Grouse Core Area (SGCA). SGCAs are determined under the Governor's Executive Order 2015-4. For the purposes of only this permit, SGCAs also include Sage Grouse Connectivity Areas and Sage Grouse Winter Concentration Areas. See the Wyoming Game & Fish Department Sage Grouse Management Website (https://wgfd.wyo.gov/Habitat/Sage-Grouse-Management) for a map of SGCAs and other relevant information;

3.6.6 The facility name, location, telephone number, include the WYDOT project number and the name of the WYDOT Resident Engineer if applicable;

3.6.7 Location of the covered facility expressed as quarter/quarter, section, township and range or street address (highway mile markers alone are not sufficient);

3.6.8 Location of the covered facility expressed as latitude and longitude to a minimum of five decimal places;

3.6.9 Estimated project start and final stabilization dates;

3.6.10 Estimated acres of disturbance;

3.6.11 Estimated acreage for the larger "common plan of development or sale" as defined in Part 2.4, if applicable.

3.6.12 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality. Include unnamed drainages in this description;

3.6.13 Identify any water bodies that are listed on the state's 303(d) report as impaired due to sediment, suspended solids or turbidity or have an approved TMDL for sediment, suspended solids or turbidity that:

3.6.13.1 are within 2000 feet the construction site and that may receive runoff from the construction site or;

3.6.13.2 will receive construction site storm water discharges that enter a storm sewer system regardless of the distance from the receiving water. For this paragraph, storm sewer systems are considered to be piped systems that are typical in developed areas.

The state's most recent 303(d) list can be found in the current Integrated 305(b) and 303(d) Report. The report can be found on the WQD Watershed Management website under Water Quality Assessment at: http://deq.wyoming.gov/wqd/water-quality-assessment/. *Approved TMDLs can be found at http://deq.wyoming.gov/wqd/tmdl/ under the Completed Projects/Program Resources link.*

3.6.14 Note if a sediment basin or pond, as described in Part 7, will be used on the construction site and described in the SWPPP as required in Part 8.

3.6.15 A description of the activities conducted by the applicant which require it to obtain coverage under this permit;

3.6.16 Name and signature of a legally responsible person as defined in Part 10.7.1.

3.7 Application package for a new project without previous coverage

3.7.1 Complete all parts of the NOI (excluding renewal).

3.7.1.1 Paper copy submission requires an original signature on the NOI.

3.7.1.2 Electronic submission through nForm requires that appropriate accounts have been set up prior to submission (see Part 3.5 for more information).

3.7.2 Submit a complete SWPPP with your NOI.

3.7.2.1 Applicants submitting paper NOIs may attach a paper SWPPP or electronic copy on a CD or DVD. SWPPPs may also be emailed to deq-stormwater@wyo.gov. SWPPPs submitted by e-mail must include the permittee name and contact information and the project name and location. SWPPPs that are submitted in electronic format must be in PDF or in a format compatible with the most recent version of Microsoft Word. Electronic versions of maps or diagrams must be submitted in PDF or JPG formats. Other electronic formats may be acceptable with the agreement of the Administrator or the Administrator's agent. Electronic submitters using nForm must submit their SWPPP through the nForm app.

3.7.3 A check for the appropriate permit fee must accompany the NOI and SWPPP. Users of nForm will be asked to print out a remittance email. Please send a copy of that email and your check to the address noted on the email. Online payment is not available at this time.

3.7.4 Projects that are wholly or partially in Sage Grouse Core Area. A letter of consistency from the Wyoming Game and Fish Department or documentation that your project is considered *de minimus* must be attached to the NOI. Users of nForm will upload a scanned copy through the nForm app.

3.7.5 Operators seeking approval for an alternative inspection schedule must submit the proposed inspection plan with their NOI. Approval of an alternative plan may also be requested later (see Part 9.5). Users of nForm should submit their proposed plan through the nForm app.

3.7.6 Incomplete application packages will be returned to the applicant without processing.

3.7.7 Issuance of a Letter of Authorization under this permit does not imply that the WDEQ has "approved" the applicant's SWPPP. It is the responsibility of the permittee to ensure the effectiveness of their SWPPP through appropriate BMP design, selection, inspection and maintenance.

3.8 Renewing an existing authorization to discharge. Renewing an existing authorization with an 'early' expiration date. Master general permit not expiring.

3.8.1 When a project has not achieved "final stabilization" before an impending early authorization date (i.e., the permittee chose an expiration date that is earlier than the expiration date of the master general, in this case March 15, 2020), the permittee shall renew coverage under the current LCGP.

3.8.2 The permittee shall submit a new NOI and indicate that the NOI is for the renewal of a current authorization. Applicants may use a paper NOI or submit an electronic NOI via nForm. See Part 3.5 for more information regarding nForm.

3.8.3 A renewal NOI that arrives at the WDEQ office later than 14 days prior to expiration of the permittee's current authorization may not be processed in time to avoid expiration of coverage. Once the current authorization is expired the renewal authorization will be processed as a new application and an updated facility SWPPP may be required.

3.8.4 An incomplete application package may also delay processing and result in a renewal NOI processed as a new application.

3.8.5 The appropriate permit fee shall be submitted with the renewal NOI.

3.8.6 Operators who fail to maintain coverage for construction sites that are not "finally stabilized," may be subject to an enforcement action.

3.9 Continuation of coverage under a renewed master general permit.

3.9.1 When a project has not achieved "final stabilization" before the expiration of the general permit, coverage under the permit must be renewed under the new general permit.

3.9.2 The permittee shall submit a new NOI or other form as directed by the Administrator or his agent.

3.9.3 A check for the appropriate permit fee must accompany the renewal application.

3.9.4 A SWPPP is not typically required to be submitted with the NOI unless the WDEQ requests an up to date copy.

3.9.5 Renewal applications received after the deadline noted below, will be processed as a new application and the submission of a current SWPPP may be required.

3.9.6 Renewal using the online application "nForm" is acceptable. See Part 3.5 for more information.

3.9.7 *Temporary automatic coverage.* Storm water discharges associated with large construction activities that have active coverage under the previous general storm water permit for construction (issued in 2011 and expiring March 15, 2016) are automatically covered under this permit until **July 30, 2016.**

3.9.8 *Deadline to renew.* All permittees that receive coverage under this automatic process must submit an NOI, or other form as provided by the Administrator, to this office **by June 30, 2016 to maintain coverage under this general permit**. Operators who fail to do so will have their coverage under this permit terminated. Construction sites that are not "finally stabilized," and where coverage lapses, may be subject to an enforcement action.

3.10 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.

3.11 Projects that may discharge to class 1 waters. Large construction activities that have the potential to discharge to Class 1 waters (see Appendix A for a list of Class 1 waters) may be subject to a site visit by Department personnel prior to issuing coverage under this general permit. Site visits are weather-dependent and may delay coverage under this permit. For example, site visits will not typically be scheduled to areas with heavy snow cover and a visit may not always be possible within 30 days of an NOI and SWPPP submittal. Applicants should plan accordingly.

3.12 Denial of coverage. Except as noted in Parts 3.4 and 3.11, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of receipt of the NOI. In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and action(s), if any, that the applicant can take to gain approval.

3.13 Individual permit required. If, after evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator's decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.

3.14 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit.

Part 4 Notice of transfer and acceptance (NOTA).

4.1 Transfer of entire permitted area

4.1.1 When operational control over an entire project changes to another operator, the current permittee must transfer permit coverage to the new operator.

4.1.2 A Notice of Transfer and Acceptance (NOTA) must be submitted to the WQD within 14 days of the transfer of operational control. The NOTA must be completed and signed by both parties. An NOTA form is available on the WDEQ storm water web site at: http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/ or a paper copy may be obtained by calling 307-777-7781.

4.1.2.1 Upon submission of a complete NOTA, the WQD will issue a new letter of authorization to the new permittee and confirming correspondence to the relinquishing party.

4.1.2.2 The operator on record as permittee remains responsible for compliance with terms of the permit, including fees and/or violations, until the transfer has been completed by WDEQ.

4.1.2.3 Late submittals will not be rejected; however, the Department reserves the right to take enforcement for any unpermitted discharges or permit noncompliance.

4.2 Permittee name changes. When the name of a permitted entity changes, the permittee shall submit an NOTA with the updated information to the WDEQ. Upon processing of a complete NOTA, the WDEQ will provide an updated letter of authorization (LOA) to the permittee.

4.3 Partial permit transfers. When a permittee no longer has control of a specific portion of a permitted site, and needs to transfer permit coverage on that portion to another operator, the permittee and the new operator shall submit a completed "Notice of Partial Transfer (NPT) form.

4.3.1 Upon submission of a complete NPT, WDEQ will remove the requested area from the current permittee and issue a new letter of authorization under the LCGP for the new operator.

4.3.2 The new permittee is subject to permit fees and must submit the appropriate fee amount with the NPT.

4.3.3 The relinquishing party will also be notified when the transfer is complete. If notice of a transfer is not received, then both parties should follow up with storm water program staff.

4.3.4 If the new operator refuses to complete the relevant portion of the NPT, the current permittee may be removed from permit coverage on areas no longer controlled by the permittee upon written request to the Storm Water Program providing the current permittee has no legal responsibility (through ownership or contract) for the construction-related storm water discharges on that portion of the site. The new operator would then be required to obtain permit coverage separately.

4.3.5 Updates to the facility SWPPP

4.3.5.1 The new operator may develop and implement a new SWPPP for their portion of the project that meets all the terms and conditions of this permit, or

4.3.5.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate and relevant for the new activities that will occur onsite.

4.3.5.3 With either option, the permittee shall ensure, either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and their activities do not interfere with another operator's erosion and sediment control practices.

4.3.5.4 Changes related to the transfer must be made to the SWPPP within 30 days of transfer of operational control. These changes include, at a minimum, changes in personnel responsible for implementing the SWPPP.

4.3.5.5 The new operator must comply with all conditions in this permit and with all provisions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP.

Part 5 Notice of Termination (NOT)

5.1 Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT), on the appropriate form provided by the WDEQ, identifying the facility and the reason permit coverage is no longer required. The NOT form is available online or by calling 307-777-7781. The NOT shall be signed in accordance with Part 10.7.1.

5.2 Compliance with the conditions of this permit is required until an NOT has been submitted and accepted by the Department or until permit coverage expires.

5.3 An NOT may only be submitted when one of the following conditions has been met:

- 5.3.1 Final stabilization (see Part 2.8 for definition) has been achieved on all parts of the site for which the permittee is responsible.
- 5.3.2 All temporary synthetic and structural erosion and sediment controls (e.g., silt fence, temporary rock check dams) have been removed.
- 5.3.3 Final stabilization for producing oil and gas facilities does not require revegetation in the area within permanently installed well anchor points, the travel surface of a site access road, and areas within established fire walls surrounding tank batteries. All other areas must be revegetated or covered by permanent materials (paving, gravel, etc.) to be considered finally stabilized. Surfaces left unpaved must be designed and prepared in a manner that will prevent ongoing erosion problems. The permittee may be required to re-extend coverage under this permit to areas with erosion problems.
- 5.3.4 Sale of Residence to homeowners. For residential construction only. When a residential lot has been conveyed to a homeowner and all criteria in the following paragraphs are met, coverage under this permit is no longer required and the conveyed lot may be removed from coverage under the permittee's authorization. At such time, the permittee is no longer responsible for meeting the terms and conditions of this permit on the conveyed lot, including the requirement to transfer permit coverage. The permittee remains responsible for the remaining permitted areas. Lots not meeting all of these requirements require continued permit coverage.
  - 5.3.4.1 The lot has been sold to a homeowner for the new owner's private residential use.
  - 5.3.4.2 All construction activity conducted by the permittee on the lot is completed.
  - 5.3.4.3 A certificate of occupancy (or equivalent) has been issued to the homeowner.
  - 5.3.4.4 On lots that have not been "finally stabilized, temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee shall provide a copy of a "Homeowner Factsheet" to the homeowner to inform the owner of the need for, and the benefits of, erosion and sediment control and final stabilization. A PDF version of the "Homeowner Factsheet" may be found on the DEQ web site at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/.
  - 5.3.4.5 The SWPPP has been amended to indicate that the lot is no longer covered by the permit.

Part 6 Fees

Payment of permit fees for individual permits and general permit authorizations is required to be submitted with the application for new or to renew coverage. All storm water authorizations have variable fees that must be calculated depending upon the NOI date and the specified expiration date. "The Fee Calculator" should be used to determine the proper amount to submit with each NOI. Checks should be made out to the "Department of Environmental Quality, Water Quality Division. Find the fee calculator at: http://deq.state.wy.us/wqd/WYPDES_Permitting/Permit_Fees/feecalc.html

6.1 The fee must be submitted with the NOI for coverage under the LCGP.

6.2 The expiration date provided on the NOI should reflect the date the project is expected to achieve "final stabilization," not the date the permittee expects to finish construction and leave the site.

6.3 Permit fees are $100 per year of the permit term. Portions of a year are charged the full $100 yearly fee. For example, a six-month authorization costs $100, the same as a 12-month authorization. Likewise, a 13-month authorization costs $200, the same as 24 months.

6.4 Permit fees are not required for permit transfers or modifications.

6.5 New permit fees are only required for renewals and new applications.

6.6 Reimbursements will not be made for unused portions of a permit term in the event of early termination.

Part 7 Effluent Limits

7.1 Quality of discharge. Storm water discharges associated with construction activities shall not cause pollution, contamination or degradation to waters of the state.

7.1.1 Those best management practices (BMPs) or other control measures specified in the SWPPP shall ensure that the storm water discharges do not cause a violation of Wyoming Water Quality Standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (WWQRR).

7.1.2 The quality of permitted storm water discharges shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.

7.2 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.

7.3 Erosion and sediment controls. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

7.3.1 Control storm water volume and velocity within the site to minimize soil erosion;

7.3.2 Control storm water discharges, including both peak flow rates and total storm water

volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

7.3.3 Minimize the amount of soil exposed during construction activity;

7.3.4 Minimize the disturbance of steep slopes;

7.3.5 Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

7.3.6 Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible; and

7.3.7 Minimize soil compaction and, unless infeasible, preserve topsoil.

7.4 Visible or measurable erosion. Visible or measurable erosion, associated with a construction activity, which leaves the construction site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:

7.4.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or

7.4.2 Evidence of concentrated flows of water over bare soils (such as rills or gullies), turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or

7.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.

7.5 Consistency with a Total Maximum Daily Load (TMDL). Storm water discharges regulated under this permit and that may discharge to a surface water that has an approved TMDL for sediment, total suspended solids (TSS), or turbidity must be consistent with the TMDL and any associated waste load allocation (WLA) for construction or storm water-related sediment discharges. In most cases compliance with this permit will be considered adequate, unless otherwise notified by the WDEQ. The WDEQ may require an individual permit should compliance with the general permit be insufficient to meet relevant WLAs.

7.6 Recovery of offsite sediment. Off-site accumulations of sediment (except tracking onto paved roads) must be removed in a manner and at a frequency sufficient to minimize off-site impacts. *[See Part 7.8 for addressing offsite tracking onto paved roads.]*

7.6.1 Where a determination is made that sediment must be removed to prevent deposition within surface waters (or conduits to surface waters, such as storm drain systems), then it must be removed within 7 days of the determination or before the next precipitation event whichever is sooner. The WDEQ may, after consultation with the permittee and upon good cause, amend the sediment removal criteria in this paragraph for specific operations. An operator receiving an approved delay must take reasonable measures, such as the installation of additional BMPs or modification of existing BMPs, to ensure that receiving waters are protected from offsite sediment deposits.

7.6.2 Operators of projects in remote, rural sites that do not have "all season" road access may delay sediment removal until site conditions are appropriate for access. The reason for such a delay must be documented in the SWPPP.

7.6.3 Sediment removal may also be delayed where there is access to the area, but field conditions are too wet or muddy to work without causing damage to the area. If necessary to prevent discharge of sediment to surface waters or storm drain systems, and if practicable, the permittee should install additional sedimentation controls to contain the sediment until it can be removed. Actions taken under this paragraph should be documented in the SWPPP.

7.6.4 In certain situations where removing sediment from an area will likely result in greater sediment discharges than if it is permanently stabilized in place (e.g., sediment dispersed in a vegetated riparian area), then it may be advisable to seed or otherwise stabilize that area rather than remove the deposit. Such stabilization must be acceptable to the landowner or manager and be accomplished as soon as practicable and documented in the SWPPP.

7.6.5 Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.

7.7 Inlet protection. All storm drain inlets in the immediate vicinity of the construction site must be protected by appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment.

Inlet protection BMPs are a last line of control – sediment and erosion control practices must be used on site. Inlet protection devices must conform to local ordinances or regulations. In general, inlet protection needs to provide for drainage adequate to prevent excessive roadway flooding. As such, inlet protection does not necessarily require installation of devices on or in the inlet. BMPs in the gutter may also be considered.

Inlet protection maybe removed for a particular area if a specific concern (i.e., local flooding/freezing, snow removal, traffic hazard) has been identified and documented in the SWPPP. In this situation, additional erosion and sediment control practices must be used to compensate for the loss of the inlet protection device to prevent sediment from entering the storm sewer system.

Maintenance and cleaning of inlet protection devices, including on-site sediment and erosion controls, must be performed in accordance with Appendix C.

7.8 Off-site tracking of sediment. Vehicle tracking of sediment from the construction site to paved areas (either within or outside of the construction boundaries) must be minimized by BMPs. This may include having a designated egress with appropriate surfacing from the site, or by designating off-site parking. The permittee is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site. Accumulations of tracked and deposited sediment must be removed from paved surfaces within 24 hours or, if applicable, within a shorter time if specified by local authorities or the Department.

7.9 Use of sediment ponds or basins. The permittee is encouraged, but not required, to install temporary sediment ponds or basins where appropriate in areas where 10 or more acres of disturbed area drain to a common location prior to the runoff leaving the site or entering surface waters of the state. Permittees are also encouraged to use sediment basins or ponds for smaller areas with steep slopes or highly erodible soils even if less than ten acres drains to one area.

7.10 Design of sediment ponds. For purposes of this permit, sediment ponds are those ponds that are large enough to treat and control all runoff from a 10-year, 24-hour or larger precipitation event or that have storage capacity in excess of two acre-feet. Sediment ponds must be designed, constructed and operated in accordance with the requirements found in the WWQRR Chapter 11, Section 31. All design plans and calculations for sediment ponds must be included with the SWPPP at the time of application. Sediment pond designs must be stamped by a Wyoming-licensed, professional engineer (PE). SWPPPs will not be considered complete where sediment pond plans do not meet the requirements of WWQRR Chapter 11, Section 31 and will result in the applicant's NOI and SWPPP being returned to the applicant.

7.11 Design of sediment basins. Sediment basins are smaller than sediment ponds. If used, basins must provide at least the following:

7.11.1 The basins shall be sized to provide 3,600 cubic feet of runoff storage below the outlet pipe per acre drained to the basin and an additional 900 cubic feet per acre drained for sediment storage. Alternative designs may be used which provide storage below the outlet for a calculated volume of runoff from a 2-year, 24-hour storm and provides not less than 1800 cubic feet of runoff storage below the outlet pipe from each acre drained to the basin and an additional 900 cubic feet per acre drained for sediment storage.

7.11.2 Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris.

7.11.3 The basin must be designed with the ability to allow complete basin drawdown for maintenance activities. Additionally, the basin should be designed to release sufficient storage volume in a 72 hour period to re-establish the basin's working pool.

7.11.4 The basin must have a stabilized emergency overflow to prevent failure of basin integrity.

7.11.5 All design plans and calculations for sediment basins must be included with the SWPPP at the time of application. When sediment basins are constructed to a standard design provided by the WQD plans will not need to be stamped by a Wyoming-licensed, professional engineer. Basins where the design deviates from the standard plan must have plans and calculations that are stamped by a Wyoming PE.

7.12 Discharge from ponds or basins. When discharging from basins, ponds or other impoundments, utilize outlet structures that withdraw water from near the surface (withdrawal within 3 to 6 inches below the surface is preferred), unless infeasible. Alternative discharge methods, if needed, should not draw off sediment and should minimize discharge turbidity. Energy dissipation must be provided for the outlet.

7.13 Maintenance of ponds or basins. Maintenance shall, at a minimum, conform with the general guidelines found in Appendix C.

7.14 Construction site dewatering. Pumped discharges from construction sites covered under this permit are limited to storm water and minor amounts of ground water. A separate permit must be obtained for the discharge of water from other sources, including ground water. Where there is sufficient ground water present such that it must be pumped from the construction site, those discharges do not meet the definition of minor amounts of ground water and must be covered under a separate WYPDES permit specifically for those discharges.

7.14.1 The permittee must operate the discharge to minimize the release of sediment.

7.14.2 Pumped water that may be turbid or sediment laden must be treated with appropriate BMPs, such that the discharge does not:

7.14.2.1 Cause a violation of water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.

7.14.2.2 Adversely affect downstream landowners.

7.14.2.3 Cause erosion or scouring at the outlet or in the receiving water.

7.14.2.4 Discharges must not lead to the deposition of sediment within storm water conveyance systems.

7.14.3 The discharge must be dispersed over appropriate energy dissipation devices such as rock riprap, sand bags, plastic sheeting, or equivalent.

7.14.4 Significant ground water. ***The general rule of thumb for determining what ground water is non-significant is as follows:*** If an operator is able to work in a trench or excavation without dewatering during dry weather and only needs to dewater because of a rain or snow melt event, then the ground water can be considered non-significant. If an operator is finding they must dewater even though there has been no precipitation, then a WYPDES wastewater permit (temporary or individual) is required. Any operator who is unsure of whether or not his ground water is non-significant should secure separate coverage under the WYPDES general permit for temporary discharges or an individual wastewater permit for the dewatering operation.

7.15 Soil stabilization.

7.15.1 Final or temporary stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Operators are not required to initiate stabilization measures in areas of a project that are essential for site access or work activities (such as pipeline assembly and installation) until those areas are no longer needed for ongoing access or work.

7.15.2 Temporary stabilization may be used whenever construction activities are expected to resume in the area to be stabilized or when weather or other conditions are not appropriate for initiation of permanent stabilization.

7.15.3 Areas to be protected include graded slopes, ditches, berms and soil stockpiles and all other disturbed areas with potential to contribute sediment to runoff that will leave the construction site.

7.15.4 Temporary stabilization includes practices such as cover crop planting, installation of rolled erosion products, mulching (provided the mulch is protected from wind such as crimping straw mulch into the soil) or surface roughening (such as by plowing to achieve a rough, cloddy surface). Practices that provide equivalent erosion protection may be used.

7.15.5 Where initiation of stabilization is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

7.15.6 Temporary or final stabilization activities in any area of a construction project, must be completed within 14 days of the initiation of stabilization activities.

7.15.7 The WDEQ may, after consultation with the permittee and upon good cause, amend the final stabilization criteria in this section for specific operations.

7.16 Pollution prevention measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

7.16.1 Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge Wash waters discharged under this permit may not contain soaps, detergents or solvents;

7.16.2 Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water;

7.16.3 Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; and

7.16.4 Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems.

7.17 Minimum storm size for BMPs. Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 7.4) that leaves the construction site from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the DEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.

7.18 Allowable discharges. All discharges covered by this permit shall be composed entirely of storm water associated with construction activity. Discharges which include material other than storm water associated with construction activity must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.

7.19 Prohibited Discharges. The following discharges are prohibited:

7.19.1 Concrete washout;

7.19.2 Wash waters from stucco, paint, form release oils, curing compounds and other construction materials;

7.19.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

7.19.4 Soaps or solvents used in vehicle and equipment washing.

7.20 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations. Portable toilets must be properly secured to prevent tipping by vandals or blowing over in wind events.

7.21 Construction project identification. A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours. When posting is not practical, the letter of authorization shall be made available to representatives of the state as well as federal and local officials when requested.

7.22 Requirements of other agencies. All storm water discharges must comply with erosion control or other requirements, policies, or guidelines of other local, state or federal agencies.

Part 8 Storm Water Pollution Prevention Plan

8.1 General requirements

8.1.1 Scope of SWPPP. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all construction activities covered under this permit. For construction projects where construction of planned, future phases is speculative, those areas may be added to the SWPPP when construction becomes certain – prior to any earth disturbance occurs. The SWPPP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared by a registered engineer.)

8.1.2 Joint SWPPPs. The SWPPP may be prepared as a joint document that identifies more than one permittee and must specify the responsibilities of each permittee by task, area and/or timing. In the event there is a requirement in the SWPPP for which responsibility is not clearly defined each permittee shall be responsible for implementation of that requirement. Each permittee is also responsible for ensuring that its activities do not render another permittee's best management practices (BMPs) ineffective. Where the SWPPP is a joint document, it must be certified and signed by all participating permittees in accordance with Part 10.7.

8.1.3 Pollutant source identification. The SWPPP shall:

8.1.3.1 Identify all potential sources for pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activity from the facility. At a minimum, each of the following sources and activities shall

be evaluated for the potential to contribute pollutants to storm water discharges and identified in the SWPPP if found to have such potential:

a. All disturbed and stored soils, aggregate and fill material;
b. Tracking of sediment onto paved areas by vehicles;
c. Management of contaminated soils;
d. Loading and unloading operations;
e. Outdoor storage of materials such as building materials, fertilizers, chemicals, etc.;
f. Vehicle fueling and maintenance;
g. Significant particle or dust generation;
h. Routine maintenance activities involving fuels, oils, solvents, detergents, fertilizers or other chemical;
i. On-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
j. Concrete truck/equipment washing;
k. Dedicated asphalt and concrete batch plants;
l. Non-industrial waste sources such as worker trash and portable toilets; and
m. Other areas or procedures where potential spills can occur.

8.1.3.2 Describe the specific best management practices (BMPs) to be used to reduce pollutants in storm water discharges associated with construction activity at the facility

8.1.3.3 Ensure the practices shall be selected and described in accordance with good engineering, hydrologic and pollution control practices, including the installation, implementation and maintenance requirements

8.1.3.4 Be properly prepared and updated in accordance with Parts 8.2 and 8.1.5 to ensure compliance with the terms and conditions of this permit.

8.1.4 Plan implementation.

8.1.4.1 Permittees must implement the provisions of the SWPPP as written and updated, from commencement of construction activity until final stabilization is achieved.

8.1.4.2 For sites with permit coverage under the previous permit, that expired **March 15, 2016,** the permittee's SWPPP must meet the SWPPP requirements of this permit by **October 1, 2016**. *Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.*

8.1.5 Plan amendment.

8.1.5.1 The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state.

8.1.5.2 The plan shall also be modified if it proves ineffective in eliminating or minimizing pollutants present in storm water.

8.1.5.3 If the inspections required in Part 9 identify necessary changes to the SWPPP, the SWPPP shall be revised within 30 days following the inspection.

8.1.5.4 Because SWPPPs are expected to be amended regularly, the Administrator or his agent may request any SWPPP be submitted to the department for review. If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the plan as directed and within the time specified by the Administrator.

8.1.5.5 For facilities that currently have an approved alternative inspection schedule; proposed changes to that schedule and other plan particulars related to the approved alternative inspection schedules must be submitted to the storm water program for approval.

8.1.6 Plan retention.

8.1.6.1 The most current version of the SWPPP and inspection records shall be retained at the construction site during active construction unless infeasible.

8.1.6.2 If keeping a copy of the SWPPP and inspection records on site is infeasible (such as on a site where there is no construction trailer or other structure where the SWPPP can be kept), the permittee shall provide the location of an off-site SWPPP to the WQD either by letter or e-mail. Such notice must include the facility storm water permit authorization number, location of the SWPPP and the name, address and a contact telephone number for a person with access to the SWPPP. The SWPPP must be made available to an inspector or other program staff within 48 hours of a request.

8.1.6.3 The SWPPP and inspection records must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

8.1.7 *Plan availability*. The permittee shall make the SWPPP and specific inspection reports available upon request to the Administrator or his representative; any federal, state or local government officials or to the operator of a municipal separate storm sewer system receiving discharges from the site.

8.1.8 *Guidance.* Many guidance materials for best management practice (BMP) selection and implementation can be found on the internet, including on the DEQ web page at *http://deq.wyoming.gov/wqd/storm-water-permitting/resources/guidance-docs/*.

8.2 Content. *At a minimum*, the SWPPP shall include the information required below. SWPPPs that are found to be incomplete shall be in violation of this permit. A SWPPP template has been prepared by WQD staff and can be found on the DEQ storm water website. Permittees are encouraged to use the online template. While permittees are not required to use the online template, **all SWPPPs must conform to the format set forth below**. SWPPPs that do not conform to the format below will be returned and processing of the NOI will be delayed.

8.2.1 SWPPP administrator. Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the storm water SWPPP and assisting the facility manager in its implementation, maintenance, and revision from initial ground disturbance through final stabilization. The SWPPP shall clearly identify the

responsibility of plan administration, either by name or job title. Identified individuals (whether by name or position) must be knowledgeable and experienced in the application of erosion and sediment control BMPs and the installation, inspection and maintenance of such controls.

8.2.2 Site description - narrative: The SWPPP shall have a narrative description of:

8.2.2.1 The nature of the construction activity.

8.2.2.2 The proposed sequence of major activities and an estimated date final stabilization is expected to be achieved.

8.2.2.3 An estimate of the total area of the site and an estimate of the area expected to undergo clearing, excavation or grading, including off-site borrow areas, access roads, areas for support activities and staging/storage areas.

8.2.2.4 A description of storm water discharges from support activities dedicated to the construction site including, but not limited to, off-site materials borrow areas, concrete or asphalt batch plants, equipment staging yards, material storage areas and access roads constructed for the project.

8.2.2.5 A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.

8.2.2.6 The location and description of any other potential pollution sources including, but not limited to:

a. vehicle fueling
b. equipment maintenance
c. storage of fertilizers
d. chemicals or paint.

8.2.2.7 The name of the drainage or water body (surface water(s) of the state) that may receive a storm water discharge from the construction activity and the size, type, and location of any outfall.

a. You must note where discharges are to unnamed drainages and provide the name of the first named drainage that will receive that discharge if the first named drainage is within 1000 feet of the discharge.
b. If the discharge is to a municipal separate storm sewer, indicate the name of the municipal owner of that system, the location of the storm sewer outfall, and the drainage or water body that will receive storm water discharges from the municipal outfall.

8.2.2.8 Identify any water body listed as impaired under section 303(d) of the federal Clean Water Act due to sediment, suspended solids or turbidity or that has an approved TMDL for sediment, suspended solids or turbidity that is within 2000 feet of, and may receive flow from, the permitted construction activity. BMPs in the SWPPP must be consistent with the assumptions, allocations and requirements of the TMDL. The state's most recent 303(d) list can be found in the current Integrated 305(b) and 303(d) Report. The report can be found on the WQD Watershed Management website under Water Quality Assessment at: http://deq.wyoming.gov/wqd/water-quality-assessment/. Approved TMDLs can be found at http://deq.wyoming.gov/wqd/tmdl/ under the 'Resources' Tab.

8.2.3 Site maps. One (or more) map(s) should be prepared that provide, at a minimum, the following information. Maps should be prepared so that all of the required information is clearly displayed and it is clear what BMPs will be installed in each major stage of construction, including the time between the cessation of active construction and final stabilization. Provide multiple maps if necessary to clearly describe BMP timing and placement. The scale of the map(s) must be sufficient to identify the location of all items required below.

8.2.3.1 Construction site boundaries.

8.2.3.2 All areas of soil disturbance and areas that are to remain undisturbed.

8.2.3.3 The location of surface waters of the state as defined in Part 2.1~~9~~8 of this permit. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site.

8.2.3.4 Areas used for storage of building materials, soils, wastes, fuel, and areas used for concrete washout.

8.2.3.5 Locations of all existing or planned temporary or permanent erosion and sedimentation controls.

8.2.3.6 Location of all other structural and non-structural best management practices for pollutants other than sediment, including but not limited to, fueling/maintenance areas and concrete washout disposal areas.

8.2.3.7 Site topography or storm water drainage patterns including lines showing boundaries between different drainage areas in the project area(s).

8.2.3.8 Include areas where dedicated support activities (e.g., operations producing earthen materials such as sand and gravel, staging areas, portable asphalt or concrete batch plants) occur and are to be covered under the same general permit authorization as the construction activity. See Part 1.2.2 for more information on what can be covered under an authorization. Activities covered under another WYPDES storm water authorization (such as a mineral mine with separate coverage) do not need to be included.

8.2.3.9 Storm water discharge locations. Include discharge locations for offsite operations covered under this permit. Also include storm drain inlets where storm water entering the storm drain system may leave the construction site and any points where storm water will discharge directly to a surface water of the state within the construction site.

8.2.3.10 Also note all locations where storm water will run on to the construction site from areas outside the site boundaries.

8.2.3.11 North arrow. Include a legend where needed for clarity.

8.2.4 Best management practices (BMPs). The plan shall include a narrative description of appropriate controls and measures that will be implemented before, during, and after construction. At a minimum, BMPs in the SWPPP shall conform to the general guidelines found in Appendix C.

The plan shall clearly describe the relationship between the stages of construction and the implementation and maintenance of controls and measures. For example, which controls will be implemented during each of the following stages of construction: clearing and grubbing necessary for perimeter controls, initiation of perimeter controls, remaining clearing and grubbing, road grading, storm drain installation, final grading, stabilization, and removal of control measures.

The description of controls shall address the following minimum components:

8.2.4.1 **EROSION AND SEDIMENT CONTROLS**. An erosion and sediment control plan shall identify appropriate control measures for each major stage of construction.

a. Erosion prevention BMPs. The goal of erosion prevention is preventing soil (or sediment) movement and keeping it at its original location within the construction site. Each SWPPP shall provide best management practices (BMPs) for erosion prevention wherever practical. Examples of BMPs for erosion prevention include, but are not limited to:

- Preserving existing vegetation,
- Scheduling
- Surface roughening
- Permanent or temporary seeding and planting
- Mulches, soil binders or tackifiers, erosion control blankets and mats
- Wind erosion control
- Storm water diversion practices upslope of a construction site
- Pipe slope drains
- Outlet protection

b. Sedimentation control. Sedimentation occurs when soil is eroded and transported from its original location. The goal of sedimentation control is to prevent sediment from leaving the construction site and, more particularly, from entering surface waters of the state or storm drain inlets. Every SWPPP shall describe adequate BMPs to achieve sedimentation control. Examples of BMPs for sedimentation control include, but are not limited to:

- Sediment barriers such as straw bales, gravel berms, silt fences, fiber rolls or wattles.
- Sediment traps and basins
- Storm drain inlet protection
- Entrance/exit tracking controls
- Undercut lots where curb and gutter are installed
- Vegetated buffer strips
- Grassed waterways
- Water bars and water wings

c. Stabilization measures. The SWPPP shall describe temporary and permanent stabilization measures (such as cover crop plantings, mulching or erosion control blankets, surface roughening, etc.) for exposed soil areas where activities have permanently or temporarily ceased. Refer to Part 7.15 for additional information on stabilization requirements and timing. Include the expected schedule for implementation of BMPs.

8.2.4.2 **CONSTRUCTION SITE DEWATERING.** The SWPPP must specify BMPs for discharges from construction site dewatering. Discharges must meet the conditions specified in Part 7.14 including the use of settling or filtration techniques as appropriate and the use of velocity dissipation devices at the outlet.

8.2.4.3 **OPERATIONAL CONTROLS.** The plan shall describe best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in storm water runoff.

a. Good housekeeping BMPs to maintain a clean and orderly facility. At a minimum, the SWPPP shall address litter, debris, chemicals, fertilizers and sanitary wastes. This includes measures to remove sediment that has left the construction site.

b. Bulk storage of petroleum products. Except as described in paragraph 5 below, the SWPPP shall describe specific practices for the bulk storage of petroleum products. Construction sites that are covered by, and in compliance with, other rules or regulations that address petroleum storage and spill response, such as the federal Spill Prevention Control and Countermeasure (SPCC) rule may follow those requirements as long as their plans are available for WDEQ storm water inspection.

1. The SWPPP shall describe appropriate practices for addressing a spill, including methods of handling and disposing spilled products and contaminated soils.
2. Secondary containment (or a BMP that provides equivalent protection) must be used where a spill has the potential to enter a surface water of the state or a storm sewer system.
3. Secondary containment shall be able to hold the volume of the largest container, plus 10%, for a minimum of 72 hours.
4. The SWPPP shall contain information on reporting spills to appropriate project supervisors and, where the spill is a “reportable quantity,” for reporting to the WDEQ. See Part 2.11 for information on reporting spills to WDEQ.
5. The facility spill prevention control and countermeasures (SPCC) plan (or other relevant plans) may be referenced in the SWPPP as fulfillment of this requirement and must be readily available for inspection.

c. The SWPPP must provide for specific practices that will protect surface waters and storm drains from discharge of concrete washout, grindings and/or slurry. Concrete wash waters, grindings or slurry shall not enter surface waters of the state or storm drains.

d. The SWPPP shall describe appropriate BMPs to control storm water pollution from portable concrete or asphalt batch plants covered under this permit.

e. The SWPPP shall describe employee training to inform personnel of their responsibility in implementing the practices and controls included in the SWPPP such as spill response, good housekeeping and sediment control. Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the SWPPP and general permit.

8.2.5 *Maintenance***.** All practices identified in the SWPPP must be maintained in effective operating condition.

8.2.5.1 The plan must indicate, as appropriate, the intervals or conditions upon which BMPs shall be maintained.

8.2.5.2 BMPs found to be in need of repair or maintenance shall be repaired or maintained in accordance with Appendix C, Part 2. Repair/maintenance activities shall be documented and maintained in accordance with Part 9.7.

8.2.6 *Inspections.* The plan must describe an inspection program and schedule that meets the requirements of Part 9.

8.2.7 *Signature.* All SWPPPs must be certified and signed in accordance with Part 10.7 of this permit.

Part 9 Self Monitoring and Inspection Requirements

9.1 Site inspections. The permittee shall provide qualified personnel to conduct inspections as required in this section. See Part 9.4 for a discussion of qualified persons.

9.2 Inspection schedules.

9.2.1 *Active construction sites*. During active construction inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which inspection schedule you will use.

9.2.1.1 During active construction, qualified personnel shall inspect at least once every 14 calendar days **and** within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The permittee shall have the option of maintaining a rain gauge at their site or using the nearest National Weather Service precipitation gauge station. Any rain measurement shall be taken from an area within 10 miles of the construction project, OR

9.2.1.2 At least once every seven days.

9.2.2 *Inactive construction sites*. The frequency of inspections may be reduced to once every 30 days (or as allowed under an approved alternative inspection schedule, see Part 9.5) after the permittee has completed earthwork and construction activities at the construction site and has installed BMPs as specified in the SWPPP. All areas to be inspected monthly must have completed installation of temporary or permanent stabilization measures as required in Part 7.15.

9.2.3 *Weather-related delays.* Operators of projects in remote, rural sites that do not have "all season" road access may delay inspections until site conditions are appropriate for access. The reason for such a delay must be documented in the SWPPP. Inspections must occur as soon as access is feasible.

9.3 Scope of inspections. Inspections shall cover all permitted areas except as may be modified under Part 9.5. At a minimum, inspections must include the following:

9.3.1 The construction site perimeter
9.3.2 Material and/or waste storage areas that are exposed to precipitation
9.3.3 Areas where storm water discharges from the site
9.3.4 Areas where vehicles leave the construction site
9.3.5 Areas where vehicle maintenance occurs
9.3.6 All site BMPs

9.4 Qualified person. A qualified person is one who is familiar with the requirements of the SWPPP and permit conditions. A qualified person must be knowledgeable and experienced in the application of erosion and sediment control BMPs and the installation, inspection and maintenance of such controls, as well as, any non-sediment control BMPs identified in the project SWPPP.

9.5 Alternative inspection plans and schedules. A permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line installation, and other projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPPP and alternative inspection plan must be submitted to the Department at least 30 days prior to implementing the plan. An alternative plan must provide for the timely recognition and repair of erosion or sedimentation. For an alternative inspection plan to be valid, it must be approved in writing by WQD.

9.5.1 Alternative inspection plans approved under the previous permit are considered valid under this permit.
9.5.2 Alternative inspection plans are considered part of the SWPPP and transfer to a new operator with the SWPPP when a project is transferred.
9.5.3 WDEQ may review any alternative inspection plan and require modification of the plan if the Administrator or his agent finds it deficient or ineffective.
9.5.4 The WDEQ may also rescind approval of an alternative inspection plan that is found to be ineffective.

9.6 Areas that meet final stabilization. Where there are areas that have achieved final stabilization (as defined in Part 2.8) the operator may document such in the facility SWPPP and omit those areas from further routine inspections. (*Examples of where this provision may apply include specific well*

pads or pipeline segments that have been stabilized that are part of a larger plan of development covered under a single storm water permit. Or the early phases of a large, phased subdivision development which may be stabilized before the later phases are completed.)

9.7 Records. The operator shall keep a record of inspections and maintenance. The inspection record shall include:

- 9.7.1 Date and time of inspections;
- 9.7.2 Name(s) of personnel conducting the inspection
- 9.7.3 Findings of the inspector(s) including:
  - 9.7.3.1 Locations of sediment or other pollutant discharges from the site;
  - 9.7.3.2 Locations of BMPs that need to be maintained;
  - 9.7.3.3 Locations of BMPs that failed to operate as designed or proved inadequate at controlling pollutants
  - 9.7.3.4 Locations where additional BMPs are needed or that were not in place at the time of the inspection;
- 9.7.4 Corrective actions taken;
- 9.7.5 Dates and amount of all rainfall events greater than 0.5 inches in a 24-hour period for active construction projects that are inspecting under the 14-day schedule described in 9.2.1.1;
- 9.7.6 Documentation of any changes made to the SWPPP and SWPPP site map as a result of the inspection
- 9.7.7 When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit.
- 9.7.8 This record shall be certified and signed in accordance with Part 10.7 of the permit and retained with the SWPPP.
- 9.7.9 The inspection record shall be made available to the Administrator upon request.

9.8 Severe weather exception. If any inspection is not possible due to severe weather or other dangerous conditions, the inspection report must document why the inspection did not occur, and the inspection must be conducted as soon as conditions allow.

9.9 Winter Conditions. Inspections on inactive construction sites, as described above in Part 9.2.2, will not be required where snow cover or frozen ground conditions exists over the entire site for an extended period and melting conditions do not exist. This exception is applicable *only* during the period where melting conditions do not exist. Regular inspections, as described above, are required at all other times.

9.10 Retention of reports. Copies of the inspection reports shall be retained with the SWPPP and copies shall be provided to the Administrator upon request. Such reports shall be retained by the permittee for a minimum of three years.

9.11 Collection and submission of self-monitoring information. Upon written notification from the Administrator, the permittee shall collect and report storm water effluent and/or ambient water quality data of the type and at the frequency specified by the Administrator.

Part 10 Standard Permit Conditions

10.1 Duty to comply. The permittee must maintain permit coverage and comply with all conditions of this permit for as long as storm water discharges associated with large construction activity are possible. The permittee is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act and the CWA and may be grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed $10,000 per day of such violation, as well as other relief. Knowingly or willfully violating the permit may result in criminal penalties of up to $25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to $50,000 per day of violation and/or imprisonment for up to two years.

10.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

10.4 Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

10.5 Duty to provide information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

10.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.

10.7 Signatory requirements. All NOIs, NOTs, NOTAs, NPTs, SWPPPS, reports, and other information submitted to the Administrator shall be signed and certified.

10.7.1 All permit applications shall be signed as follows:

10.7.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates;

10.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

10.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

10.7.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

10.7.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and

10.7.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

10.7.3 If an authorization under Part 10.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 10.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.

10.7.4 Any person signing documents required by this permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

10.8 Penalties for falsification of reports and monitoring systems. The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring

reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation or by imprisonment for not more than two years per violation or both.

10.9 Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24-hour telephone number (307-777-7781). An online reporting form is also available at http://deq.wyoming.gov/admin/emergency-response/. Refer to this website or Chapter 4 of the WWQRR for more information. Records of such spills or releases must be maintained for at least three years.

10.10 Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

10.11 Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

10.12 Transfers. This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.

10.13 State laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law or regulation.

10.14 Facilities operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.

10.15 Monitoring and records

10.15.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

10.15.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.

10.15.3 Records of monitoring information shall include:

10.15.3.1 The date, exact place, and time of sampling or measurements;

10.15.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;

10.15.3.3 The date(s) analyses were performed;

10.15.3.4 The time(s) analyses were initiated;

10.15.3.5 The initials or name(s) of the individual(s) who performed the analyses;

10.15.3.6 References and written procedures for the analytical techniques or methods used; and

10.15.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

10.15.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

10.16 Availability of reports. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

10.17 Adverse impact. The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

10.18 Bypass or upset of treatment facilities

10.18.1 Bypass means the intentional diversion of storm water around any treatment facility.

10.18.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.

10.18.2.1 Anticipated bypass

If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass. The Administrator may approve an anticipated bypass, after considering its

adverse effects, if the Administrator determines that it will meet the conditions listed above.

10.18.2.2 Unanticipated bypass or upset

The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

10.19 Upset conditions

10.19.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with the conditions of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

10.19.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 10.18.2 are met.

10.19.3 A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

10.19.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

10.19.3.2 The permitted facility was at the time being properly operated;

10.19.3.3 The permittee submitted notice of the upset as required under paragraph 10.18.2 above; and

10.19.3.4 The permittee complied with any remedial measures directed by the Administrator.

10.19.4 In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

10.20 Inspection and entry. The permittee shall allow the Administrator, the Administrator's representative, or an authorized representative of EPA, or in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

10.20.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;

10.20.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

10.20.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

10.20.4 Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10.21 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10.22 Reopener clause. For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.

10.23 Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part 10.18), "Upset Conditions" (Part 10.19) are satisfied then they shall not be considered as noncompliance.

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Appendix A

The following waters are designated Class 1:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;

2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);

3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;

4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;

5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;

6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment);

7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;

8. The main stem of Sand Creek above the U.S. Highway 14 bridge;

9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;

10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;

11. The main stem of the Sweetwater River above the mouth of Alkali Creek;

12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;

13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;

14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;

15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;

16. Fremont Lake;

17. Wetlands adjacent to the above listed Class 1 waters.

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Appendix B
Acronyms Used in this Document

BMP – Best Management Practice

CFR – Code of Federal Regulations

CWA – Federal Clean Water Act

EPA – US Environmental Protection Agency

ESC – Erosion and Sediment Control

LOA – Letter of Authorization

NOI – Notice of Intent

NOT – Notice of Termination

NOTA – Notice of Transfer and Acceptance

NPT – Notice of Partial Transfer

SGCA – Sage Grouse Core Area

SHWD – Solid and Hazardous Waste Division

SPCC – Spill Prevention Control and Countermeasure

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

WDEQ – Wyoming Department of Environmental Quality

WLA – Waste Load Allocation

WQD – Water Quality Division

WWQRR – Wyoming Water Quality Rules and Regulations

WYPDES – Wyoming Pollutant Discharge Elimination System

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Appendix C – Pollution Control Guidelines

General guidelines for designing, implementing and maintaining erosion and sediment controls and construction site housekeeping.

1. Erosion and Sediment Control Practices

1.1 Temporary (or permanent ponds or basins to be used for erosion and sediment control during construction) sediment ponds or basins must meet the requirements specified in Parts 7.10, 7.11 and 7.12 and be designed and operated in accordance with good engineering, hydrologic and pollution control principals.

1.2 Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters nor in storm water conveyances such as curb and gutter systems, or conduits and ditches.

1.3 Dirt ramps in gutters, such as those used to facilitate access across a curb to a construction area, must be removed at the end of each construction day to prevent storm water pollution; unless the permittee can make a demonstration that the project storm drainage system is isolated from the regional storm drainage system and surface waters of the state.

1.4 The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized to a point at least 200 lineal feet above the downstream property edge, or from the point of discharge to any surface water of the state or direct conduit to a surface water of the state such as a storm drain system. Stabilization should be completed within 24 hours of connecting to a surface water or direct conduit to a surface water.

"Completed stabilization" in this case means that the ditch can handle the expected flow of a 2-year/24-hour storm event immediately upon stabilization. Seeding alone will not be considered adequate. More immediately effective BMPs such as appropriate matting (rated for expected flows) or appropriately sized riprap must be used. Any other BMP that offers equivalent protection may be used.

1.5 Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.

1.6 In order to maintain sheet flow and minimize rills and/or gullies, there should, at a minimum, be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper. Slope grade, soil type/conditions, expected flow volume/velocity may dictate closer spacing of BMPs or different BMPs.

1.7 Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams or permanent man-made water features such as ponds) require sediment control practices only as appropriate for site conditions.

1.8 Storm drain inlets in the immediate vicinity of the construction site must be protected by the appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment. Inlet protection devices are a last line of control – additional sediment and erosion control practices must be used on site to reduce sediment reaching inlets. Inlet protection devices may be installed above an inlet, rather than in the inlet. Inlet protection devices must conform to local ordinances or regulations and must be designed in accordance with good engineering, hydrologic and pollution control practices.

In general inlet protection devices need to provide for drainage adequate to prevent excessive roadway flooding. Inlet protection may be removed for a particular inlet if a specific concern (i.e., street flooding/freezing, snow removal) has been identified and documented in the SWPP plan. In this situation, additional erosion and sediment control practices must be used to supplement for the loss of the inlet protection device to prevent sediment from entering a storm sewer system. Maintenance and cleaning of inlet protection devices, including on-site sediment and erosion controls, must be performed in accordance with Part 2 of this Appendix.

1.9 In general, the WQD does not recommend the use of vegetated buffers as a primary sediment control BMP. Vegetation conditions in Wyoming are such that it is rare to find vegetation of the correct types and density to act as an effective sediment control. Sufficiently well vegetated buffers may be considered a final finishing component of a well-designed and implemented BMP treatment train that provides relatively clean runoff to the buffer. Vegetated buffers should be treated more as an area to provide a "set-back" between active construction and a surface water of the state or storm drain inlet thus preventing land disturbing activities immediately adjacent to surface waters.

2. Maintenance Considerations for Erosion and Sediment Controls

2.1 All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. The permittee(s) must comply with the following inspection and maintenance requirements:

2.1.1 All control devices similar to silt fence or fiber rolls must be repaired, replaced, or supplemented when they become nonfunctional, the sediment reaches 1/3 of the height of the device or as recommended in the manufacture's specification (if manufacturer's specifications are different, then a copy of the specifications should be kept with the SWPPP). Repairs and maintenance should be made within the following time frames.

2.1.1.1 Active construction sites. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.

2.1.1.2 Inactive construction sites. These repairs must be made within 14 days of discovery, or as soon as field conditions allow access.

2.1.2 Temporary and permanent sedimentation ponds or basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the

sediment storage volume. Drainage and removal must be completed within the following time frames.

2.1.2.1 Active construction sites. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.

2.1.2.2 Inactive construction sites. Drainage and removal must be completed within 14 days of discovery, or as soon as field conditions allow access.

2.2 Construction site egress locations must be inspected for evidence of sediment being tracked off-site by vehicles or equipment onto paved surfaces. Accumulations of tracked and deposited sediment must be removed from paved surfaces within 24 hours or, if applicable, within a shorter time if specified by local authorities or the Department. Vehicle tracking of sediment from the site must be minimized by BMPs. This may include having a designated egress with aggregate surfacing from the site, or by designating off-site parking. The permittee(s) is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site.

2.3 Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes covered with sediment, develops rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized.

3. Housekeeping and Standard Operating Procedures

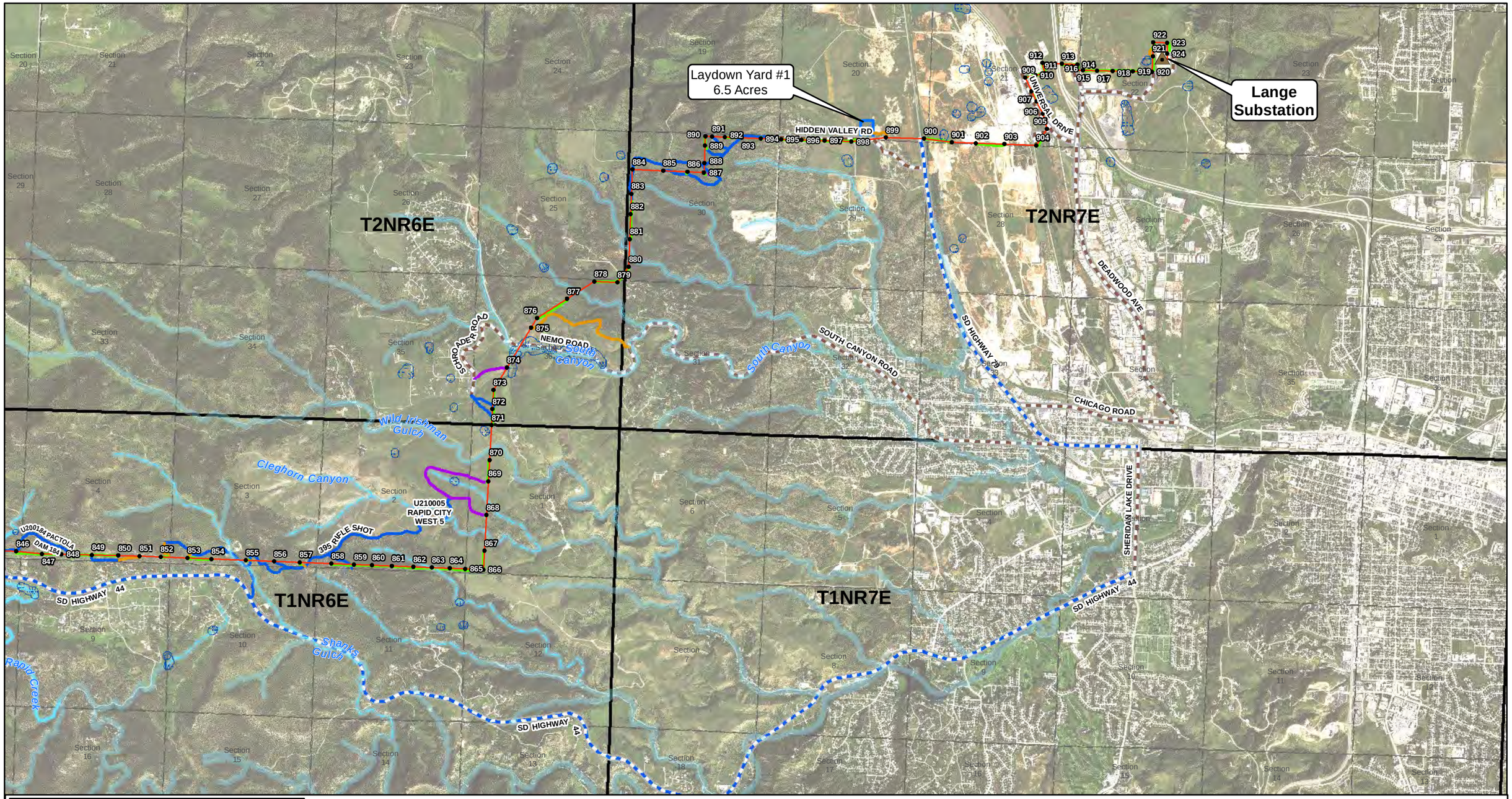
3.1 Properly handle construction debris and waste materials. Provide appropriate container(s) on site for storing debris and other wastes until disposal. Litter and debris shall be picked-up as needed to reduce the chance for materials to be carried off the site by wind or water. Collected material shall be taken to an appropriate facility for disposal or recycling. Liquid or soluble materials including oil, fuel, paint and any other hazardous substances must be properly stored to prevent spills, leaks or other discharges. Storage and disposal of hazardous waste must be in compliance with applicable regulations.

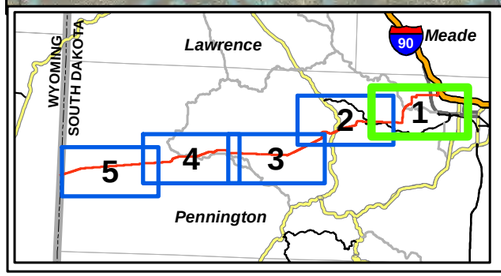
3.2 Water from concrete washout or concrete grinding slurry shall not be discharged to any waters of the state, storm sewer systems or allowed to drain onto adjacent properties. Wash water disposal must be limited to a defined area of the site or to an area designated for cement washout. The area(s) must be of sufficient size to contain the wash water and residual cement. Where the potential for ground water contamination exists, disposal ponds must be lined. The use of liners may require additional permits from the WQD Water and Wastewater Program. Signs shall be posted to identify disposal areas.

3.3 Portable toilets must be secured appropriately to prevent blow over or tipping due to vandalism or minor construction site accidents.

Appendix G

General Site Maps (Location, Waterbodies, Laydown Yards)





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER - SWPPP
ACCESS ROADS, SPRINGS, FENS, WETLANDS AND STREAMS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 40,000

0 0.25 0.5 1 1.5 2 Miles

Date: 6/21/2016

Hydrologic Features

WETLAND

- Springs, Wetlands and Fens -100 foot buffer
- Springs

STREAMS

- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Construction Access Roads

MAJOR ROADS

- State Highway
- County Road

PRELIMINARY ACCESS ROADS

- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road

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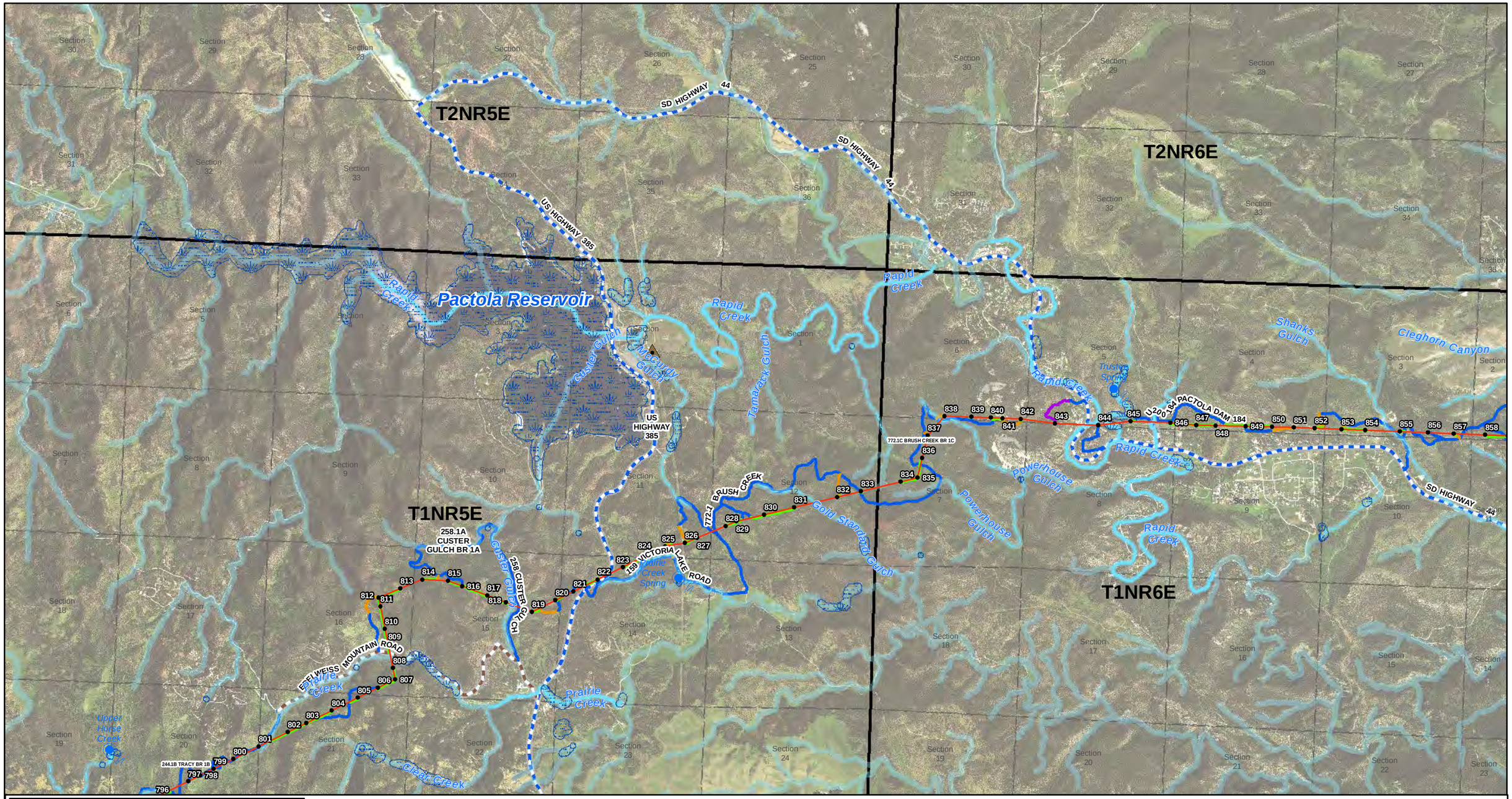

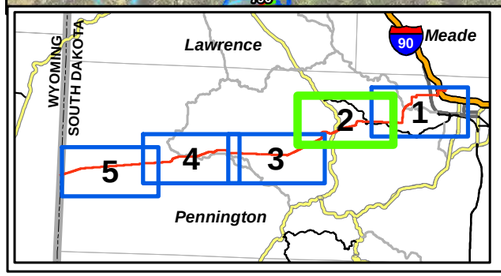

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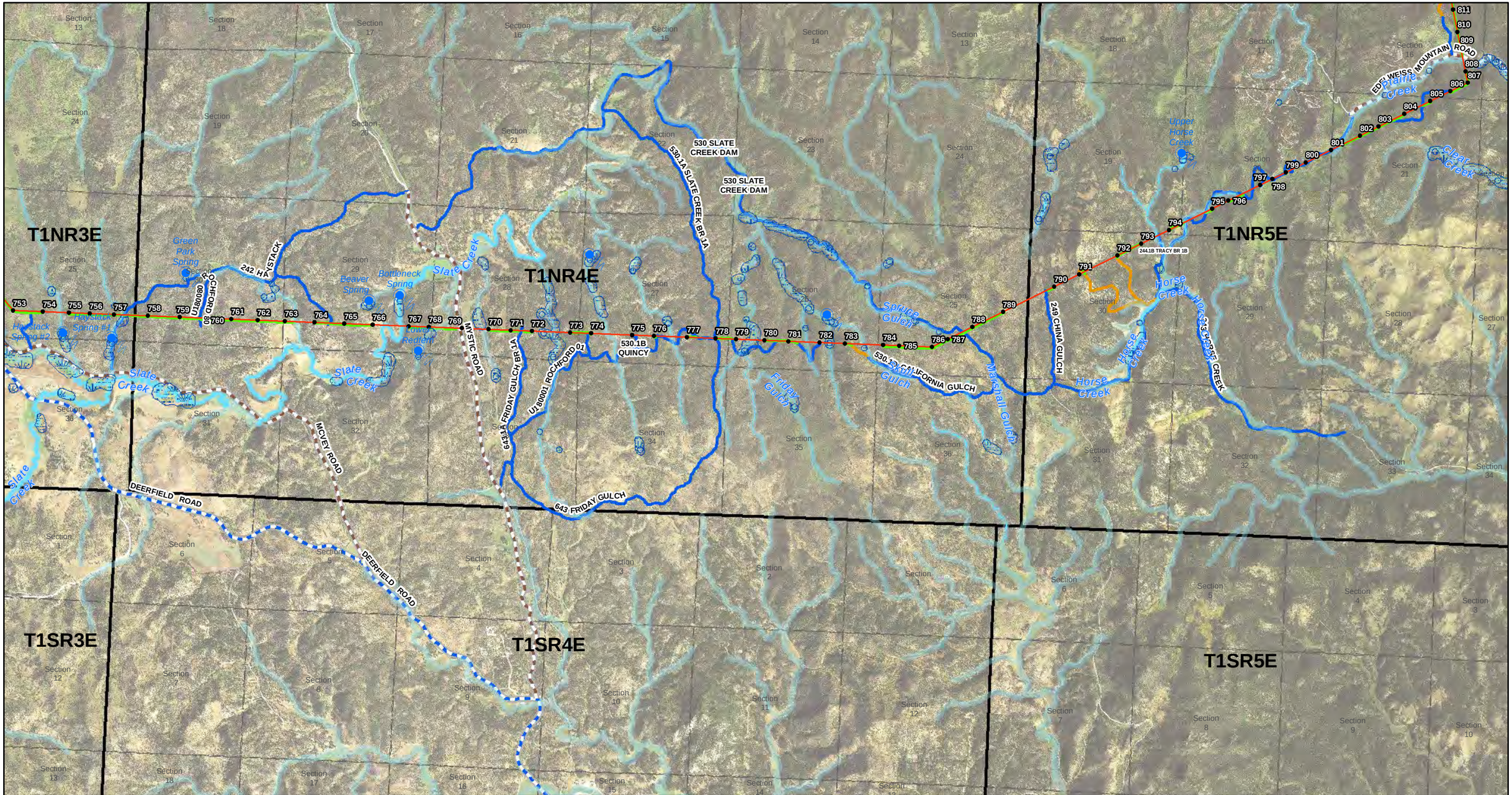

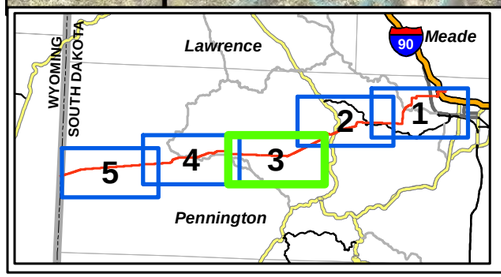

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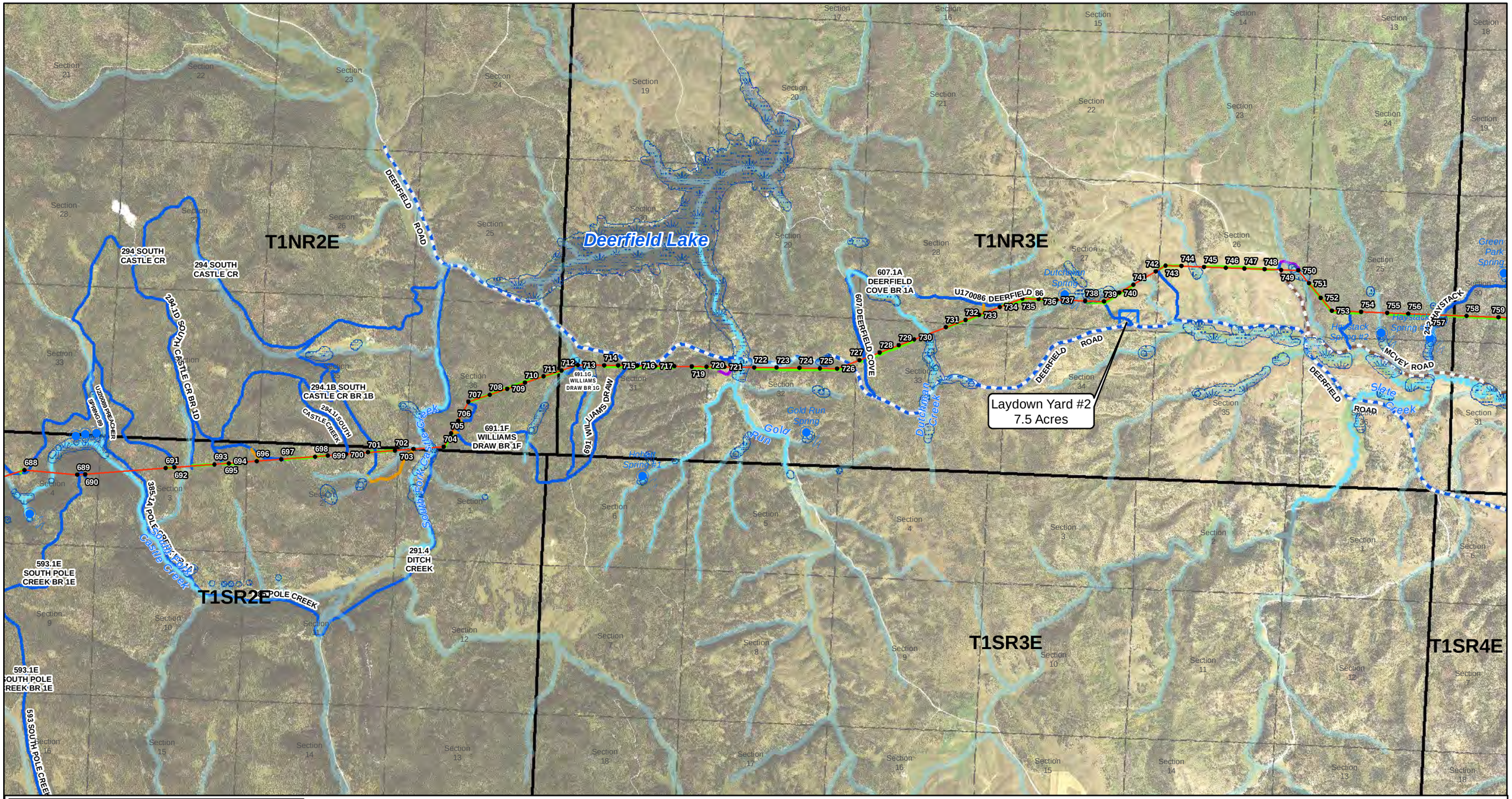

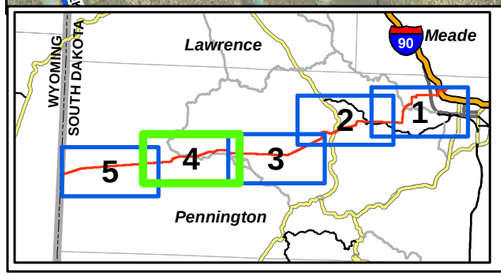

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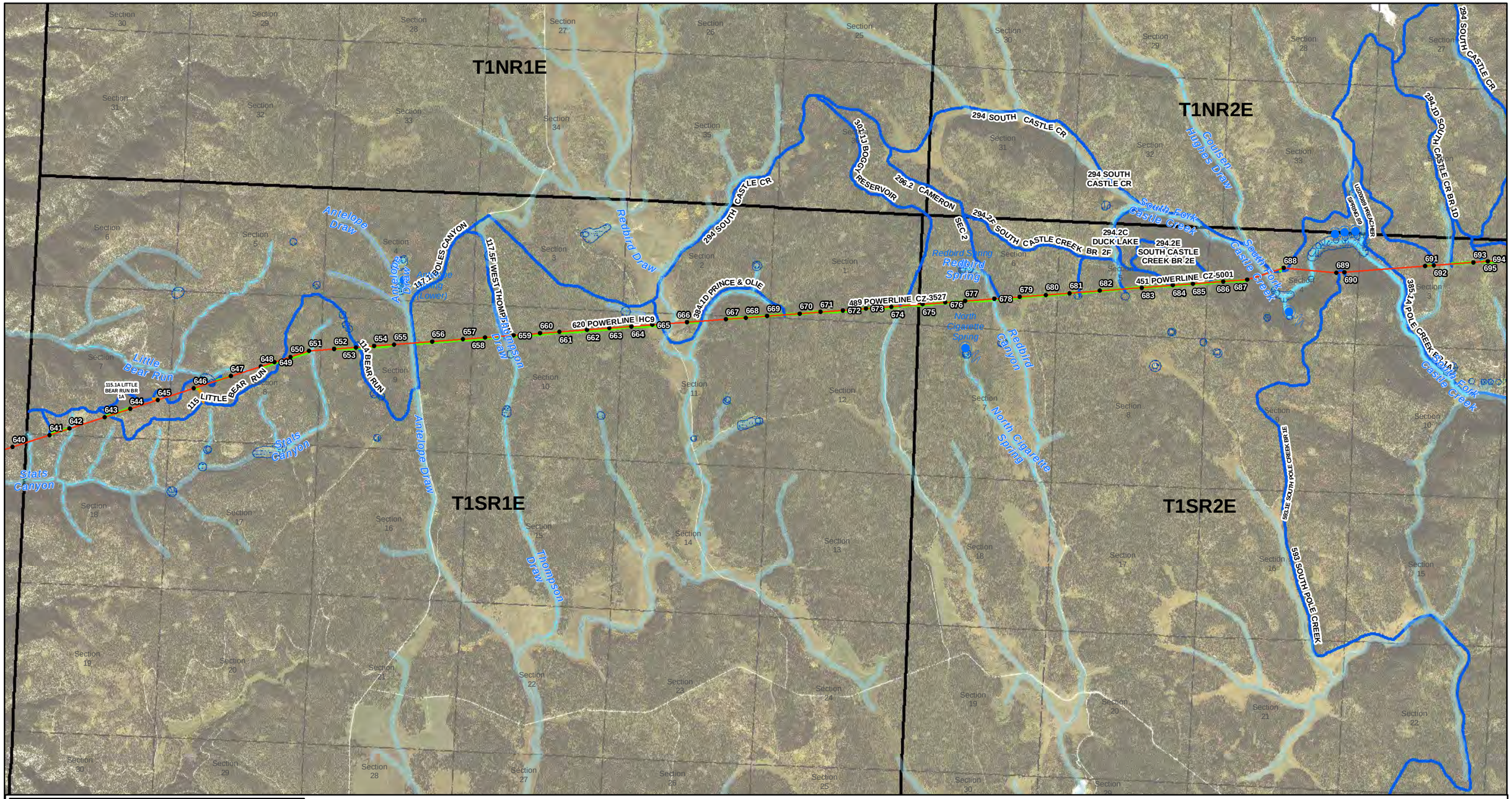

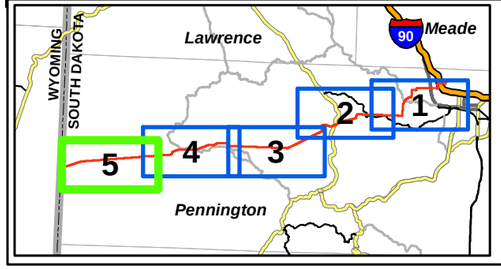

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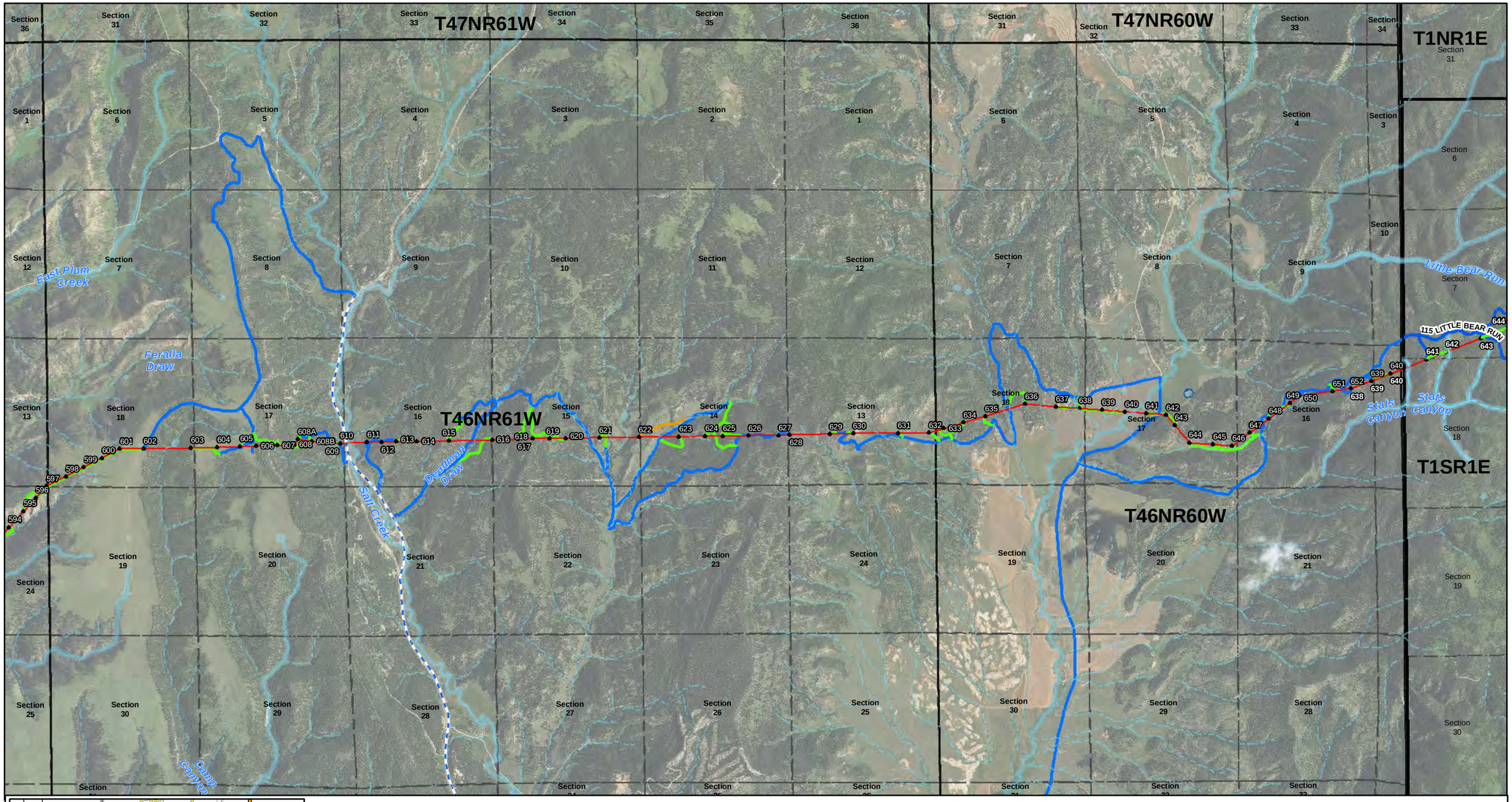

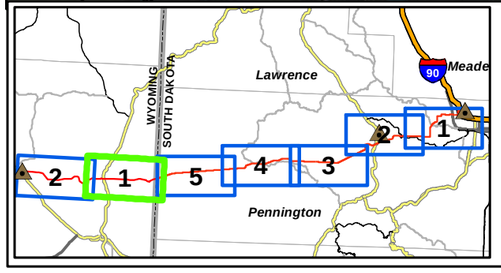

BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

Page 1 of 2

Date: 6/22/2016

SOUTH DAKOTA BORDER TO OSAGE - SWPPP
ACCESS ROADS, SPRINGS, FENS, WETLANDS AND STREAMS
WESTON COUNTY, WYOMING

Scale 1 to 40,000

0 0.25 0.5 1 1.5 2 Miles

Hydrologic Features

WETLAND
- Springs, Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Construction Access Roads

MAJOR ROADS
- State or County Road

PRELIMINARY ACCESS ROADS
- Existing ROW/Overland Travel
- Existing road - may need improved
- New Spur Road

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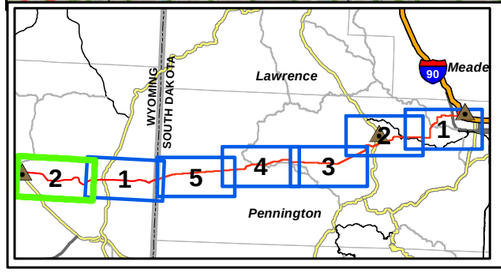

BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

Page 2 of 2

Date: 6/22/2016

SOUTH DAKOTA BORDER TO OSAGE - SWPPP
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Appendix H

Project Detail Maps (Structures and Access Roads)

Teckla-Osage-Rapid City 230kV Transmission Line Construction Plan

Best Management Practices, Design Criteria, Mitigation Measures, and Resource Protection Measures to be implemented during the construction phase of the BHP Transmission Line Project include but are not limited to the following list. Additional measures are outlined in Appendix B and D of the Final EIS.

1.0 DESIGN CRITERIA AND MITIGATION

Wetlands, Streams, and WIZ

- Consultation with the BHNF Mystic Ranger District hydrologist and botanist would take place prior to any and all stream crossings and/or improvements to identify site-specific design requirements, and/or mitigation measures and to limit number of stream crossings, identify roads and trails that are candidates for use as access roads due to prior disturbance, or location in less sensitive areas.
- Within 100 feet of the delineated wetland no vegetation would be cut unless the overhead vegetation would interfere with the transmission line or safety requirements of the transmission line. The only trees that would be removed from wetland areas are those conifers or hardwoods that pose a threat to the power line and only with site-specific consultation from USFS personnel prior to removal. New construction spur roads would be located out of riparian areas and wetlands.
- Keep heavy equipment out of streams, swales, and lakes, except to cross at designated points, build crossings, or do restoration work, or if protected by at least 1 foot of packed snow or 2 inches of frozen soil. Keep heavy equipment out of streams during fish spawning, incubation, and emergence periods.
- Do not excavate earth material from, or store excavated earth material in, any stream, swale, lake, wetland, or WIZ
- Keep ground vehicles out of wetlands unless protected by at least 1 foot of packed snow or 2 inches of frozen soil. Do not disrupt water supply or drainage patterns into wetlands
- All construction areas would be a minimum of 100 feet from wetlands.
- Structures would not be placed in wetlands and would be located at least 100 feet away from wetland boundaries including springs; no structures in wetlands; no dredge or fill activities in wetlands, including springs, These measures apply to all wetlands in the Project Area, regardless of whether each individual wetland meets the regulatory definition of "jurisdictional wetland."
- Site-specific consultation would occur for access road or trails in areas of wetlands, streams, springs and riparian areas through BHP/contractor coordination with Black Hills National Forest watershed/wetlands personnel.
- USFS Watershed Conservation Practices for water features and forest plan direction would be followed.
- Equipment service and refueling would be away from ephemeral, intermittent and perennial

streams, wetlands, springs, and riparian areas. Equipment staging areas would be at least 300 feet from riparian areas. There would be no construction within 100 feet of drainages and wetlands. BMPs would be implemented to contain sediments and pollutants and disturbed areas would be reclaimed and/or revegetated to maintain water quality.

- To minimize ground disturbance of the landscape, the alignment of any cross-country route would follow the landform contours in designated areas where practicable, providing that such alignment does not impact other resources. To the extent practicable, avoid driving down, through or across streams, draws, arroyos and ravines.
- To minimize the amount of sensitive features disturbed in designated areas, poles would be placed so as to avoid sensitive features such as, but not limited to, riparian areas, cultural resource sites of significance, and watercourses and/or to allow conductors to clearly span the features, within limits of standard pole design. If the sensitive features cannot be completely avoided, poles would be placed so as to minimize the disturbance.
- Cutting and thinning of vegetation in bottoms and low areas would be minimized and work would be limited to periods of low flows or dry channel to the extent practicable.
- In the event that some vegetation within a stream corridor may need to be cut, it should be limited to conifer species (ponderosa pine and spruce) that will attain any kind of tree height that might threaten power lines; hardwoods such as birch, aspen, oak should be limited removal due to the fact they do not grow as tall; and riparian shrubs (willows, birch, etc.) should not be cut.
- In the event that riparian vegetation does need to be cut, site specific consultation with the affected unit hydrologist, botanist, and wildlife biologist should occur prior to vegetation removal to develop site specific requirements and/or mitigation measures.
- When approved, cutting within riparian corridors should be limited to hand-felling, unless equipment use is site specifically approved by the hydrologist.
- At a minimum, a 100 foot WIZ buffer should be applied to protect streams courses, ponds, wetlands, springs, fens and other water bodies from disturbance associated with transmission line construction and maintenance activities that could impair stream function, increase sedimentation and affect riparian/aquatic species habitat. No vegetative treatment within the WIZ is recommended to maintain multi-layered riparian vegetation structure, ensure lake/stream shading, and to maintain important wildlife habitat features. Consider larger buffer widths along perennial and intermittent streams (e.g., South Fork Castle Creek, Slate Creek and Rapid Creek).
- Limit corridor disturbance, particularly in or near AMZs, surface waters, shallow groundwater, unstable areas, hydric soils, or wetlands.
- Prohibit log land, decking areas and mechanical slash piling within riparian areas unless the integrity of the riparian area can be protected (e.g., frozen, snow-covered ground conditions).
- Do not permit sidecasting within the AMZ. Avoid or minimize excavated materials from entering waterbodies or AMZs.
- Plan and locate surface water crossings to limit the number and extent to those that are necessary to provide the level of access needed to meet resource management objectives as described in the RMOs.
- Use suitable surface drainage and roadway stabilization measures to disconnect the road from the waterbody to avoid or minimize water and sediment from being channeled into surface waters

and to dissipate concentrated flows.

- Use suitable measures to avoid, minimize, or mitigate damage to the waterbody and banks when transporting materials across the waterbody or AMZ during construction activities.
- Minimize the number of stream crossings to the extent practicable.
- Design and locate crossings to minimize disturbance to the waterbody.
- Locate stream crossings where the channel is narrow, straight, and uniform, and has stable soils and relatively flat terrain to the extent practicable.
    - Select a site where erosion potential is low.
    - Orient the stream crossing perpendicular to the channel to the extent practicable.
    - Keep approaches to stream crossings to as gentle a slope as practicable.
    - Consider natural channel adjustments and possible channel location changes over the design life of the structure.
- Design the crossing to pass a normal range of flows for the site.
    - Design the crossing structure to have sufficient capacity to convey the design flow without appreciably altering streamflow characteristics.
    - Install stream crossings to sustain bankfull dimensions of width, depth, and slope and maintain streambed and bank resiliency and continuity through the structure.
- Bridge, culvert, or otherwise design road fill to prevent restriction of flood flows.
    - Use site conditions and local requirements to determine design flood flows.
    - Use suitable measures to protect fill from erosion and to avoid or minimize failure of the crossing at flood flows.
    - Use suitable measures to provide floodplain connectivity to the extent practicable.
- Use suitable measures to avoid or minimize scour and erosion of the channel, crossing structure, and foundation to maintain the stability of the channel and banks.
- Consider low-water crossings on roads with low traffic volume and slow speeds, and where water depth is safe for vehicle travel.
- Consider using temporary crossings on roads that provide short-term or intermittent access to avoid, minimize, or mitigate erosion, damage to streambed or channel, and flooding.
    - Design and install temporary crossings suitable for the expected users, loads, and timing of use.
    - Design and install temporary crossing structures to pass a design storm determined based on local site conditions and requirements.
    - Install and remove temporary crossing structures in a timely manner as needed to provide access during use periods and minimize risk of washout.
    - Use suitable measures to stabilize temporary crossings that must remain in place during high runoff seasons.
    - Monitor temporary crossings regularly while installed to evaluate condition.
    - Remove temporary crossings and restore the waterbody profile and substrate when the need for the crossing no longer exists.
- Design and construct all stream crossings and other in-stream structures to provide for passage of flow and sediment, withstand expected flood flows, and allow free movement of resident aquatic life.
- Modify mechanical vegetation treatment prescriptions and operations in the AMZs as needed to maintain ecosystem structure, function, and processes.

- Use yarding systems or mechanical treatments that avoid or minimize disturbance to the ground and vegetation consistent with project objectives.
- Conduct equipment operations in a manner that maintains or provides sufficient ground cover to meet land management plan desired conditions, goals, and objectives to minimize erosion and trap sediment.
- Conduct operations in a manner that avoids or minimizes introduction of excess slash or other vegetative debris into the AMZ and waterbodies; damage to streambanks, shorelines, and edges of wetlands; and adverse effects to floodplain functioning.
- Retain trees as necessary for canopy cover and shading, bank stabilization, and as a source of large woody debris within the AMZ.
- Avoid felling trees into streams or waterbodies.
- Locate transportation facilities for mechanical vegetation treatments, including roads, landings, and main skid trails, outside of the AMZ to the extent practicable.
- Evaluate options for routes that must cross waterbodies and choose the one (e.g., specified road vs. temporary road vs. skid road or trail) that avoids or minimizes adverse effects to soil, water quality, and riparian resources to the greatest extent practicable.
- Do not use drainage bottoms as turn-around areas for equipment during mechanical vegetation treatments.
- Use suitable measures to disperse concentrated flows of water from road surface drainage features to avoid or minimize surface erosion, gully formation, and mass failure in the AMZ and sediment transport to the waterbody.
- Remove unauthorized debris from waterbodies using techniques that will limit disturbance to bed and banks, riparian areas, aquatic-dependent species, and the waterbody unless significant damage would occur during its removal or leaving it in meets desired conditions for the waterbody.

2.0 REFUELING AND SERVICING

- Use suitable measures around vehicle storage, storage and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills and avoid or minimize soil contamination and seepage into groundwater.
- Allow temporary refueling and servicing only at approved locations, located well away from AMZ, groundwater recharge areas, and water bodies

3.0 EROSION PREVENTION AND CONTROL

- Consult with the Forest Service before reconstruction, realignment, and construction of existing and spur roads. Road construction locations will be flagged on the ground for Forest Service review.
- Adjust operations in the AMZ to avoid, minimize, or mitigate detrimental soil impacts where they are occurring.
- Use suitable mitigation or restoration measures on areas in the AMZ that show signs of unacceptable erosion or those with high potential for erosion due to mechanical operations in the AMZ.Use provisions in the timber sale contract or land stewardship contract to implement and enforce erosion control on the project area.

- Establish designated areas for equipment staging and parking to minimize the area of ground disturbance.
- Work with the contractor to locate landings, skid trails, and slash piles in suitable sites to avoid, minimize, or mitigate potential for erosion and sediment delivery to nearby waterbodies.
- Develop an erosion control and sediment plan that covers all disturbed areas including skid trails and roads, landings, cable corridors, temporary road fills, water source sites, borrow sites, or other areas disturbed during mechanical vegetation treatments, as well as borrow, stockpile, fueling, and staging areas used during construction activities.
- Maintain the natural drainage pattern of the area wherever practicable.
- Apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion before the next growing season.
- Control, collect, detain, treat, and disperse stormwater runoff from disturbed areas.
- Divert surface runoff around bare areas with appropriate energy dissipation and sediment filters.
- Apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion during construction or before the next growing season.
    - Maintain the natural drainage pattern of the area wherever practicable.
    - Control, collect, detain, treat, and disperse stormwater runoff from the site.
    - Divert surface runoff around bare areas with appropriate energy dissipation and sediment filters.
    - Stabilize steep excavated slopes.
- Install sediment and stormwater controls before initiating surface-disturbing activities to the extent practicable.
- Schedule, to the extent practicable, construction activities to avoid direct soil and water disturbance during periods of the year when heavy precipitation and runoff are likely to occur.
    - Limit the amount of exposed or disturbed soil at any one time to the minimum necessary to complete construction operations.
    - Limit operation of equipment when ground conditions could result in excessive rutting, soil puddling, or runoff of sediments directly into waterbodies.
- Install suitable stormwater and erosion control measures to stabilize disturbed areas and waterways before seasonal shutdown of project operations or when severe or successive storms are expected.
- Maintain erosion and stormwater controls as necessary to ensure proper and effective functioning.
    - Prepare for unexpected failures of erosion control measures.
    - Implement corrective actions without delay when failures are discovered to prevent pollutant discharge to nearby waterbodies.
- Routinely inspect construction sites to verify that erosion and stormwater controls are implemented and functioning as designed and are appropriately maintained.
- Obtain Clean Water Act (CWA) 402 stormwater discharge permit coverage from the appropriate State agency or the U.S. Environmental Protection Agency (EPA) when more than 1 acre of land will be disturbed through construction activities.
- To reduce siltation in construction areas (e.g., marshaling yards, tower sites, spur roads from existing access roads) where ground disturbance is substantial, surface preparation (including

decompaction, redistribution of topsoil, etc.), redistribution of coarse woody debris, and reseeding would occur. The method of restoration could normally consist of loosening the soil surface, reseeding, installing cross drains for erosion control, placing water bars in the road, and filling ditches. BHP may prepare a revegetation plan in consultation with the USFS for disturbance on National Forest. The plan would specify disturbance types and their appropriate revegetation techniques to be applied for all Proposed Action work areas, access roads, and all sidecast materials. Techniques could include reseeding native or other acceptable vegetation species. The plan would include management and maintenance procedures approved by the USFS for ongoing use of access roads and temporary work areas.

- Erosion and sediment control measures would conform to applicable federal and state regulations.
- In construction areas disturbance would be limited to overland travel where feasible to minimize changes in the original contours. Large rocks and vegetation may be moved within these areas to allow vehicle access. Restoration could include reseeding (if required). Methods would be detailed in a USFS-approved revegetation plan.
- Ground disturbance would be limited to that necessary to safely and efficiently install the proposed facilities.
- Site-prepare, drain, decompact, revegetate, and close temporary and intermittent use roads and other disturbed sites within one year after use ends. Provide stable drainage that disperses runoff into filter strips and maintains stable fills. Do this work concurrently. Stockpile topsoil where practicable to be used in site restoration. Use certified local native plants as practicable; avoid persistent or invasive exotic plants.
- Minimize soil compaction by reducing off-road vehicle passes, by skidding on snow, frozen or dry soil conditions, or by off-ground logging systems.
- Limit roads and other disturbed sites to the minimum feasible number, width, and total length consistent with the purpose of specific operations, local topography and climate. (Regional WCP Handbook Standard 9).
- Reclaim roads and other disturbed sites when use ends, as needed, to prevent resource damage. (Regional WCP Handbook Standard 12).
- Initiate revegetation as soon as possible, not to exceed 6 months after termination of ground-disturbing activities. Revegetate all disturbed soils with native species in seed/plant mixtures that are noxious weed free. On areas needing immediate establishment of vegetation, non-native, non-aggressive annuals (e.g., wheat, oats, rye) or sterile species may be used while native perennials are becoming established, or when native species are not available (e.g., during drought years or years when wildfires burn large acreages in the United States). Other aggressive non-native perennials (e.g., smooth brome, timothy) will not be used. Seed will be tested for noxious weeds. If mulches are used they are to be noxious-weed free. Weed-free alfalfa seed may be used only when native legume seed is not available and only when there is extensive disturbance associated with road construction or mine reclamation where topsoil is no longer available.
- Stabilize, scarify or recontour temporary roads, constructed skid trails and landings prior to seeding.
- When ground disturbing or vegetation management occur, use vegetative buffer strips or barriers to reduce sediment. Determine buffer width between stream and roads or trails using the equation in Appendix J of the Forest-wide Standards and Guidelines.

- When construction of maintenance level 1 roads, temporary roads, skid trails and landings occur, install structures to divert runoff when needed. Routinely inspect temporary roads to verify that erosion and stormwater controls are implemented, functioning, and appropriately maintained. Maintain erosion and stormwater controls as necessary to ensure proper and effective functioning.
- Use suitable construction techniques to create stable fills.
    - Use full bench construction techniques or retaining walls where stable fill construction is not possible.
    - Avoid incorporating woody debris in the fill portion of the road prism.
    - Leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
    - Avoid use of road fills for water impoundment dams unless specifically designed for that purpose.
- Identify and locate waste areas before the start of operations.
    - Deposit and stabilize excess and unsuitable materials only in designated sites.
    - Do not place such materials on slopes with a risk of excessive erosion, sediment delivery to waterbodies, mass failure, or within the AMZ.
    - Provide adequate surface drainage and erosion protection at disposal sites.
- BHP would train field personnel in spill prevention, control, and countermeasure procedures, and use totally enclosed containers to dispose of hazardous and non-hazardous waste. Hazardous materials would not be drained onto the ground or into streams or drainage areas. Additionally, BHP would ensure that hazardous and non-hazardous wastes are transported to facilities that are authorized to accept such wastes. Furthermore, should a hazardous material spill occur, all contaminated soil would be removed and disposed of properly.
- In construction areas disturbance would be limited to overland travel where feasible to minimize changes in the original contours. Large rocks and vegetation may be moved within these areas to allow vehicle access.

4.0 GROUND-BASED SKIDDING AND YARDING OPERATIONS

- Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources during ground-based skidding and yarding operations by minimizing site disturbance and controlling the introduction of sediment, nutrients, and chemical pollutants to waterbodies.
- Use ground-based yarding systems only where physical site characteristics are suitable to avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources.
- Create new roads and skid trail where re-use of existing ones would exacerbate soil, water quality, and riparian resource impacts.
- Design and locate skid trails and skidding operations to minimize soil disturbance to the extent practicable.
- Locate skid trails outside of the AMZ to the extent practicable.
- Limit the grade of constructed skid trails on geologically unstable, saturated, highly erodible, or easily compacted soils.
- Perform skidding or yarding operations when soil conditions are such that soil compaction, displacement, and erosion would be minimized.

- Suspend skidding or yarding operations when soil moisture levels could result in unacceptable soil damage.
- Avoid skidding logs in or adjacent to a stream channel or other waterbody to the extent practicable.
- Skid across streams only at designated locations.
- Use suitable measures at skid trail crossings to avoid or minimize damage to the stream channel and streambanks.
- Directionally fell trees to facilitate efficient removal along predetermined yarding patterns with the least number of passes and least amount of disturbed area. Directionally fell trees away from streambanks, shorelines, and other waterbody edges.
- Remove logs from wet meadows or AMZs using suitable techniques to minimize equipment operations in the sensitive area and minimize dragging the logs on the ground.
- Winch or skid logs upslope, away from waterbodies.
- Use suitable measures to stabilize and restore skid trails after use.
- Reshape the surface to promote dispersed drainage.
- Install suitable drainage features.
- Mitigate soil compaction to improve infiltration and revegetation conditions.
- Apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion before the next growing season.
- Use suitable measures to promote rapid revegetation.
- Use suitable measures in compliance with local direction to prevent and control invasive species.
- If machine piling of slash is done, conduct piling to leave topsoil in place and to avoid displacing soil into piles or windrows.

5.0 CABLE AND AERIAL YARDING OPERATIONS

- Use cable or aerial yarding systems on steep slopes where ground-based equipment cannot operate without causing unacceptable ground disturbance.
- Locate cable corridors to efficiently yard materials with the least soil damage.
- Use suitable measures to minimize soil disturbance when yarding over breaks in slope.
- Fully suspend logs to the extent practicable when yarding over AMZs and streams.
- Postpone yarding operations when soil moisture levels are high if the specific type of yarding system results in unacceptable soil disturbance and erosion within cable corridors.

6.0 LANDINGS

- Minimize the size and number of landings as practicable to accommodate safe, economical and efficient operations.
- Locate landings outside the AMZ and as far from waterbodies as reasonably practicable based on travel routes and environmental considerations. Avoid locating landings near any type of likely flow or sediment transport conduit during storms, such as ephemeral channels and swales, where practicable.
- Avoid placing landings where skidding across drainage bottoms is required.
- Design roads and trail approaches to minimize overland flow entering the landing.

- Use suitable measures as needed to restore and stabilize landings after use.
- Remove all logging machinery refuse (e.g., tires, chains, chokers, cable, and miscellaneous discarded parts) and contaminated soil to a proper disposal site.
- Install suitable drainage features.
- Mitigate soil compaction to improve infiltration and revegetation conditions.
- Apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion before the next growing season.
- Use suitable measures to promote rapid revegetation.

7.0 WINTER LOGGING

- Consider using snow-roads and winter harvesting in areas with high-water tables, sensitive riparian conditions, or other potentially significant soil erosion and compaction hazards.
- Mark existing culvert locations before plowing, hauling, or yarding operations begin to avoid or minimize damage from plowing or logging machinery. Ensure all culverts and ditches are open and functional during and after logging operations.
- Plow any snow cover off roadways to facilitate deep-freezing of the road grade before hauling. Manage hauling to avoid or minimize unacceptable damage to the road surface.
- Restore crossings to near pre-road conditions to avoid or minimize ice dams when use of the snow-road is no longer needed. Use suitable measures to cross streams (See Wetlands, Streams, and WIZ section).
- Conduct winter logging operations when the ground is frozen or snow cover and depth is adequate to avoid or minimize unacceptable rutting or displacement of soil.
- Suspend winter operations if ground and snow conditions change such that unacceptable soil disturbance, compaction, displacement, or erosion becomes likely.
- Mark AMZ boundaries and stream courses before the first snow in a manner that will be clearly visible in heavy snows.
- Avoid leaving slash in streams or AMZs to the extent practicable.
- Install and maintain suitable erosion control on skid trails before spring runoff.

8.0 SLOPES STEEPER THAN 40%

- No ground-based, mechanized equipment/vehicle operations should occur on slopes over 40%.
- Equipment traverse across short, isolated steep segments is permissible with site-specific Timber Sale Administer approval for the logging phase; and/or the Engineering Representative for Construction phase after site-specific stability exams have been completed. This may also require consultation with the BHNF Hydrologist or other Watershed personnel.
- Skidding is not permitted on slopes greater than 40%. It is estimated that there are 29 acres of the ROW that are steeper than 40%. These areas will have the trees lopped or scattered or be removed with the use of a line machine or helicopter.

9.0 SOILS

- Soil moisture operating requirements limit ground-based mechanized equipment and vehicle operations to dry or frozen conditions and to avoid soil disturbing actions during periods of heavy rain, snowmelt, or other wet conditions.
- Dry soil conditions: soil cannot be rolled into 3 mm threads or larger without breaking or crumbling (i.e., soil is below the plastic limit).
- Frozen conditions: at least 2 inches of frozen soil or at least 1 foot of packed snow is present.
- Low productivity soils have a surface soil (A horizon) thinner than one inch, topsoil organic material less than 2%, or effective rooting depth less than 15 inches after vegetation clearing. On top of these soils 80-90% of the fine logging slash (less than 3 inches in diameter) will be retained.
- On soils with topsoil thinner than 1 inch, topsoil organic matter less than 2 percent, or effective rooting depth less than 15 inches, retain 90 percent or more of the fine (less than 3 inches in diameter) logging slash in the stand after each clearcut and seed-tree harvest, and retain 50 percent or more of such slash in the stand after each shelterwood and group-selection harvest, considering existing and projected levels of fine slash.

10.0 SENSITIVE PLANTS

Ground disturbance would be avoided to the extent possible within 50 feet of BHNF target plant species. BHNF target plant occurrences would be flagged to ensure that these “no disturbance” areas are visible to project personnel. If ground-disturbing activities cannot be avoided in these areas, a Forest Service botanist or biologist would be consulted to ensure minimal impact.

11.0 WILDLIFE MITIGATION

All bat roost/mines/caves within 500 feet of tree removal operations will be surveyed for potential habitat prior to the start of tree clearing operations. If habitat is identified, the BHNF wildlife biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to not potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1- October 31) rather than the hibernation season (November 1- March 31) so as not to disturb the hibernating bats.

Timber removal and construction activities within Rocky Mountain bighorn sheep lambing areas would be restricted from April 1 through June 15.

Timber removal and construction activities within established big game winter range would be restricted from December 15 until May 15.

Active raptor nests would be avoided while active. Timing and disturbance buffers would be maintained around identified raptor nests using USFWS- recommended spatial and temporal buffers for construction-related activities. Similarly, timing and disturbance buffers would be maintained around Bald Eagle winter roost areas. The distance may be reduced where forest characteristics or topography reduce the

line-of-site distance from the nest, based on site-specific analysis. Similarly, timing and disturbance buffers would be maintained around Bald Eagle winter roost areas, in season. Consultation with SDGFP and FS biologist would be conducted prior to implementing changes in timing and disturbance buffers. New nests, signs of nest building, or where raptors are defensive
(attacking) would be immediately reported to the FS wildlife biologist and SDGFP prior to commencement of work.

12.0 SCENERY

To reduce visual contrast, preserve low growing shrub vegetation up to five feet in height and tree removal within the ROW would be limited to the minimum required area that is necessary to meet Federal Regulatory Commission (FERC) Standards, to ensure proper clearances and safe operation, and to provide safe access for construction, line inspection and maintenance operations.

To reduce potential impacts on scenery and reduce visual contrast in the residential area along SD Highway 44 in the Hisega area and in the area of concentrated recreational activity east of Pactola Reservoir where high impacts to sensitive viewers would occur, preserve low growing trees and shrubs up to 25 feet in areas of the ROW, but outside the conductor path and where clearing is not necessary for proper clearances, safe operation, and safe access for construction, line inspection, and maintenance operations.

13.0 CULTURAL SITES

All cultural avoidance buffer areas will be marked prior to any tree removal. The BHNF may require an on-site cultural resource monitor during tree removal and construction activities in areas determined to be culturally sensitive. No vegetation clearing or other disturbances within the 100 feet (30 m) site avoidance buffer. Vehicle and road restrictions may include: no road improvements within the avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road. Access is permitted on established roads only. Specific buffer avoidance measures are listed on the attached map narratives.

14.0 FORESTRY BEST MANAGEMENT PRACTICES (BMP'S)

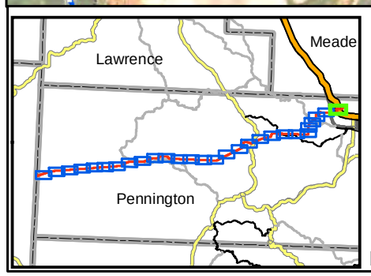
The state of South Dakota has adopted BMP's to prevent pollution and minimize environmental impacts during and after a timber harvest. BMP's are practices, actions, or activities that limit soil disturbance and prevent pollution of surface and ground water resources. All spur roads will be designed and built to exceed BMP standards to minimize erosion and sediment entering surface water.

There will be harvesting within stream side management zones (SMZ). Directional falling will be used to prevent trees from falling into waterways. Mechanized equipment will not be operated on stream banks. Whenever possible the operator will reach into the SMZ and carefully cut the tree and lift the tree as far as possible from stream.

Construction Access Roads

MAJOR ROADS
- State Highway
- County Road

PRELIMINARY ACCESS ROADS
- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road



BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Page 1 of 28
Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

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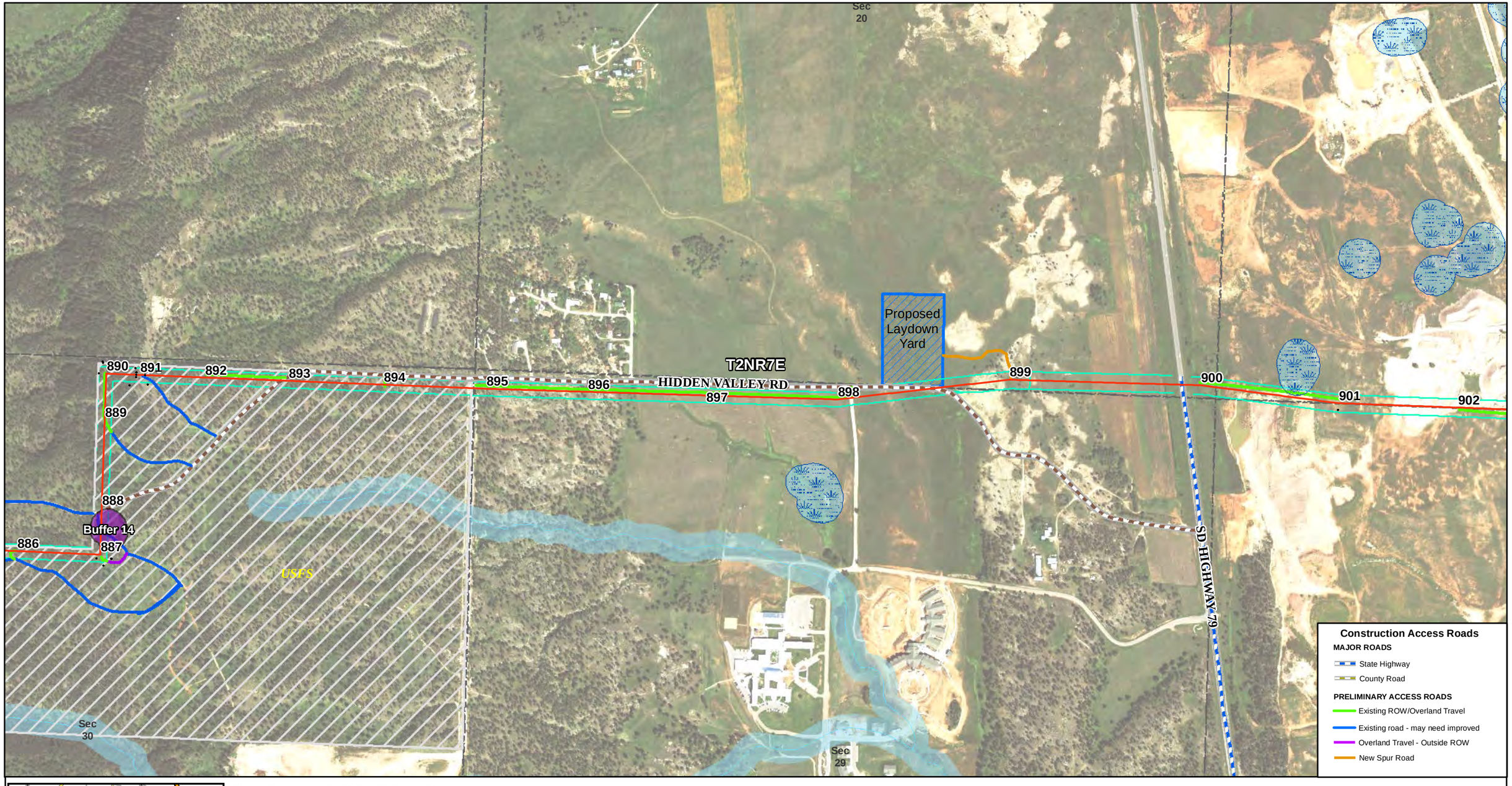
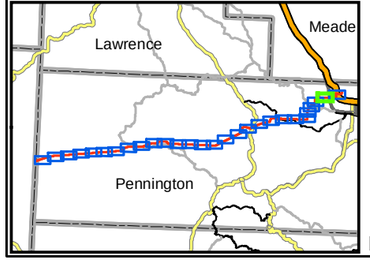
Map 1

Poles and hardware would be delivered to the Lien laydown yard via Sturgis Road and Hidden Valley Road. This laydown yard is situated immediately adjacent to the ROW. Equipment would exit the laydown yard and follow Hidden Valley Road, Sturgis Road, West Chicago Road, and Deadwood Avenue and enter the ROW at structure 914. Construction would progress east to Lange substation and structure 924 generally within the ROW. Equipment would then backtrack to structure 914 and continue west to structure 913. At structure 913, the equipment would backtrack to Deadwood Avenue and take Universal Drive and access the ROW at structure 909 via a private drive. Construction would progress east within the ROW to structure 912 and south to structure 906. Equipment would backtrack to Universal drive and access the ROW at structure 904 and 905 via a private drive. Access to structures 900-903 will occur on private property as agreed to by the property owner.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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- Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

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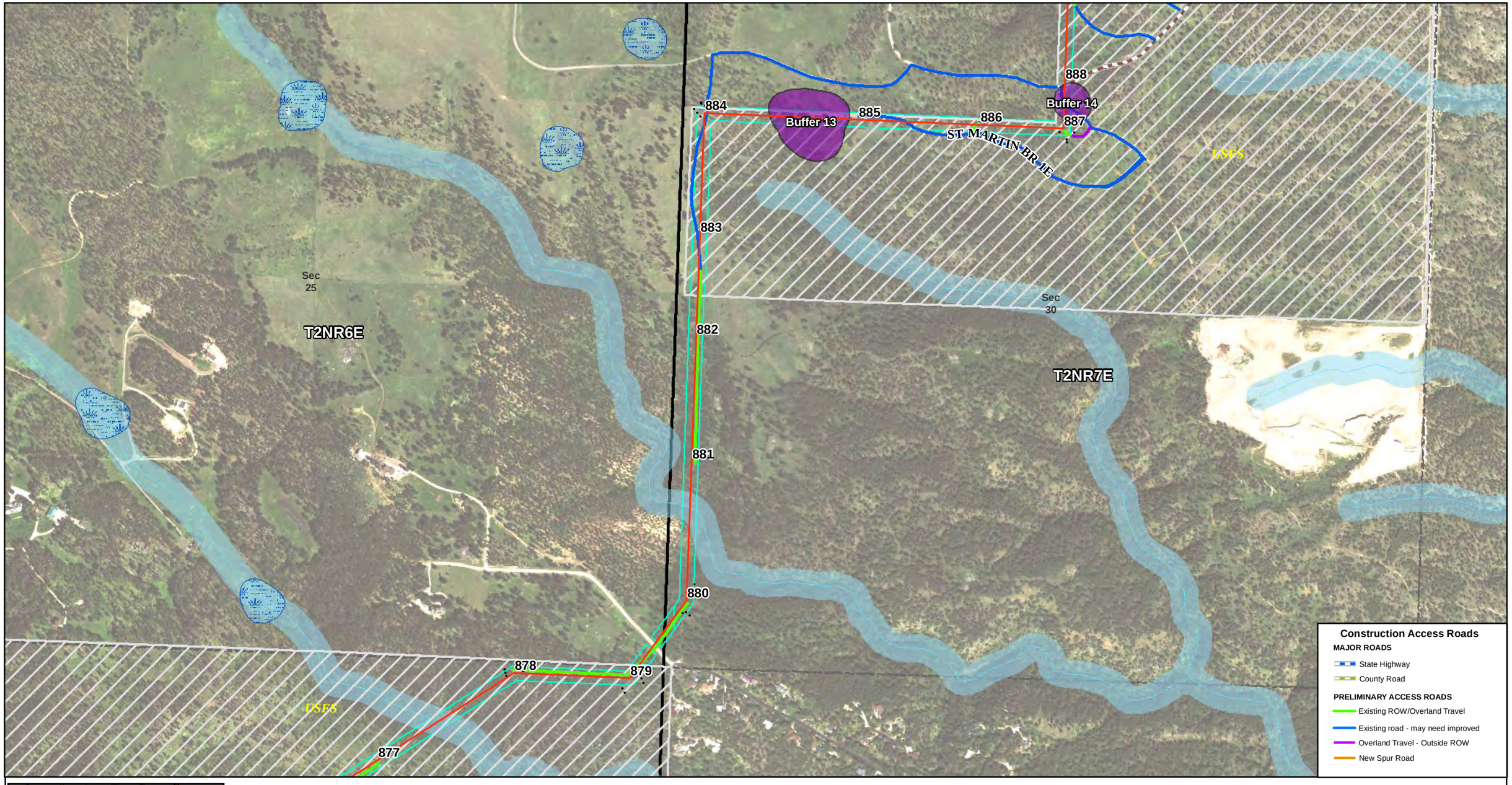
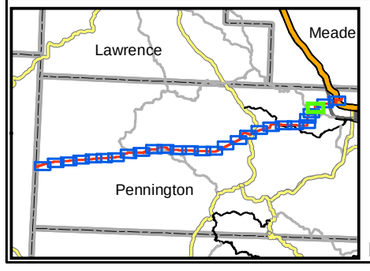
Map 2

From structure 900, equipment would backtrack to Sturgis Road and Hidden Valley Road to the Lien laydown yard. Construction of structure 899 would occur via overland travel from the laydown yard. From here, construction would progress west from structure 898 to 895 within the ROW. Equipment would access structure 894 via Hidden Valley Road. Equipment would then travel west on Hidden Valley Road accessing the ROW at structure 893, continuing west to structure 892. Equipment would then backtrack to Hidden Valley Road where 2 existing roads, St Martin BR 1D (553.1D) and St Martin BR 1F (553.1F) would be used to access structures 891 to 889. Equipment would then backtrack to Hidden Valley Road continuing west and accessing the ROW at structure 888. From structure 888, equipment would take St Martin BR 1B (553.1B) to near structure 887, where overland travel would access structure 887.

Construction between structure 895 and 887 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

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Date: 4/22/2016

Mitigation Areas
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- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

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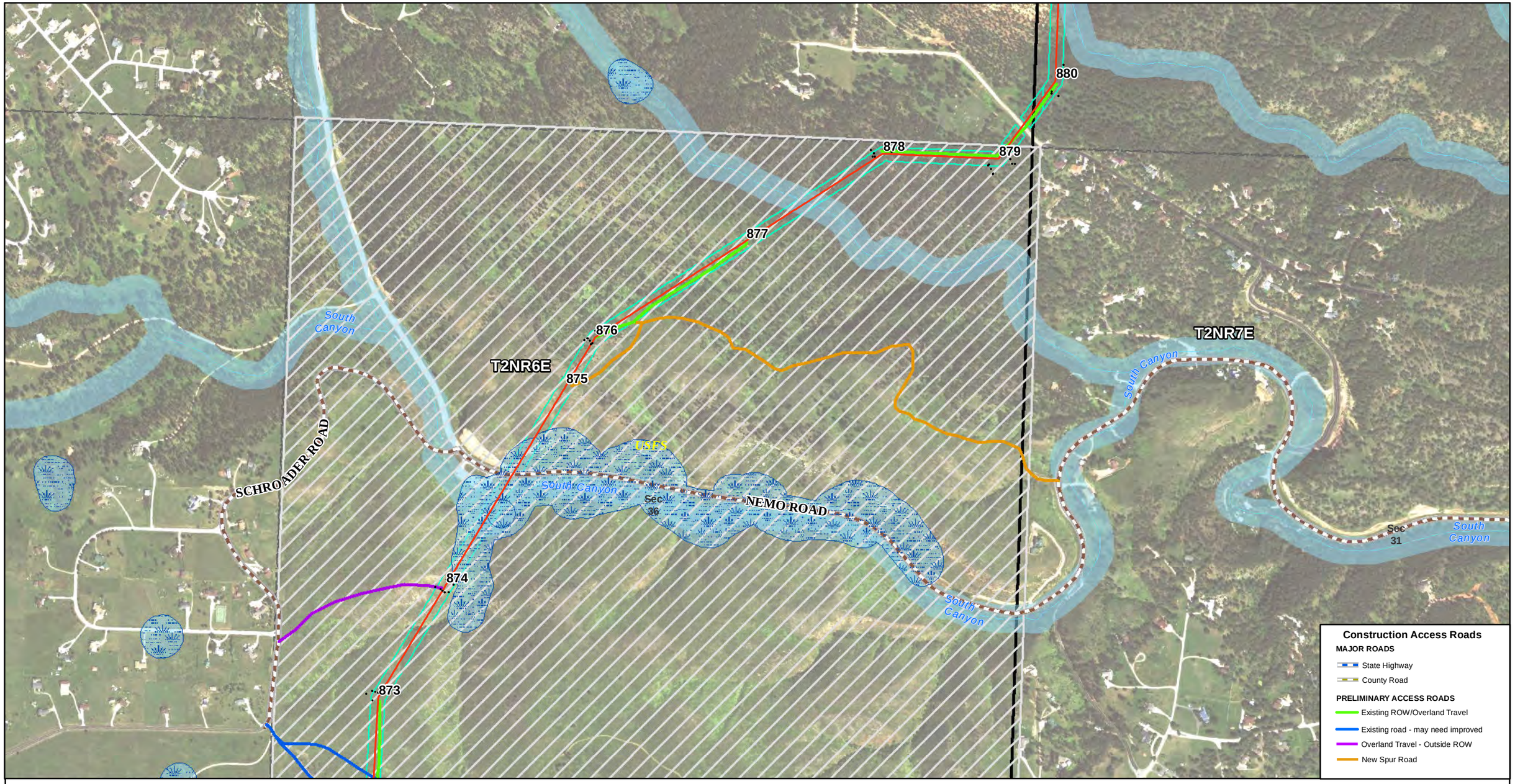
Map 3

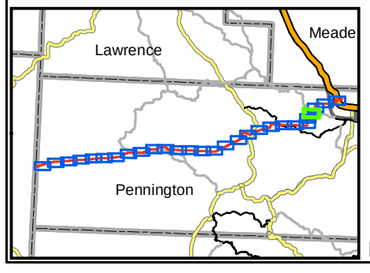
From structure 887, crews would backtrack to St Martin BR 1B and take St Martin BR 1E to structures 886 and 885. Crews would then backtrack to Hidden Valley Road following Hidden Valley Road west to an existing road until just north of structure 884 where a two-track road goes due south, intercepting the ROW at structure 884. Crews would follow this existing two-track south to structures 883-881. Following construction at structure 881, crews would backtrack to Sturgis Road, than take South Canyon/Nemo Road to Wide View Road and Sun Ridge Road intersecting the ROW at the end of Sun Ridge Road. From here, crews would access structures 880-878 within the ROW.

Construction between structures 887 and 882 as well as 879 and 878 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

Between structures 888 and 884, there are two cultural resource avoidance buffers (buffers 13 and 14) with the following restrictions:

Buffer 13	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the avoidance buffer.
Buffer 14	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the avoidance buffer. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within avoidance buffer. Vehicles may use the access road through the site with the following stipulations: no road improvements within avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road or turn-around/parking area; and road should not be used in conditions that may cause rutting, such as when muddy.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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0 250 500 1,000 1,500 2,000 Feet

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- M&C Mines and Caves
- B R Bat Roosts
- Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

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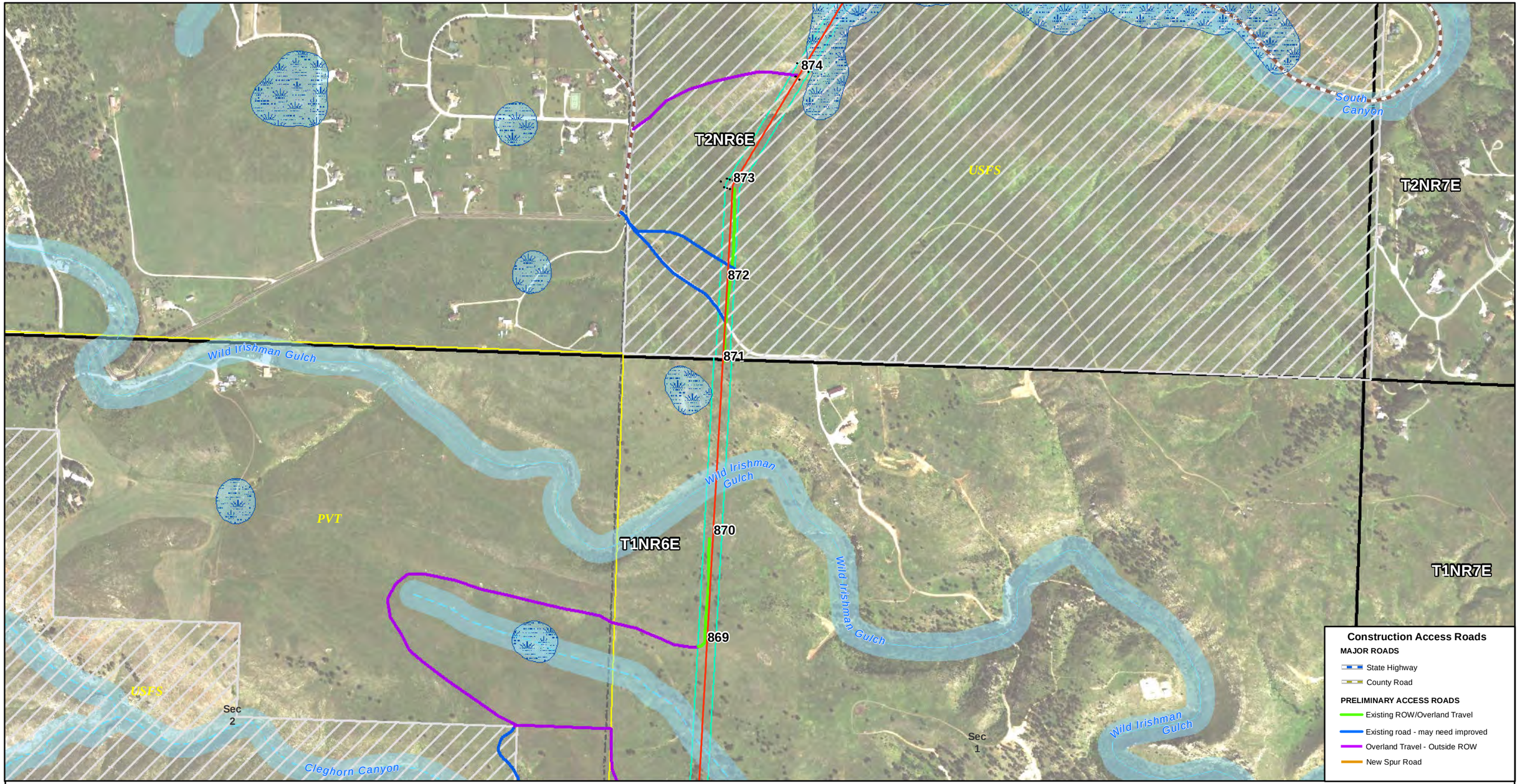
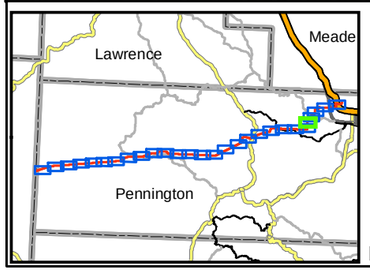
Map 4

From structure 878, crews would backtrack to South Canyon/Nemo Road and travel southwest approximately 0.5 mile exiting South Canyon Road onto an existing dirt road on private property. Upon entering National Forest land, a combination of overland travel and construction of a new temporary road would be required to access structures 877-875. Crews would then backtrack to South Canyon Road following it west to Schroader Road, then follow Schroader Road to a point west of structure 874. Crews would then access structure 874 via overland travel.

Construction between structures 878 and 874 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

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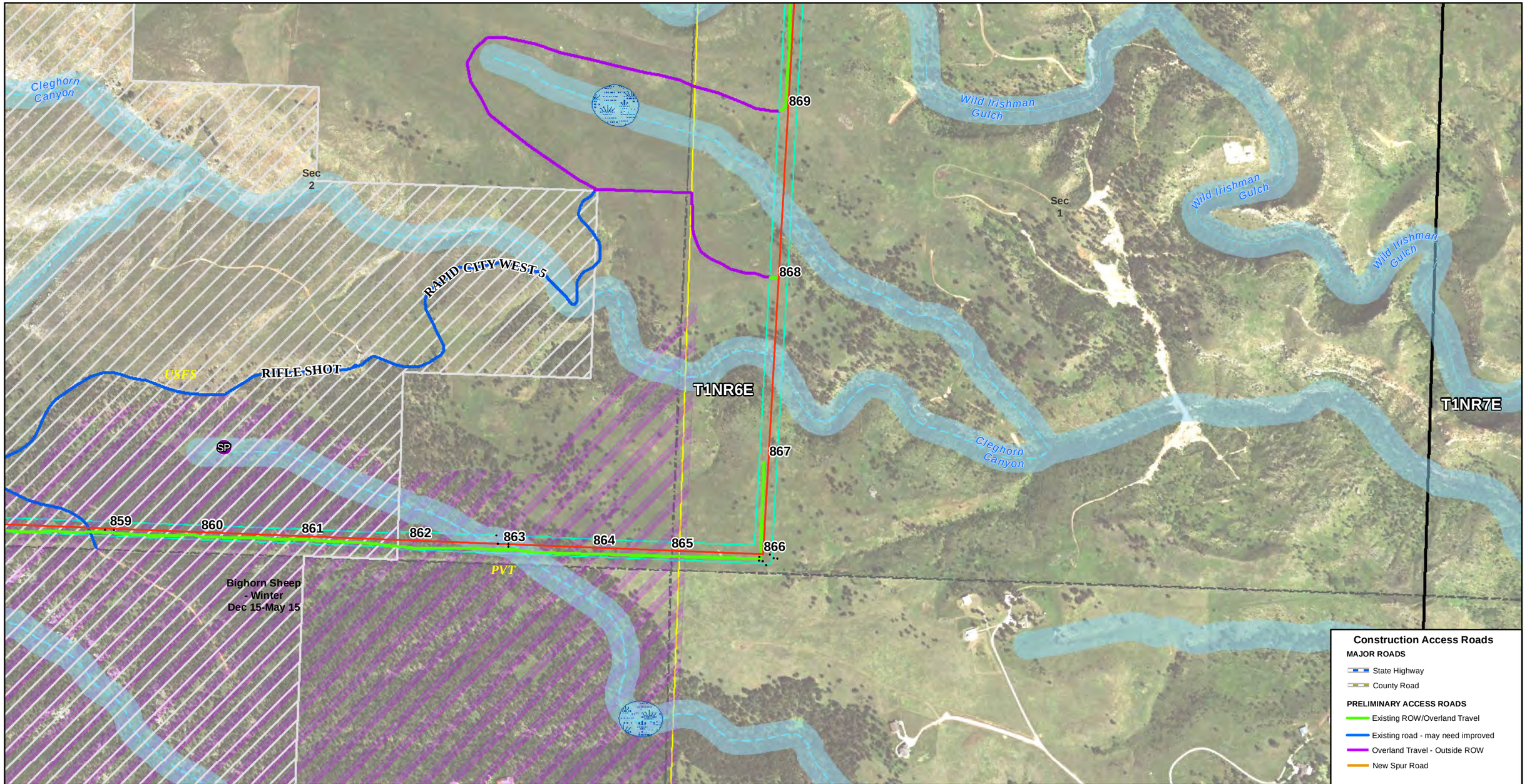
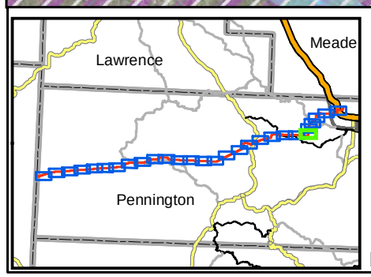
Map 5

Crews would backtrack to Schroader Road, following it south to Wild Irishman BR 1A (199.1A) and an un-named road to access the ROW and structures 873-871. At this point, crews would backtrack to South Canyon Road into Rapid City, picking up HWY 44 and traveling west to NFSR 199.

Construction between structures 874 and 871 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Date: 4/22/2016

Mitigation Areas
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Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
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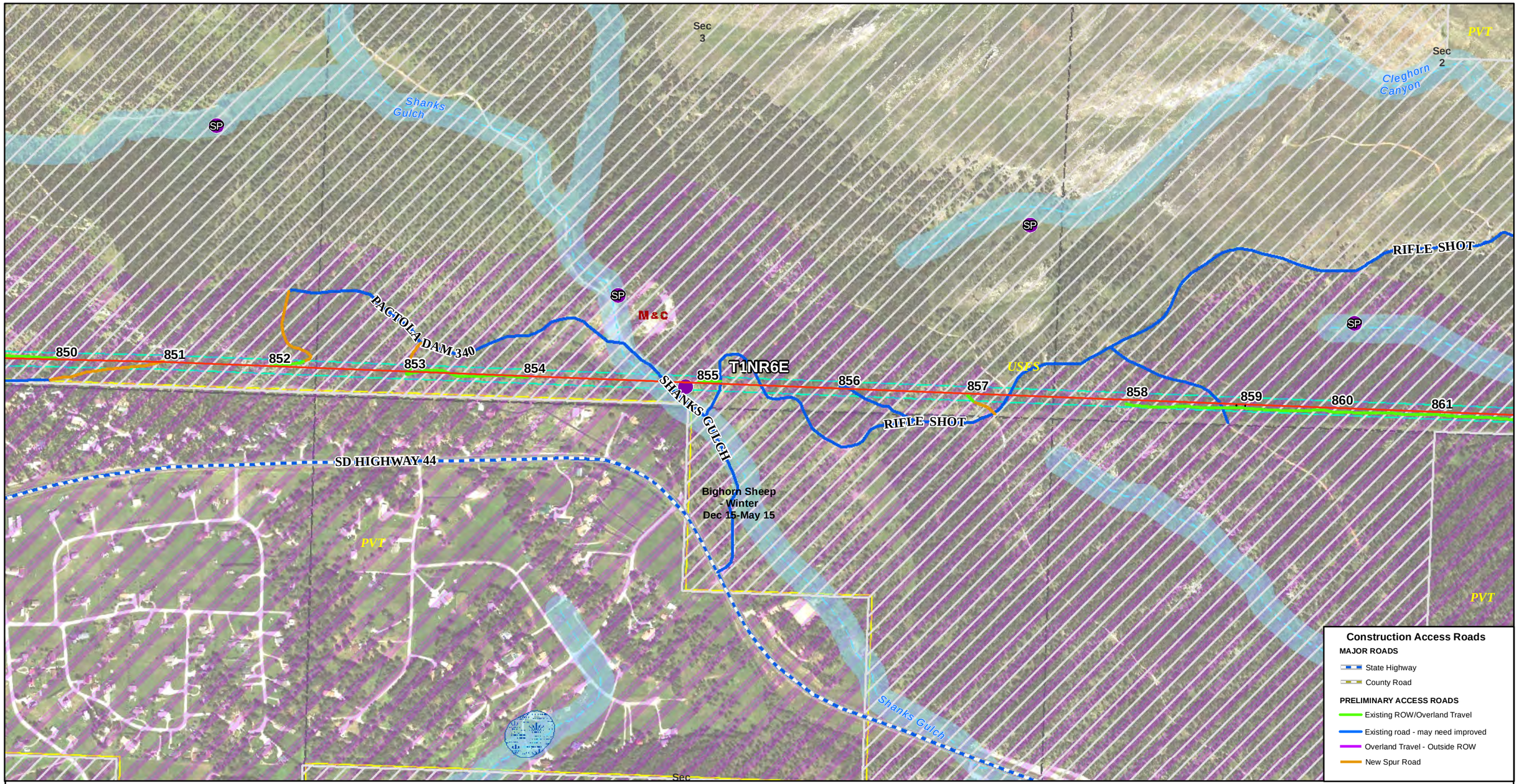
Map 6

After leaving HWY 44 on Shanks Gulch (203), crews would follow it to Rifle Shot Road (395) to Rapid City West 5 (U210005) until it meets private property. At this point, crews would use overland travel on private property to access structures 870-868. Crews would then backtrack to Rifle Shot Spur 1A (395.1A) and use it to access the ROW near structure 859. Crews would then work east within the ROW to structure 867 and west to structure 858.

Construction between structures 862 and 858 would be subject to big game and bighorn sheep winter range timing restrictions. No construction or road construction between 12/15 and 5/15.



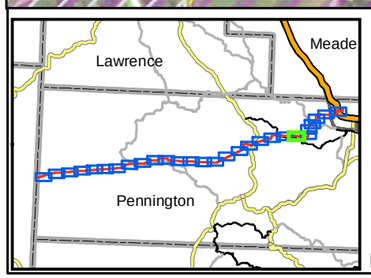
Construction Access Roads

MAJOR ROADS

- State Highway
- County Road

PRELIMINARY ACCESS ROADS

- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road



BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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0 250 500 1,000 1,500 2,000 Feet

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- SP Sensitive Plants

Transmission

- Project centerline and structure number/location

WETLAND

- Wetlands and Fens -100 foot buffer
- Springs

STREAMS

- Perennial
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- Swale
- 100 foot stream buffer

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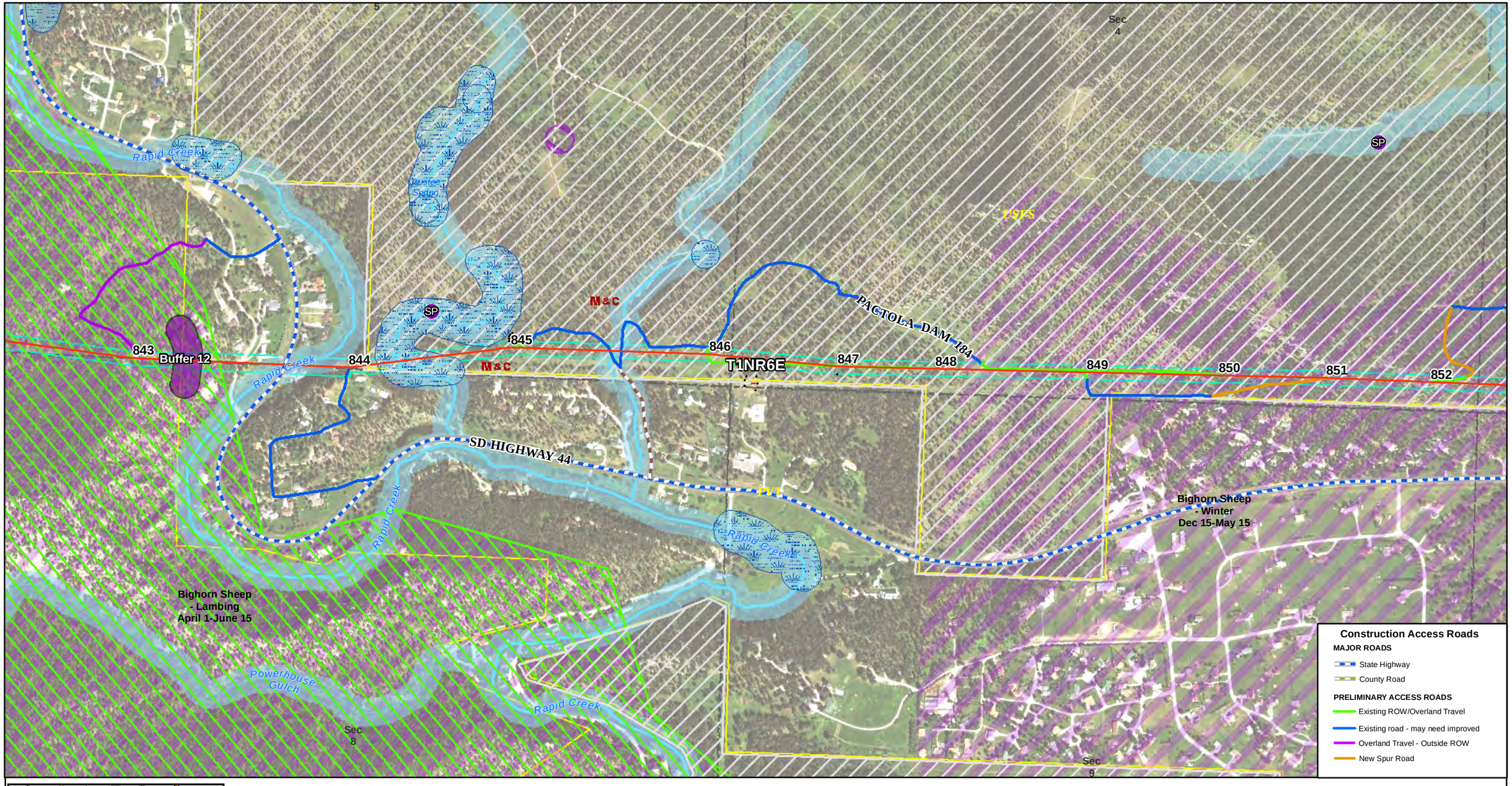
Map 7

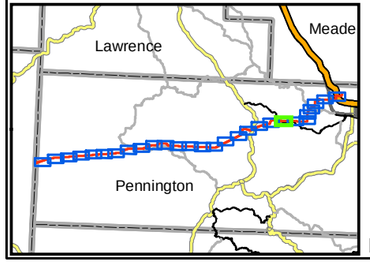
Crews would then backtrack to Rifle Shot Road (395), accessing structure 857 via a short spur road into the ROW. Crews would then backtrack to Rifle Shot Road, accessing structure 856 via Pactola Dam 341 Road (U200341). Crews would then backtrack to Rifle Shot Road traveling west to the ROW near structure 855, accessing structure 855 within the ROW. Crews would backtrack to Shanks Gulch Road, then follow Pactola Dam 341 Road northwest to a point north of structure 853. From here a small spur road would be used to access structures 853 and 854 within the ROW. Crews would then backtrack to Pactola Dam Road following it to a point north of structure 852 where a spur road would be used to access the ROW and structure 852.

Construction between structures 858 and 852 would be subject to big game and bighorn sheep winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

To reduce potential impacts on scenery and reduce visual contrast in the residential area along SD Hwy 44 in the Hisega area and in the area of concentrated recreation activity east of Pactola Reservoir where high impacts to sensitive viewers would occur, preserve low growing trees and shrubs up to 25-feet in height in areas within the ROW, but outside the conductor path and where clearing is not necessary for proper clearances, safe operation and safe access for construction, line inspection, and maintenance operations.

All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.





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230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
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PENNINGTON COUNTY, SOUTH DAKOTA

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Transmission
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- Springs

STREAMS
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Map 8

From structure 852, crews would backtrack to Hwy 44 and travel west to Log Porch Road (173) following it to Pactola Dam 184 Road. Crews would follow Pactola Dam 184 Road east to structure 846 travelling down the ROW to structure 848. Crews would then either follow the ROW to structure 850 or backtrack to Pactola Dam 184 Road following it to the ROW west of structure 849. After completing structure 850, crews would backtrack to structure 849 and travel south to the existing transmission line ROW, following it east approximately 0.25 miles where a spur road would be used to access structure 851. From here, crews would backtrack to Pactola Dam 253 Road, taking it west to structure 845. Crews would then backtrack to HWY 44 taking it west to Big Bend Road and following Big Bend Road to structure 844.

Construction between structures 852 and 844 would be subject to big game and bighorn sheep winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

To reduce potential impacts on scenery and reduce visual contrast in the residential area along SD Hwy 44 in the Hisega area and in the area of concentrated recreation activity east of Pactola Reservoir where high impacts to sensitive viewers would occur, preserve low growing trees and shrubs up to 25-feet in height in areas within the ROW, but outside the conductor path and where clearing is not necessary for proper clearances, safe operation and safe access for construction, line inspection, and maintenance operations.

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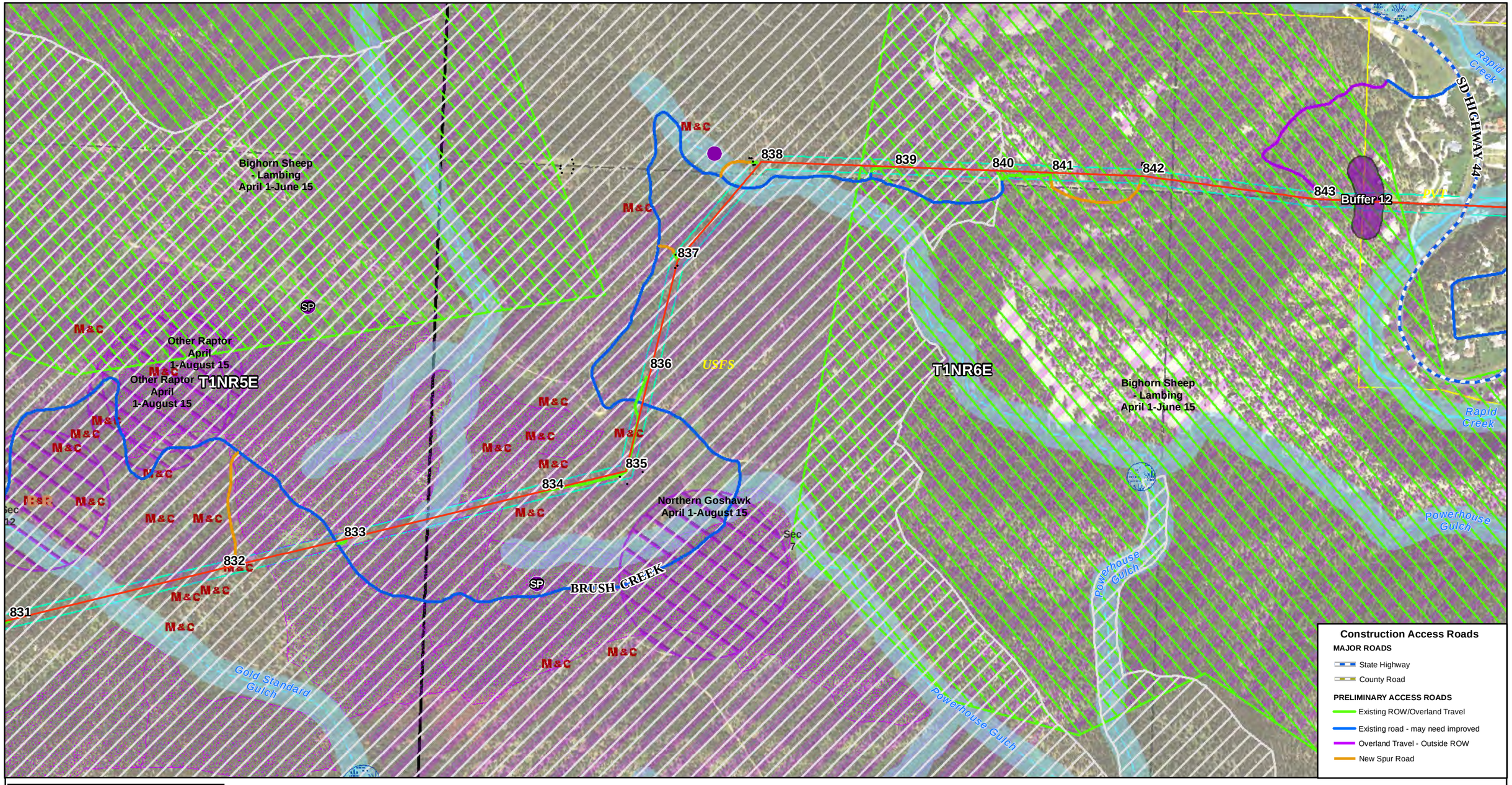

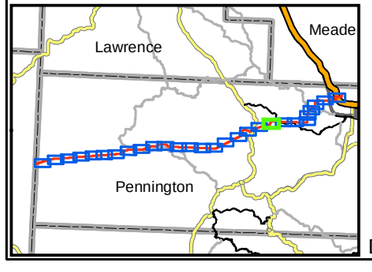

BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

Date: 4/22/2016

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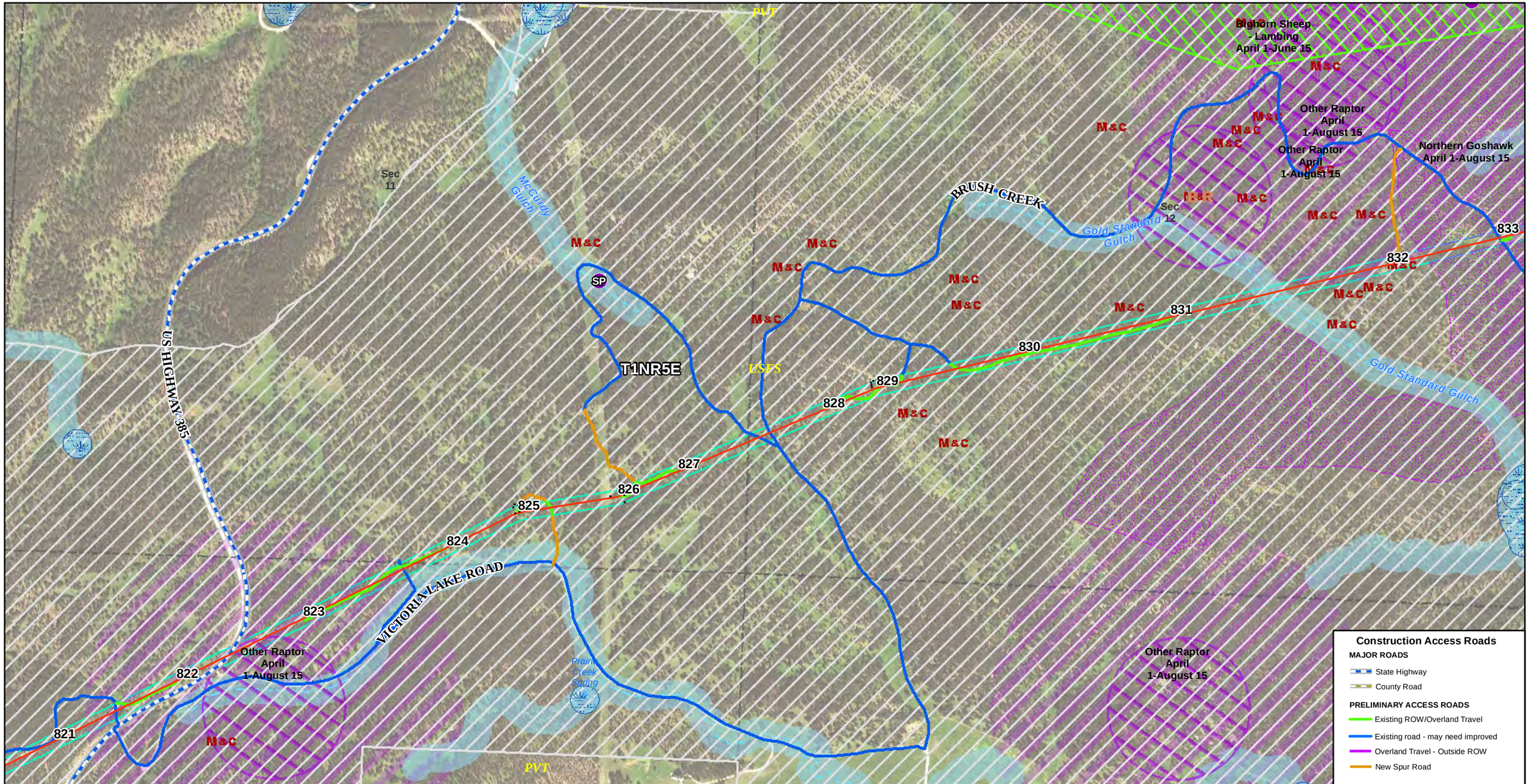

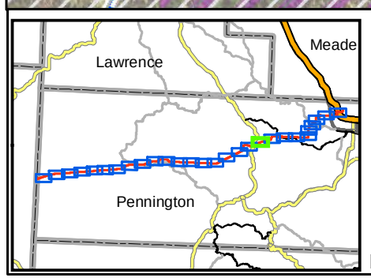

BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 9 and 10

Following construction at 844, crews would backtrack to HWY 44 and follow it northwest to Chipmunk Lane and follow it through private property to an old road entering National Forest land and continue to structure 843. Crews would then backtrack to HWY 44 following it northwest to HWY 385 and follow HWY 385 south to Victoria Lake Road (159). Crews would follow Victoria Lake Road east to Pactola Dam 229 Road (U200229) following it to the ROW and accessing structures 823 and 824. Crews would then backtrack to Victoria Lake Road following it east to a new spur road to structure 825. Crews would backtrack to Victoria Lake Road and continue east to YMCA/Brush Creek Road (772.1) and follow it to McCurdy Gulch Road BR1B (165.1B) and to Pactola Dam 260 Road. Crews would follow that south and utilize overland travel and new spur road to the ROW accessing structures 826 and 827. Crews would then backtrack the way they came to YMCA/Brush Creek Road following it north and east to Pactola Dam 78 Road and Pactola Dam 269 Road accessing structures 828 and 829. Crews would backtrack on Pactola Dam 269 to Pactola Dam 270 Road accessing structures 830 and 831 within the ROW. Crews would then backtrack to YMCA/Brush Creek Road following it east to a point north of structure 832 where a spur road would be required to reach structure 832. Crews would again backtrack to YMCA/Brush Creek Road and continue east to the ROW and structure 833. Crews would continue on YMCA/Brush Creek Road to Brush Creek BR.1B Road until it intersects the ROW. From here crews would work west to structures 834 and 835 and east to structure 836 within the ROW. Crews would then backtrack to Brush Creek BR.1C Road and continue north and east to a point west of structure 837 where a spur road will be required to reach structure 837. Crews would backtrack and continue north on Brush Creek BR.1C to a point near structure 838 where a short spur road will be required to access structure 838. Crews would backtrack to Brush Creek BR.1C following it east to structure 839 then continue east on Brush Creek BR.1C to structure 840. Crews would then follow the ROW to structure 841. From structure 841 a spur road would be required to access structure 842. Crews would then backtrack to Victoria Lake Road and Hwy 385. From here, crews would use Pactola Dam 281 Road to access the ROW and structure 822.

Construction between structures 844 and 839 would be subject to big horn sheep lambing area timing restrictions. No construction or road construction between 4/1 and 6/15.

Construction between structures 843 and 822 would be subject to big game and bighorn sheep winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

This area involves two stream crossings on an intermittent tributary to Prairie Creek. These are associated with areas between structures 823-824 and structure 825. Access routes U200229 Pactola Dam 229 has been identified as needing relocation as part of current USFS timber sale planning associated with the upcoming Prairie Timber Sale in this same area. The route current follows the intermittent, protected stream. The second is an access road to structure 825. Consult with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream crossing and utilize applicable BMPs as described in sections 1-14 above.

Buffer 12	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the avoidance buffer. Vehicles may use the access road through the site with the following stipulations: no road improvements within avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road or turn-around/parking area; and road should not be used in conditions that may cause rutting, such as when muddy.

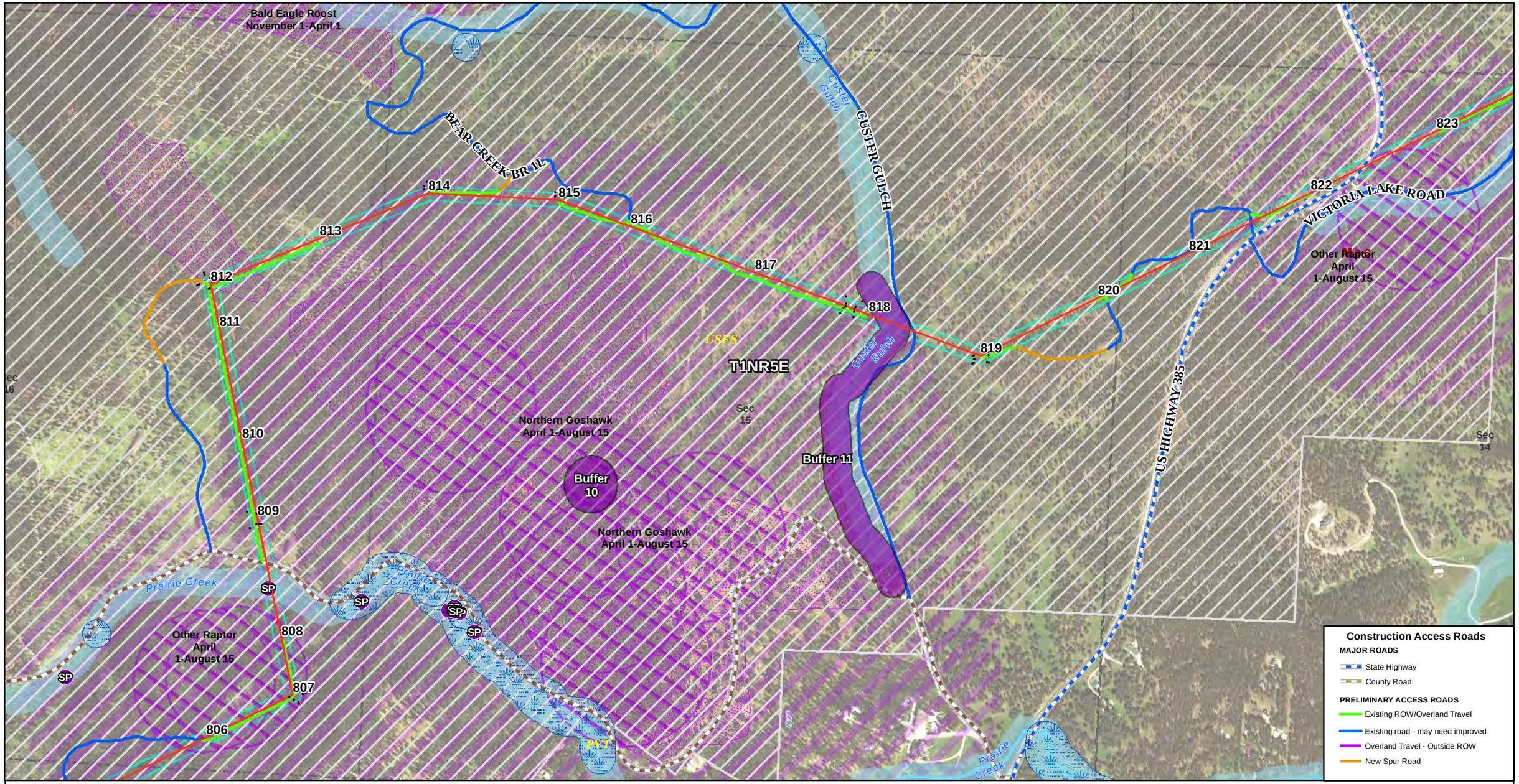
The spur road to structure 825 would not be used in wet conditions. If wet, wetland matting would be used to cross the drainage.

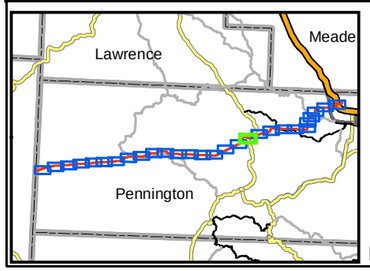
Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structures 838-833, structure 832 and the spur road to it, structures 824-821.

To reduce potential impacts on scenery and reduce visual contrast in the residential area along SD Hwy 44 in the Hisega area and in the area of concentrated recreation activity east of Pactola Reservoir where high impacts to sensitive viewers would occur, preserve low growing trees and shrubs up to 25-feet in height in areas within the ROW, but outside the conductor path and where clearing is not necessary for proper clearances, safe operation and safe access for construction, line inspection, and maintenance operations.

All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.

Sensitive plants are located adjacent to Brush Creek Road and McCurdy Gulch Roads. All vehicles and construction equipment shall stay on the improved road surfaces in these locations.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 11

From structure 822, crews would continue west on Victoria lake Road 159 to structures 821 and 820 via existing road and the ROW, then accessing structure 819 via existing road and new spur road. Crews would then backtrack to HWY 385, following it west to Custer Gulch Road. Crews would follow Custer Gulch Road (258) to Custer Gulch BR 1A (258.1A) and Custer Gulch BR 1C (258.1C) where a small spur road would access the ROW and structure 814. Crews would then backtrack to Custer Gulch BR 1C accessing the ROW at structure 816. Crews would then travel in the ROW to structures 815 and 817. Crews would then backtrack to Custer Gulch Road and take Edelweiss Mountain Road west until it intercepts the ROW. Crews would either access structures 809-813 via the ROW or continue west to an un-named road, following it north and utilizing a new spur road to access the ROW at structure 812. Crews would then backtrack to Edelweiss Mountain Road following it west to Crossover BR 1C (251.1C), taking this road to the ROW near structure 801. From here, crews would utilize the existing road in the ROW traveling east to the intersection with Silver City 145 Road (U190145), following it to access the ROW at structure 806, following the ROW to structures 807 and 808.

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structures 819-813 and structures 810-805.

Construction between structures 823 and 806 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

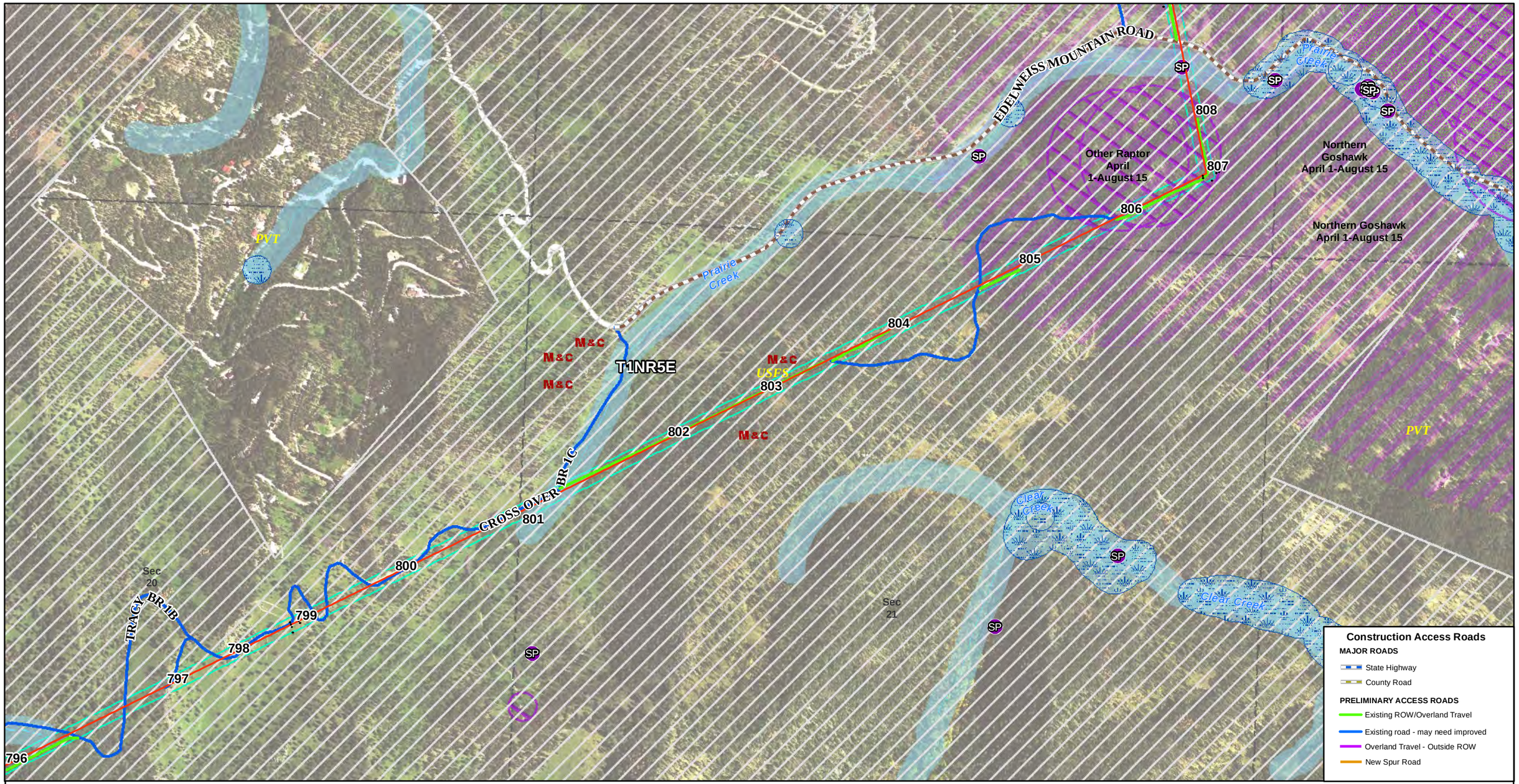
Sensitive plants, stream buffer, wetlands, and fens are located adjacent to Edelweiss Mountain Road. All vehicles and construction equipment shall stay on the improved road surfaces in these locations.

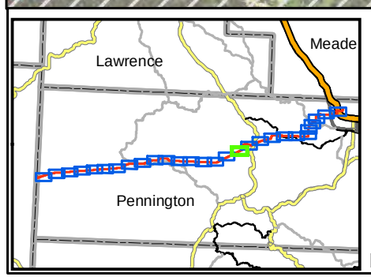
To reduce potential impacts on scenery and reduce visual contrast in the residential area along SD Hwy 44 in the Hisega area and in the area of concentrated recreation activity east of Pactola Reservoir where high impacts to sensitive viewers would occur, preserve low growing trees and shrubs up to 25-feet in height in areas within the ROW, but outside the conductor path and where clearing is not necessary for proper clearances, safe operation and safe access for construction, line inspection, and maintenance operations.

Between Custer Gulch Road and structure 818 there is a culturally sensitive area with the following mitigation measure.

Buffer 11	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the avoidance buffer.

All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Page 12 of 28
Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 12

Access to structure 805 would again use Cross Over BR 1C (251.1C), taking this road to the ROW near structure 801. From here, crews would utilize the existing road in the ROW traveling east within the ROW to structures 802-804 and continue to the intersection with Silver City 145 Road, following it to access the ROW at structure 805. Crews would then backtrack to Cross Over BR 1C and Tracy BR.1B Road using it to access structures 801-798. From structure 798 crews would access structure 797 via an existing two track.

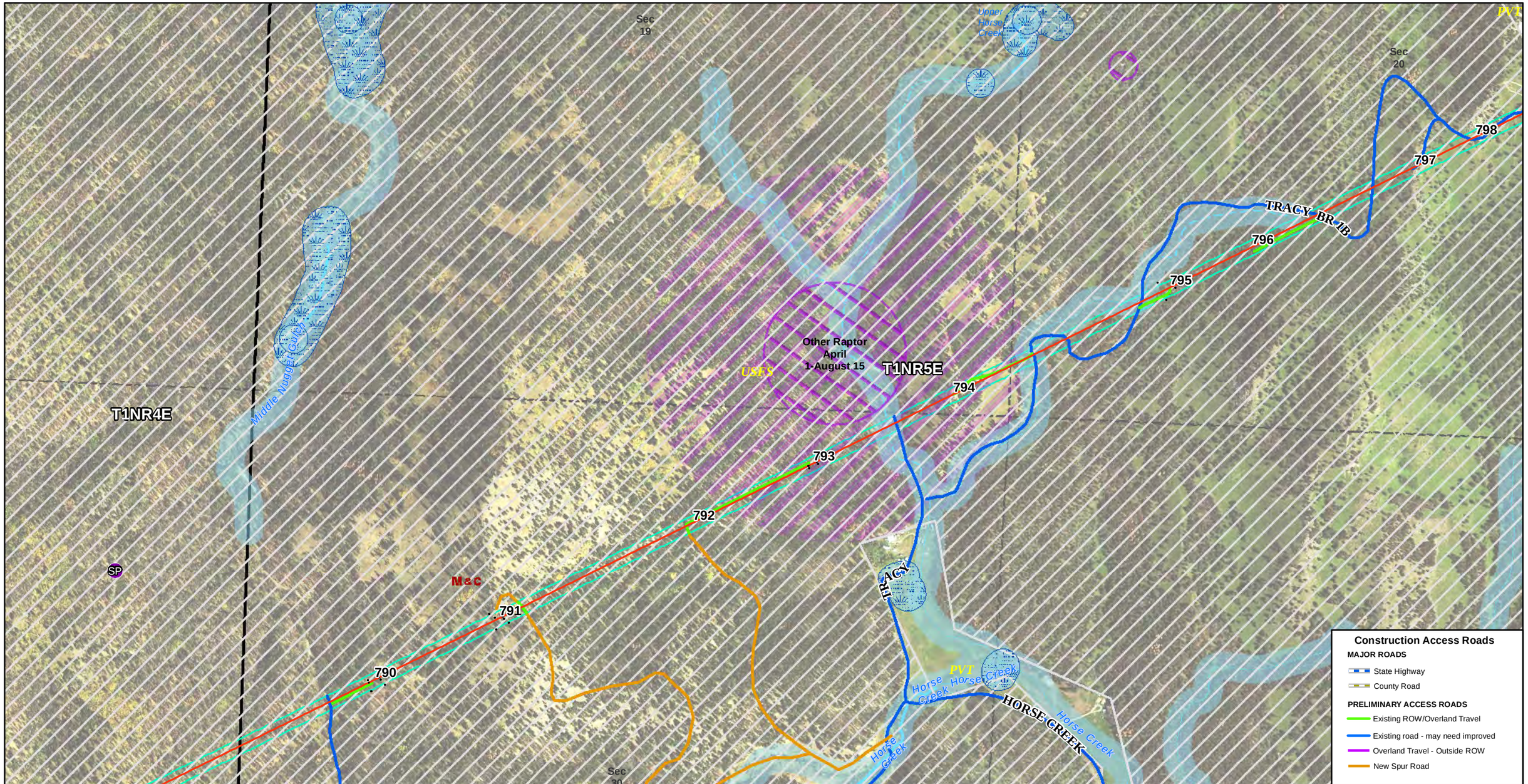
Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structures 806-805.

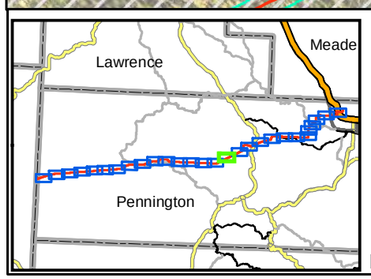
All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.

Construction between structures 806 and 797 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

Sensitive plants are located adjacent to Edelweiss Mountain Road. All vehicles and construction equipment shall stay on the improved road surfaces in these locations. One sensitive plant occurs in the ROW between structures 808 and 809. This area will likely be spanned and avoided by construction equipment; however, it will be flagged for avoidance.

The access roads to the ROW in this location cross a stream buffer on existing un-improved roads. These access roads through the stream buffer would only be used when dry. If access is required when the area is wet, consult with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

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0 250 500 1,000 1,500 2,000 Feet

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- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

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Map 13

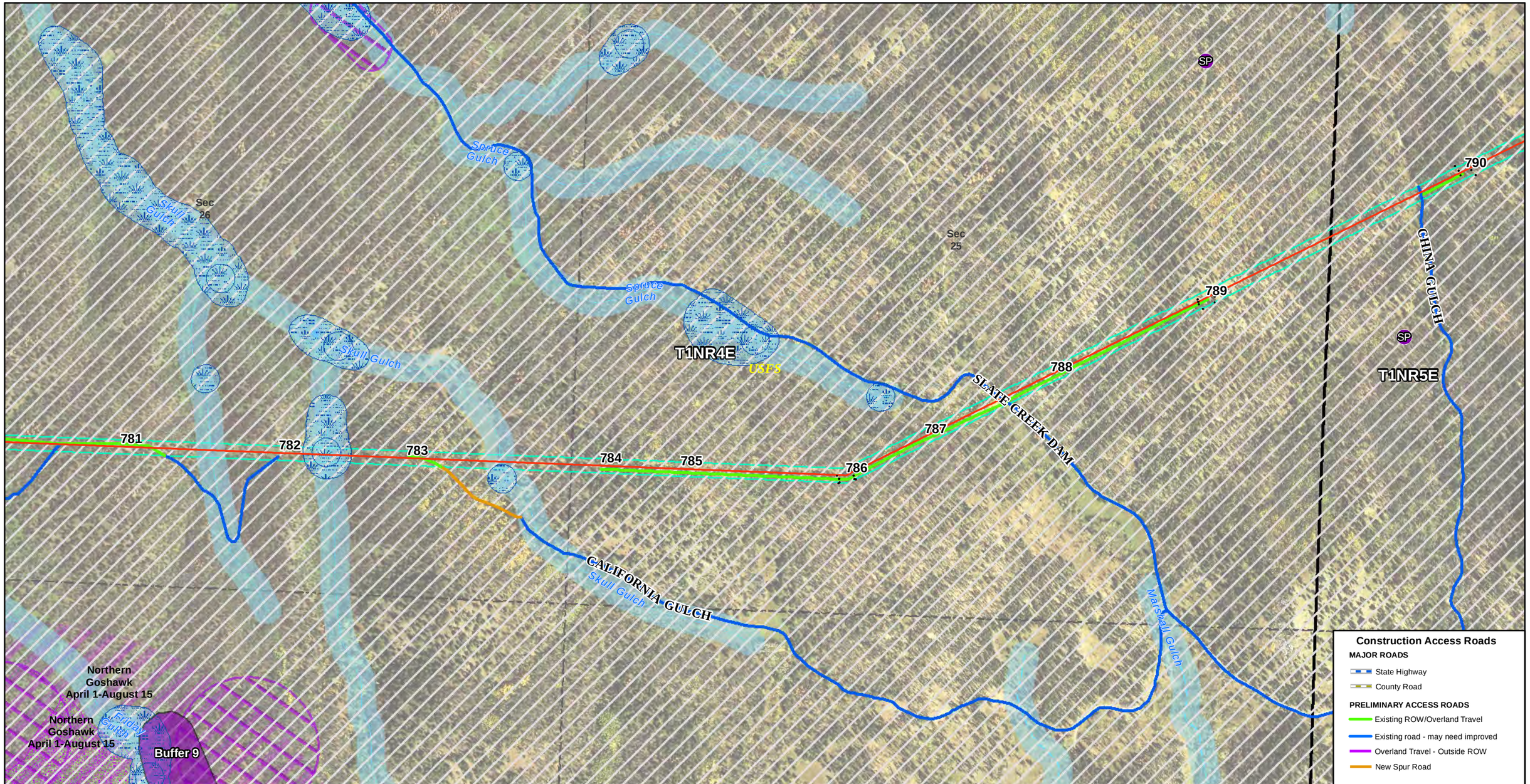
Following construction at structure 797, crews would continue west on Tracy BR.1B Road, using it to access the ROW and structures 796-794. Crews would continue west on Tracy BR.1B Road to its intersection with Tracy Road (244) following it to Horse Creek Road where spur roads would be required to access structures 793-791. Crews would then backtrack to Horse Creek Road following it south and west to China Gulch Road (249) taking it north to the ROW near structure 790, traveling within the ROW to the structure.

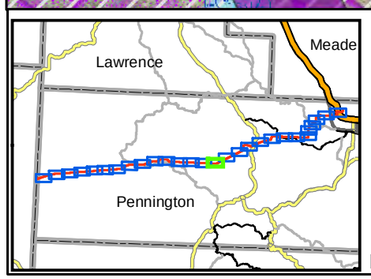
All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.

Construction between structures 797 and 790 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structures 795-792.

Tracy Road 244 and Horse Creek Road 243 cross or are located adjacent to stream and wetland buffers. These improved roads will be used as is and vehicles will not leave the improved road surface of these two roads. Tracy BR.1B Road and a new access road also involve stream buffers. These access roads through the stream buffer would only be used when dry. If access is required when the area is wet, consult with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above.





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- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
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- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 14

Following construction at structure 790, crews would backtrack down China Gulch Road and take Slate Creek Dam Road (530) north to the ROW between structures 788 and 787, accessing structures 789-784 within the ROW. Crews would then backtrack to Slate Creek Dam Road to California Gulch Road, taking it west to a new spur road to structure 783. Crews would then backtrack to Slate Creek Dam Road following it north to Slate Creek BR.1A, following it south to the ROW and an un-named road (which turns into Silver City 270 Road), following this un-named road to Structures 781 and 782.

Construction between structures 790 and 781 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

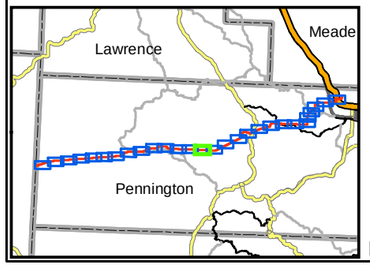
Portions of California Gulch Road and Silver City 270 Road are located in a stream buffer. These roads would only be used if dry. Any improvements to this road within the buffer would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. A wetland and/or fen buffer is located within the ROW between structures 782 and 783. No construction or ground disturbance would be allowed in this buffer. Slate Creek Dam Road crosses several stream and wetland buffers and will be used as is. Vehicles and equipment would not leave the improved road surface in those locations.

PVT
PVT
Sec 27
Sec 26
Friday Gulch
Skull Gulch
772
773
774
775
776
777
778
779
780
781
782
T1NR4E
USFS
QUINGY
SLATE CREEK-BR-1A
ROCHFORD-07
M&C
M&C
M&C
SP
Friday Gulch
Northern Goshawk April 1-August 15
Northern Goshawk April 1-August 15

Construction Access Roads

MAJOR ROADS
- State Highway
- County Road

PRELIMINARY ACCESS ROADS
- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road



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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

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PENNINGTON COUNTY, SOUTH DAKOTA

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Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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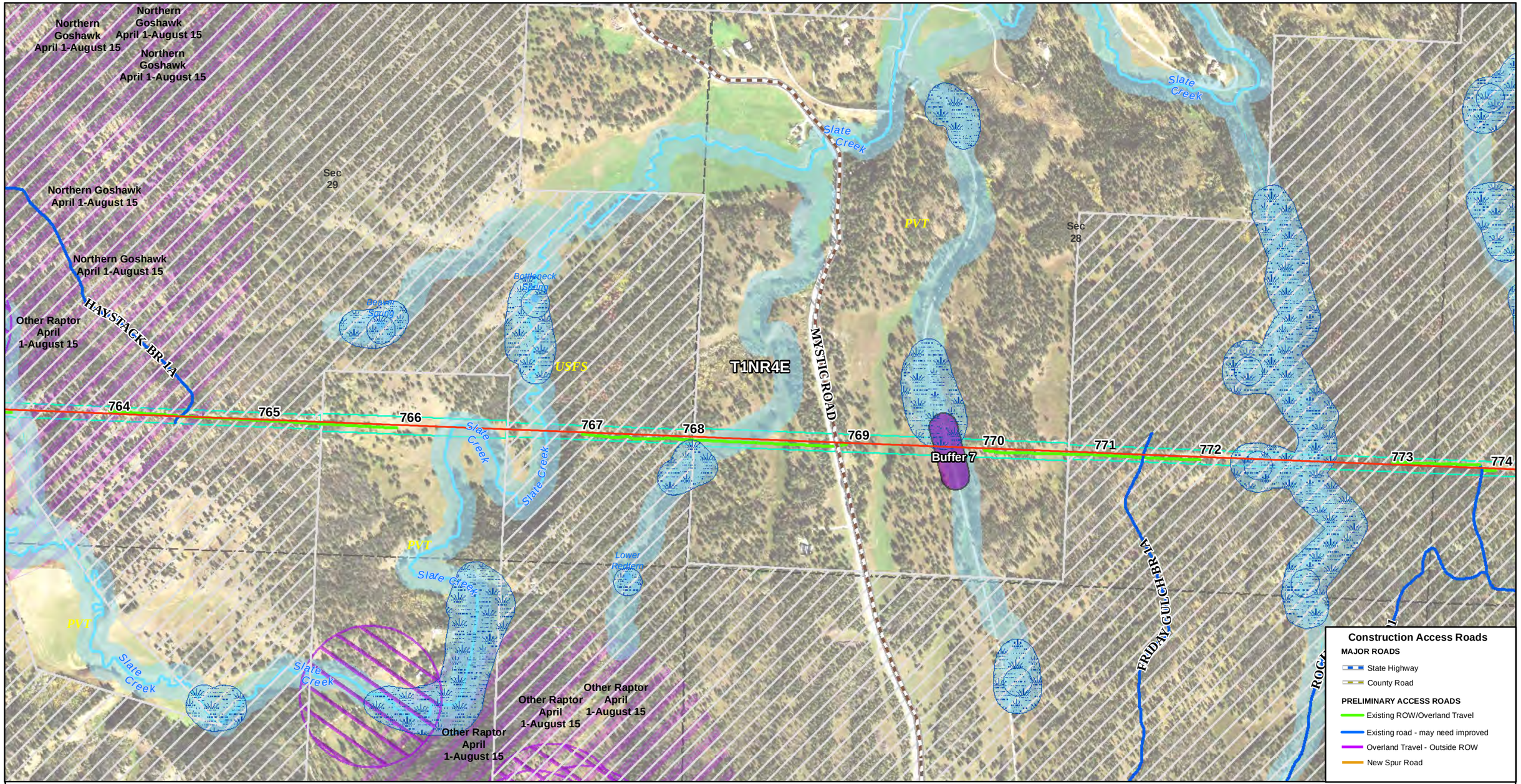
Map 15

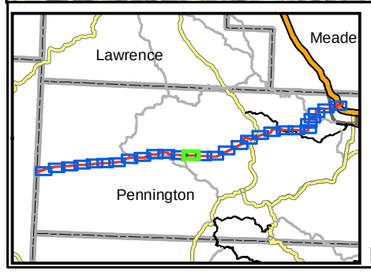
Crews would then backtrack on the un-named road, which turns into Quincy Road (530.1B), accessing structures 780-776 from this road and in the ROW. Crews would continue west on Quincy Road accessing structures 775-773 via existing spur roads.

All bat roost/mines/caves within 500 feet of construction activities will be surveyed for potential habitat prior to construction. If habitat is identified, the BHNF biologist will be contacted and coordinated with regarding spatial and timing restrictions. If a site is determined to NOT potentially provide bat habitat, then activity restrictions for that site would not apply. Surveys of potential hibernacula should be performed during the active season (April 1 – October 31) rather than the hibernation season (November 1 – March 31) so as not to disturb hibernating bats.

Construction between structures 782 and 773 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

The access road between structure 779 and 780 crosses stream and wetland buffers. This road would only be used if dry. Any improvements to this road within the buffers would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. The ROW between structure 779 and 780 also crosses the stream and wetland buffer. No construction or ground disturbance would be allowed in this buffer. Quincy Road also crosses a stream buffer. This road would only be used if dry. Any improvements to this road within the buffers would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 16

Following construction of structure 773, crews would backtrack to the intersection of Quincy and Rochford Road (U180001), following Rochford Road west and south to Friday Gulch BR.1A Road (643.1A), taking it north to the ROW. Crews would work east and west within the ROW to structures 772-770. Crews would then backtrack and take Friday Gulch Road to Mystic Road, following Mystic Road north to the ROW. Crews would exit Mystic Road within the ROW and access structures 769-767. Crews would backtrack to Mystic Road following it north to Haystack Road (242) following it west and south to Haystack BR.1A (242.1A) and to the ROW where crews would access structures 766-764 within the ROW.

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structure 765 to 764.

Construction between structures 774 and 771, 768 and 767, and 765 and 764 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

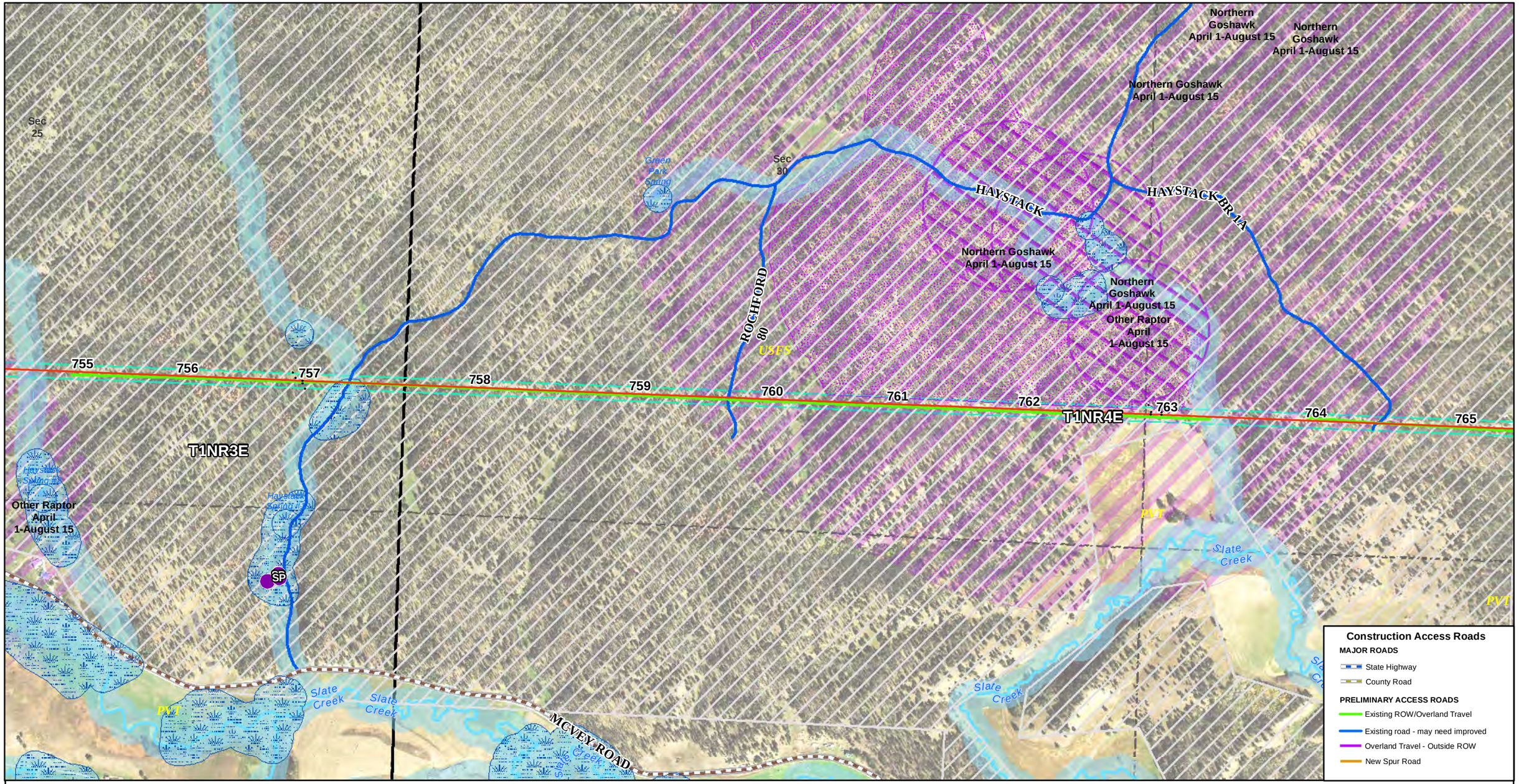
Rochford Road crosses a stream buffer. This road would only be used if dry. Any improvements to this road within the buffer would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. The ROW between structure 772 and 773 crosses a stream and wetland buffer. No construction or ground disturbance would be allowed in this buffer. The access within the ROW between Mystic Road and structure 768 crosses a stream buffer. This road would only be used if dry. Any improvements to this road within the buffer would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. The ROW between structure 766 and 767 also crosses a stream buffer. No construction or ground disturbance would be allowed in this buffer.

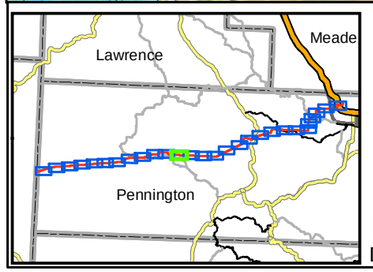
Friday Gulch BR.1A crosses cultural avoidance buffer 8 with the following mitigation measure:

Buffer 8	SD	Alpine must mark the avoidance buffer prior to work. Vehicles may use the access road through the site with the following stipulations: no road improvements within the avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road; and road should not be used in conditions that may cause rutting, such as when muddy.

The ROW west of structure 770 crosses cultural avoidance buffer 7 with the following mitigation measure:

Buffer 7	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the 100-ft. (30-m) site avoidance buffer.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 17

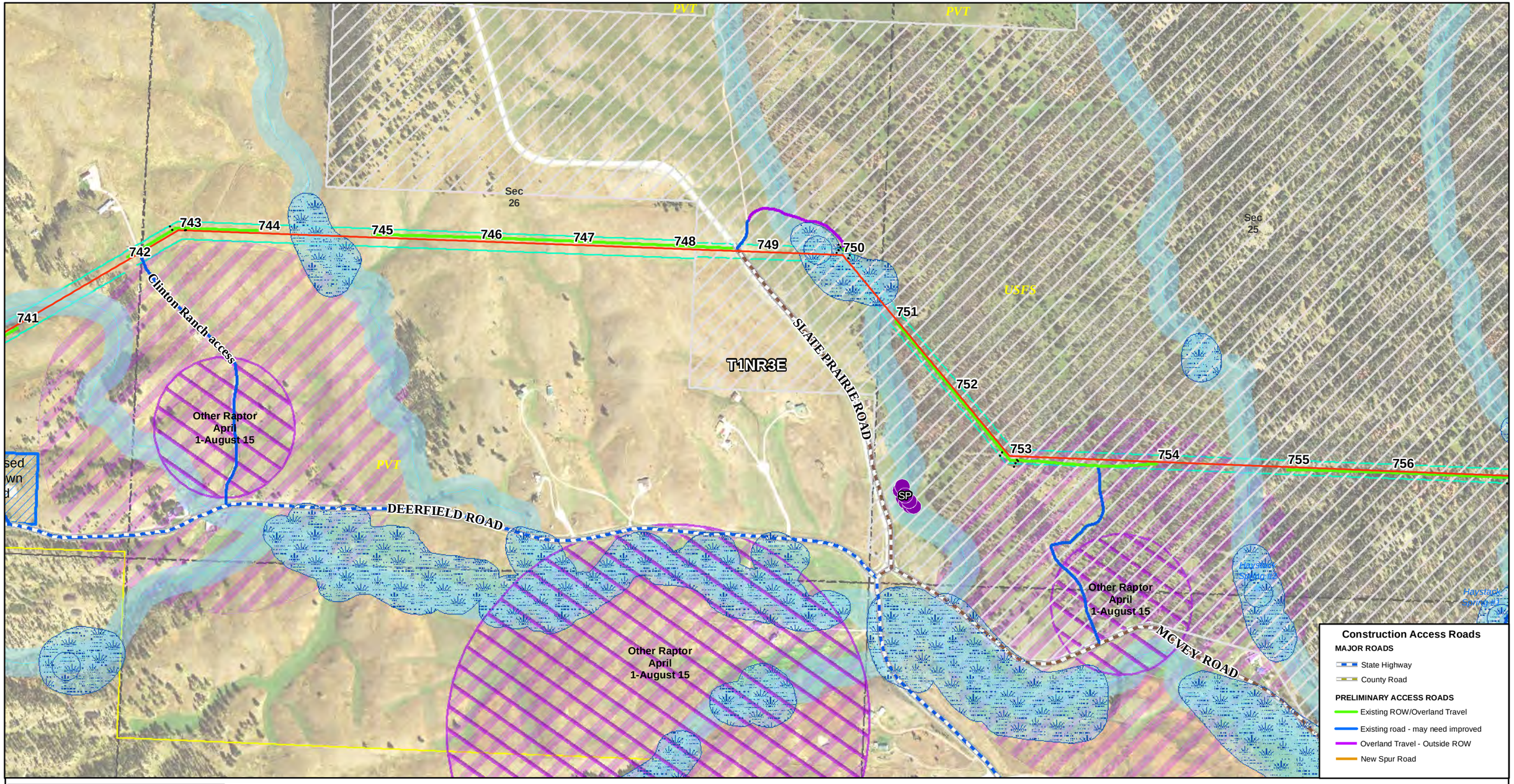
Following construction at structure 764, crews would backtrack to Haystack Road (242) following it west to Rochford 80 Road (U180080) following it south to the ROW, accessing structures 763-758 within the ROW. Crews will either continue west within the ROW or backtrack to Haystack Road, following it to the ROW and accessing structures 757-755 within the ROW.

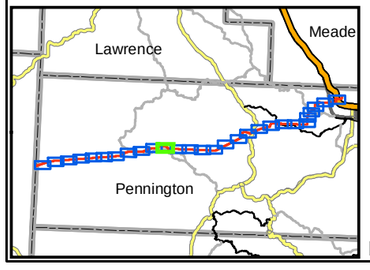
Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structure 765 to 760.

Construction between structures 764 and 755 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

Haystack Road crosses several stream and wetland buffers. All vehicles and construction equipment shall stay on the improved road surfaces in these locations. These roads would only be used if dry within the buffers. Any improvements to this road within the buffer would require consultation with the BHNF Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above.

Sensitive plants are located adjacent to Haystack Road. All vehicles and construction equipment shall stay on the improved road surfaces in this location.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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Map 18

Following construction at structure 755, crews would then backtrack to Haystack Road and follow it south to McVey Road, taking McVey Road west to an un-named access road on the north accessing structures 754-751 within the ROW. Crews would then backtrack to McVey Road and continue west to Slate Prairie Road, travelling north to the ROW. Crews would leave Slate Prairie Road near structure 749, travelling overland to the east, avoiding a wetland and accessing structure 750. Crews would then backtrack to Slate Prairie Road and access structures 748-745 within the ROW. Crews would backtrack to Deerfield Road, taking it west to an existing road on private property, using it to access the ROW and structures 744-742 within the ROW.

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structure 755 to 753.

Construction between structures 755 and 749 would be subject to big game winter range timing restrictions. No construction or road construction between 12/15 and 5/15.

The ROW between structure 754 and 755 crosses a stream and wetland buffer. No construction or ground disturbance would be allowed in this buffer. The access to structure 750 was modified to avoid a spring and wetland buffer. The access would cross a stream buffer. Prior to crossing the buffer, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Due to engineering constraints, portions of structure 750 would be located within the stream and wetland buffer. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources. A wetland buffer exists between structures 744 and 745. No construction or ground disturbance would be allowed in this buffer.

Sec 28

Sec 27

PVT

USFS

PVT

T1NR3E

DEERFIELD 86

734

735

736

737

738

739

740

741

742

743

744

745

733

732

731

730

Dutchman Spring

Durchman Creek

Clinton Ranch access

Other Raptor April 1-August 15

Other Raptor April 1-August 15

Proposed Laydown Yard

DEERFIELD ROAD

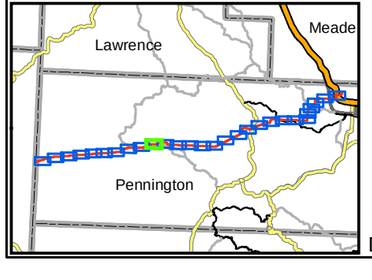
Construction Access Roads

MAJOR ROADS

- State Highway
- County Road

PRELIMINARY ACCESS ROADS

- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road



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230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Mitigation Areas

- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission

- Project centerline and structure number/location

WETLAND

- Wetlands and Fens -100 foot buffer
- Springs

STREAMS

- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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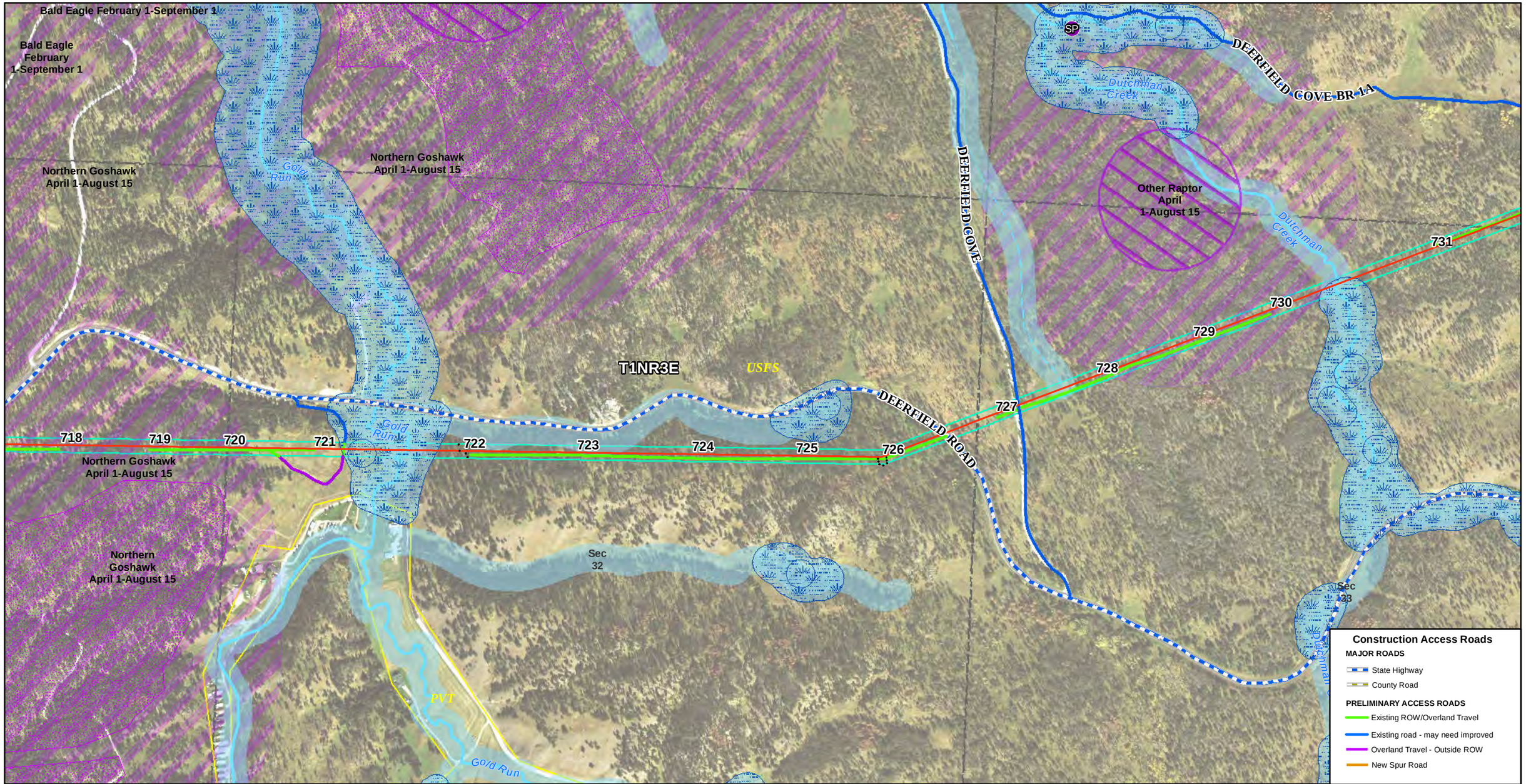
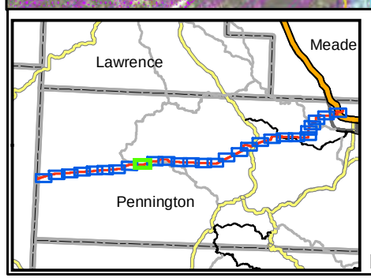
Map 19

Following construction at structure 742, crews would backtrack to Deerfield Road and travel west to the Clinton laydown yard located on private property. From the laydown yard, crews would travel overland to the ROW, accessing structures 741-738 within the ROW. Crews would then backtrack to Deerfield Road and travel west to Deerfield Cove Road (607), following it north to Deerfield Cove BR 1A Road (607.1A) and Deerfield 86 Road (U170086). A small spur road would be utilized to access the ROW and structures 733-731. Deerfield 86 Road then enters the ROW and crews would access structures 737-734 within the ROW.

Sensitive plants are located adjacent to Deerfield Cove Road BR 1A. All vehicles and construction equipment shall stay on the improved road surfaces in this location.

A stream buffer exists between structure 741 and 742. Vehicles and equipment will not cross this buffer. The ROW crosses a wetland and stream buffer between structure 737 and 739. Structure 738 is located on the southern edge of the wetland buffer. Prior to crossing the buffer and constructing structure 738, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources. A wetland and stream buffer is located between structure 730 and 731. Vehicles and equipment will not cross this buffer.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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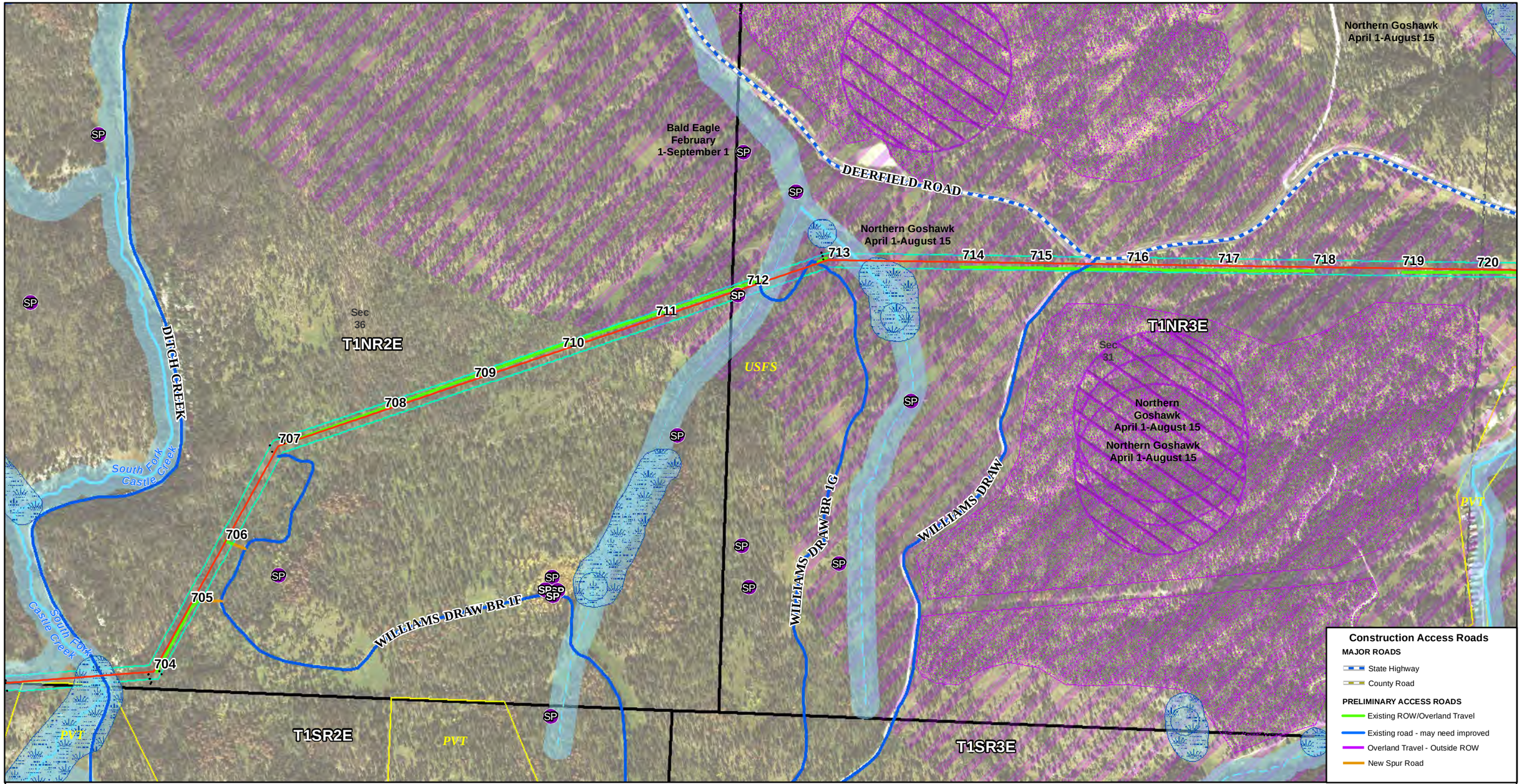
Map 20

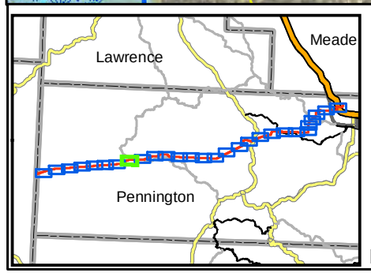
Crews would backtrack to Deerfield Cove Road (607) and access the ROW near structure 727, accessing structures 730-728 within the ROW to the east and structure 727 to the west. Crews would then backtrack to Deerfield road travelling west to the ROW. Crews would enter the ROW from Deerfield Road accessing structures 726-722 within the ROW. Crews would then backtrack to Deerfield Road travelling west to an existing two track north of structure 721. Crews would use this two track to access the ROW and structures 721-719.

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structure 731 to 728 and 721-719.

Sensitive plants are located adjacent to 607.1A Deerfield Cove BR 1A Road. All vehicles and construction equipment shall stay on the improved road surface in this location.

Stream and wetland buffers are located adjacent to 607.1A Deerfield Cove BR 1A Road. All vehicles and construction equipment shall stay on the improved road surface in this location. A wetland and stream buffer is located between structure 721 and 722. A portion of an existing access road to structure 721 that crosses the western edge of the buffer may need to be improved for use. Prior to crossing the buffer, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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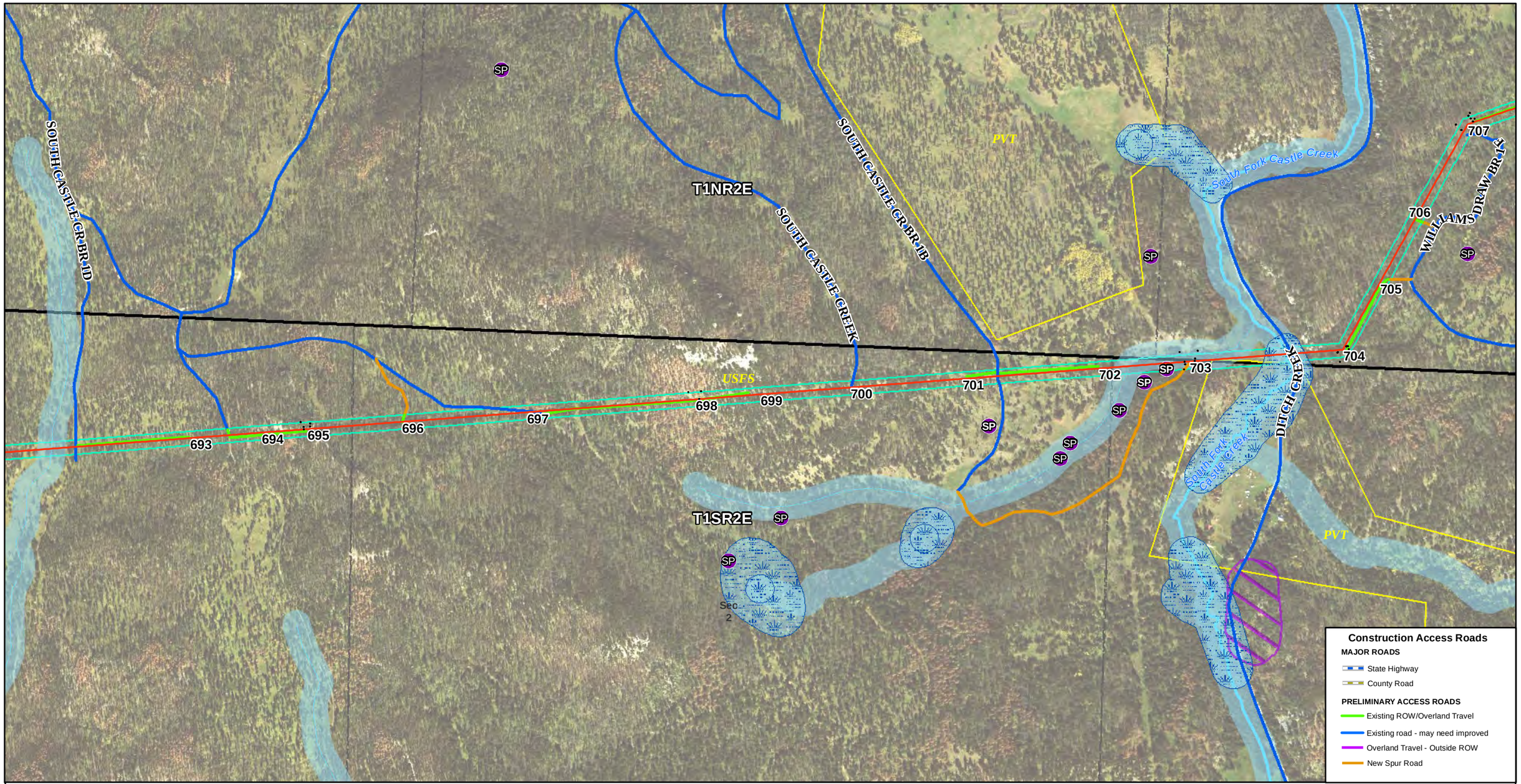
Map 21

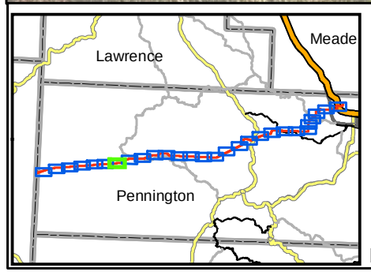
Following construction at structure 719, crews would backtrack to Deerfield Road travelling west to Williams Draw Road (691). Crews would access the ROW from Williams Draw Road and work east to structures 719-716 and west to structures 715-714. Crews would then backtrack to Williams Draw Road travelling south to Williams Draw BR 1G Road (691.1G), taking this existing road to structures 713 and 712 and continuing down the ROW to structures 712-707. At structure 707, crews would use Williams Draw BR 1F Road (691.1F) following it south where small spur roads would be used to access 706 and 705, and accessing structure 704 within the ROW

Construction would not be allowed between April 1 and August 15 in the following locations without prior approval from the BHNF biologist: structure 719-711.

Sensitive plants are located adjacent to Williams Draw Road. All vehicles and construction equipment shall stay on the improved road surfaces in this location. Sensitive plants also occur within the ROW between structures 711 and 712. These plants will be flagged and avoided if possible. If they cannot be avoided, equipment shall only enter when soils are dry or frozen. The contractor will consult with the USFS botanist prior to construction in this area.

A wetland and stream buffer is located between structure 713 and 714. Vehicles and equipment will not cross this buffer. The existing access road to structure 712 as well as the existing access road to structure 707 cross a stream buffer. If improvements to these roads are required for construction, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources.





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LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

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Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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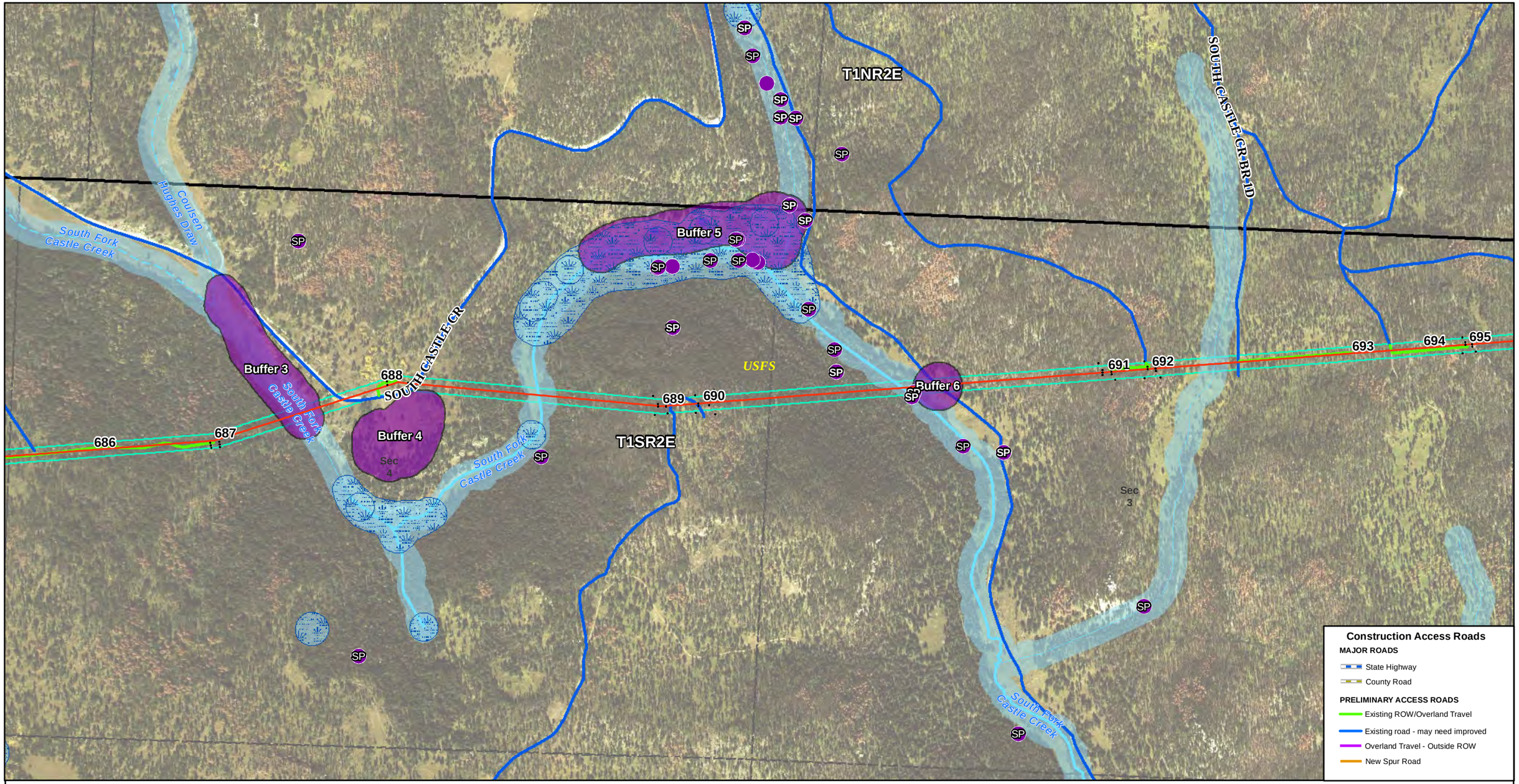
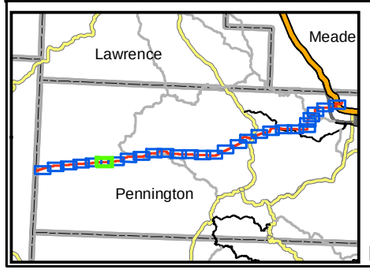
Map 22

Following construction at structure 704, crews would backtrack on Williams Draw BR 1F Road to Williams Draw Road to Deerfield Road continuing west on Deerfield Road to Ditch Creek Road exiting Ditch Creek Road onto South Castle Creek Road (294). Travelling south on South castle Creek Road, crews would turn south onto South Castle Creek BR 1B Road (294.1B) following it to the ROW. Crews would access structures 701 and 702 within the ROW and utilize a new spur road to access structure 703. Crews would then backtrack on South Castle Creek BR 1B Road to an existing un-named road connecting to South Castle Creek Road (294.1I), following it to the ROW at structure 700. Crews would then backtrack to an existing un-named road using it to access the ROW and structures 699-696. Crews would then backtrack to another existing un-named road to access the ROW and structures 695-694. Crews would then backtrack and take another existing un-named road north to South Castle Creek BR 1D Road (294.1D), taking it south to the ROW. Crews would access structure 693 within the ROW.

Sensitive plants are located adjacent to South Castle Creek BR 1B Road and the spur road to structure 703. All vehicles and construction equipment shall stay on the improved road surfaces and spur road in these locations. Sensitive plants also occur within the ROW between structures 702 and 703. These plants will be flagged and avoided. No equipment will enter the flagged plant buffer. If tree removal for conductor clearance is required, trees will be felled on foot with chainsaws and left on the ground. The contractor will consult with the USFS botanist prior to construction in this area.

A wetland and stream buffer is located between structure 703 and 704. Vehicles and equipment will not cross this buffer. The new access road to structure 703 crosses a stream buffer. Due to engineering constraints, structure 703 is located within a stream buffer. Prior to crossing the buffer, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

Date: 4/22/2016

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Map 23

Crews would then backtrack north on South Castle Creek BR 1D Road to South Castle Creek Road (294), taking it west to Preacher Spring 89 Road (U220089). Crews would travel south on Preacher Spring 89 Road, Pole Creek BR 1A Road, Pole Creek Road (385), Ditch Creek Road (291.4), Six Mile Road (301), South Pole Creek Road (593), South Pole Creek BR 1E (593.1E), and Preacher Spring 88 Road (U220089) to access the ROW and structures 690 and 689 (the portion of Preacher Spring 89 Road between its intersection of Pole Creek BR 1A Road and structure 690 is to be completely avoided by construction activities). Crews would then backtrack the way they came in ending up at South Castle Creek Road. Crews would travel west on South Castle Creek Road to the ROW and structure 688. Crews would then continue west on South Castle Creek Road to Duck Lake Road (294.2C), taking it south to the ROW and Powerline CZ-5001 Road (451). Once on Powerline Road, crews would travel east to structure 687 and 686.

Pole Creek BR.1A Road crosses cultural avoidance buffer 6 with the following mitigation measure:

Buffer 6	SD	Alpine must mark the avoidance buffer prior to work. No structures, grading, vegetation clearing, or other disturbances within the 100-ft. (30-m) site avoidance buffer. Vehicles may use the access road through the site with the following stipulations: no road improvements within the avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road; and road should not be used in conditions that may cause rutting, such as when wet. The proposed decking or staging area should not be used.

Cultural buffer 4 is located south of structure 688 and south of South Castle Creek Road with the following mitigation measure:

Buffer 4	SD	Alpine must mark the avoidance buffer prior to work. The structure location north of South Castle Creek Road (FR 294) should be used and all project work should be limited to the areas north of the road. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the 100-ft. (30-m) site avoidance buffer. Vehicles may travel along South Castle Creek road without restriction. The proposed staging area in this location should not be used.

The project ROW crosses cultural buffer 3 with the following mitigation measure:

Buffer 3	SD	Alpine must mark the avoidance buffer prior to work. No structures, vehicle traffic, grading, vegetation clearing, or other disturbances within the 100-ft. (30-m) site avoidance buffer.

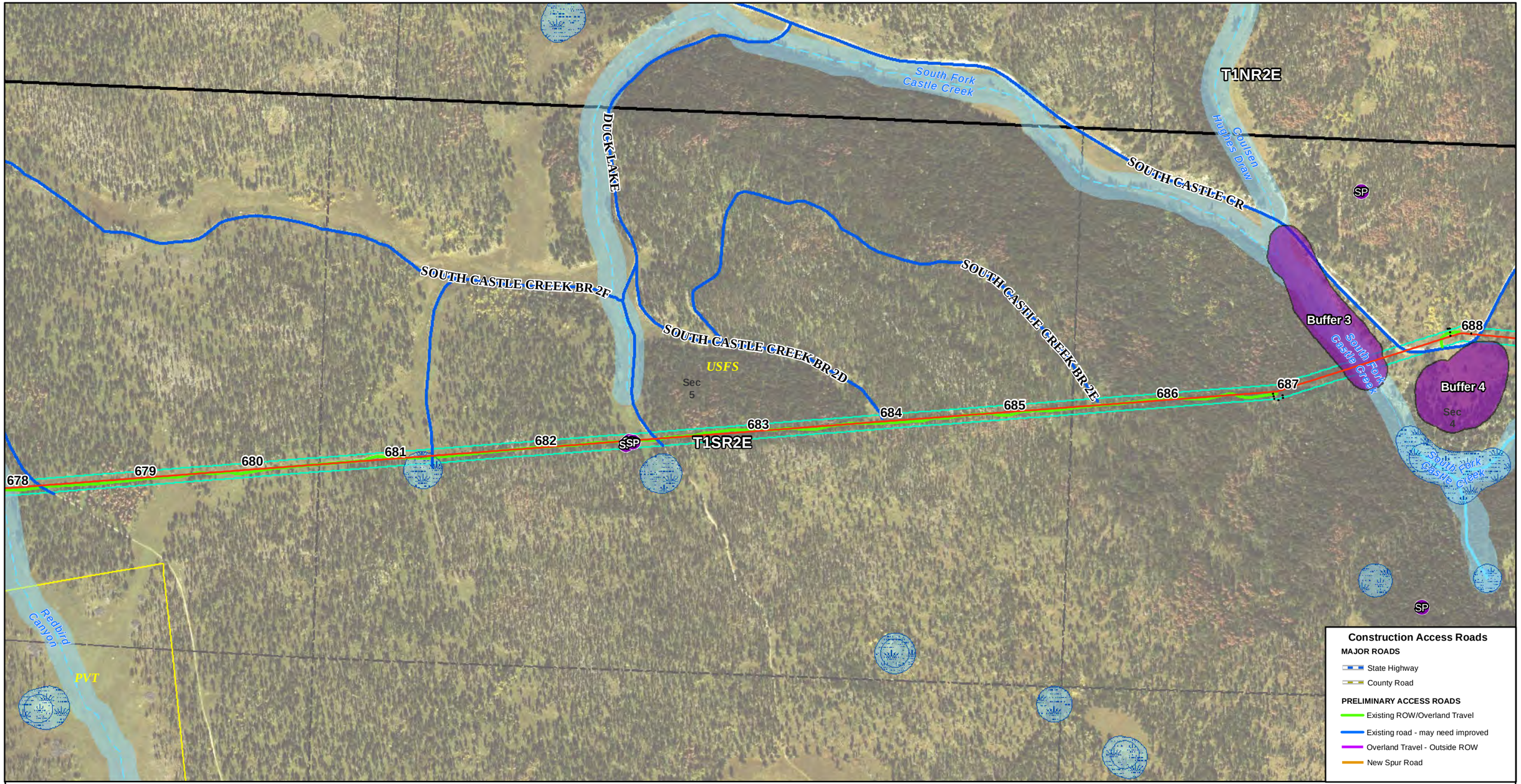
It is anticipated that cultural buffer 5 will be avoided. If the road is needed for access to structures 689 and 690, the following mitigation measure would apply:

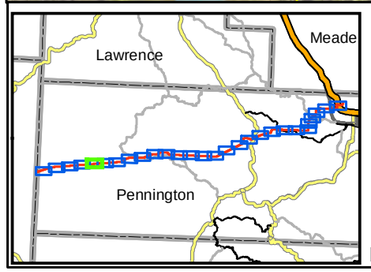
Buffer 5	SD	Alpine must mark the avoidance buffer prior to work and must monitor installation and removal of fill or matting. Vehicles may use the access road through the site with the following stipulations: no road improvements within the 100-ft. (30-m) avoidance buffer; vehicle traffic should be limited to rubber-tired vehicles; vehicles should not leave the established road; the road should not be used in conditions that may cause rutting, such as when muddy, and the easternmost 500 ft. of the road through the site must be covered with protective Geotextile fabric and fill dirt or ground-protection matting. Matting must be approved by the BHNF.

Sensitive plants are located adjacent to Pole Creek BR 1A and Preacher Spring 89 Roads. All vehicles and construction equipment shall stay on the improved road surfaces in this location. Sensitive plants also occur within the ROW between structures 690 and 691. These plants will likely be spanned and will be flagged for avoidance.

Stream buffers are located adjacent to South Castle Creek Road and Pole Creek BR 1A Road, and Preacher Spring 89 Road. All vehicles and construction equipment shall stay on the improved road surface of these roads. Prior to construction in this area, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above. Prior to construction beginning, erosion and sediment control measures including but not limited to silt fence would be installed downslope of the construction area to prevent sediment from reaching the wetland or stream. Additional BMPs described in sections 1-14 above relating to work near streams and wetlands and reclamation will also be utilized to ensure there will be no adverse impact to these resources. A stream buffer exists between structure 692 and 693. Vehicles and equipment will not cross this buffer.

Slopes over 40% exist between structure 688 and 691. Construction vehicles and equipment will not travel the ROW between these structures.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Page 24 of 28
Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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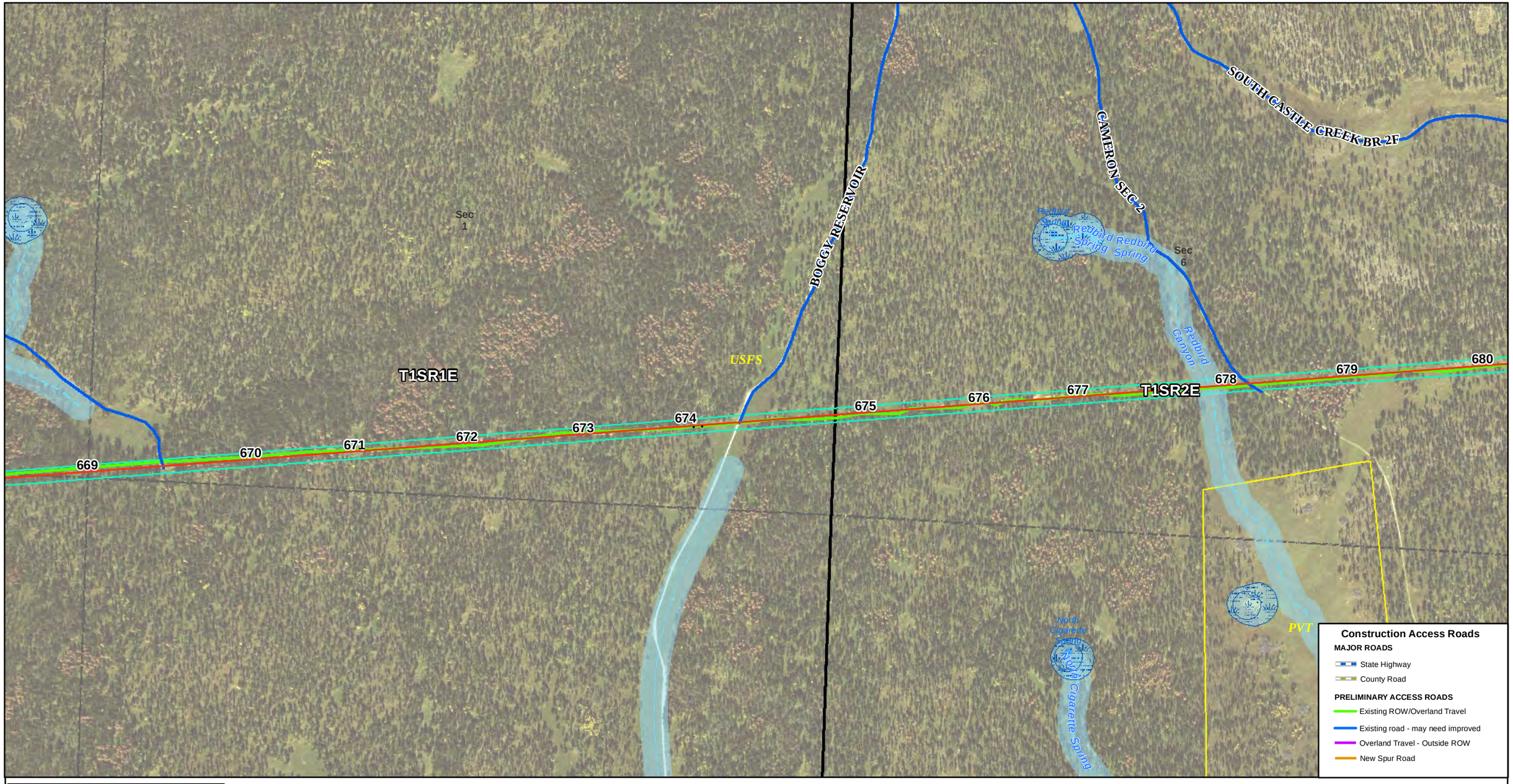
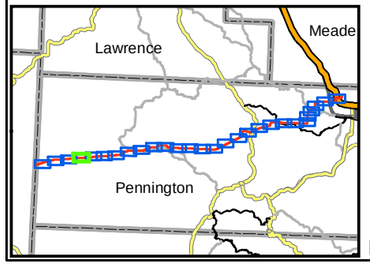
Map 24

Following construction at structure 686, crews would travel west on Powerline CZ Road within the ROW accessing structures 685-679.

Sensitive plants occur within the ROW between structures 682 and 683. These plants will be flagged and avoided if possible. If they cannot be avoided, equipment shall only enter when soils are dry or frozen.

A stream buffer is located adjacent to South Castle Creek Road. All vehicles and construction equipment shall stay on the improved road surface of this road. Stream buffers are also located adjacent to Duck Lake Road and South castle creek BR 2F. If these roads are used for construction, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream buffer crossing and utilize applicable BMPs as described in sections 1-14 above.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Page 25 of 28
Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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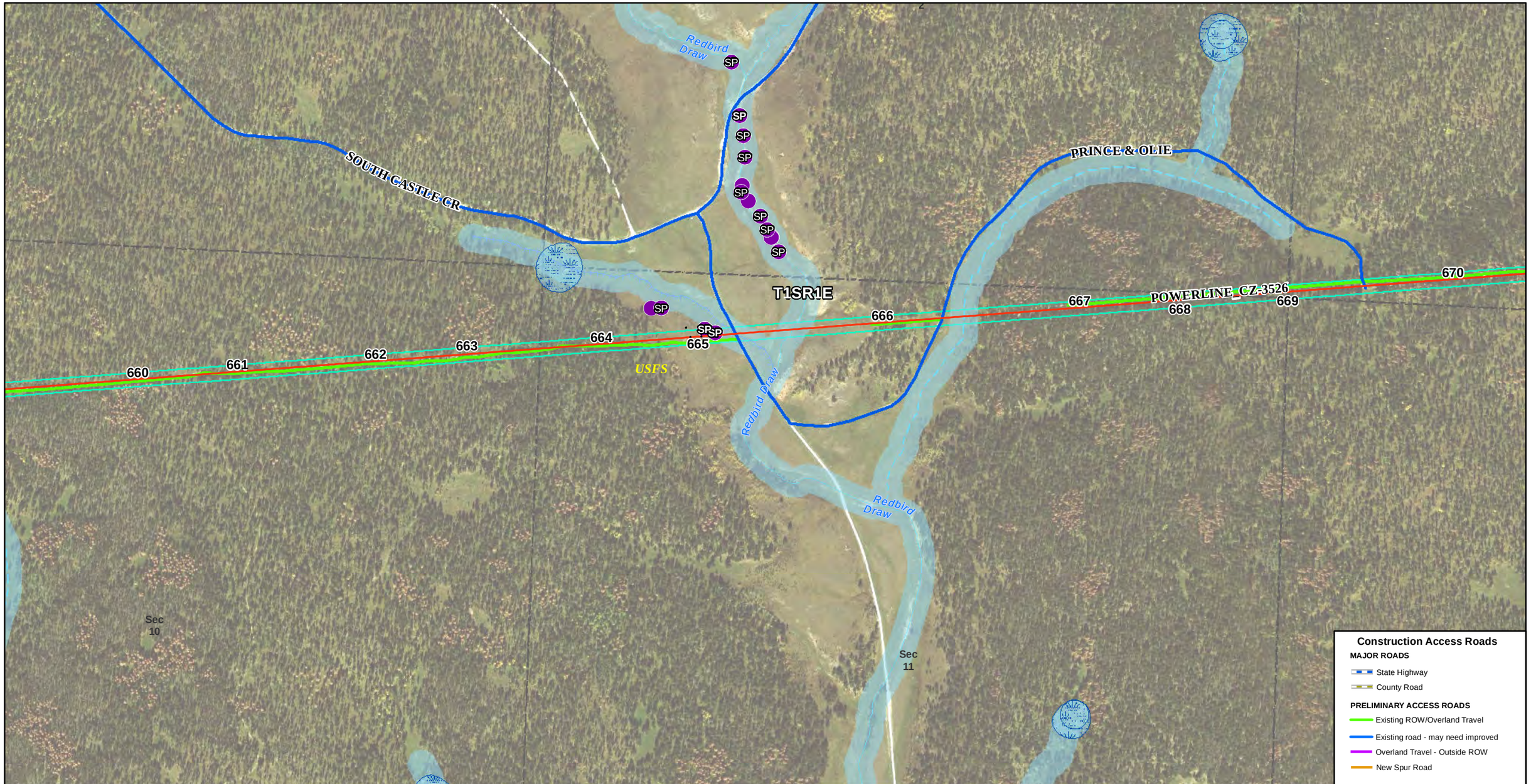
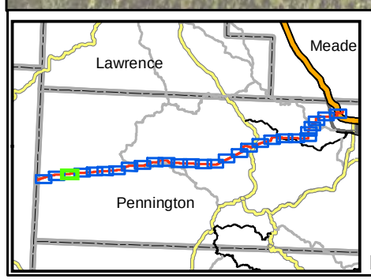
Map 25

Following construction at structure 679, crews would continue west on Powerline CZ Road within the ROW accessing structures 678-669.





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TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Page 26 of 28
Date: 4/22/2016

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

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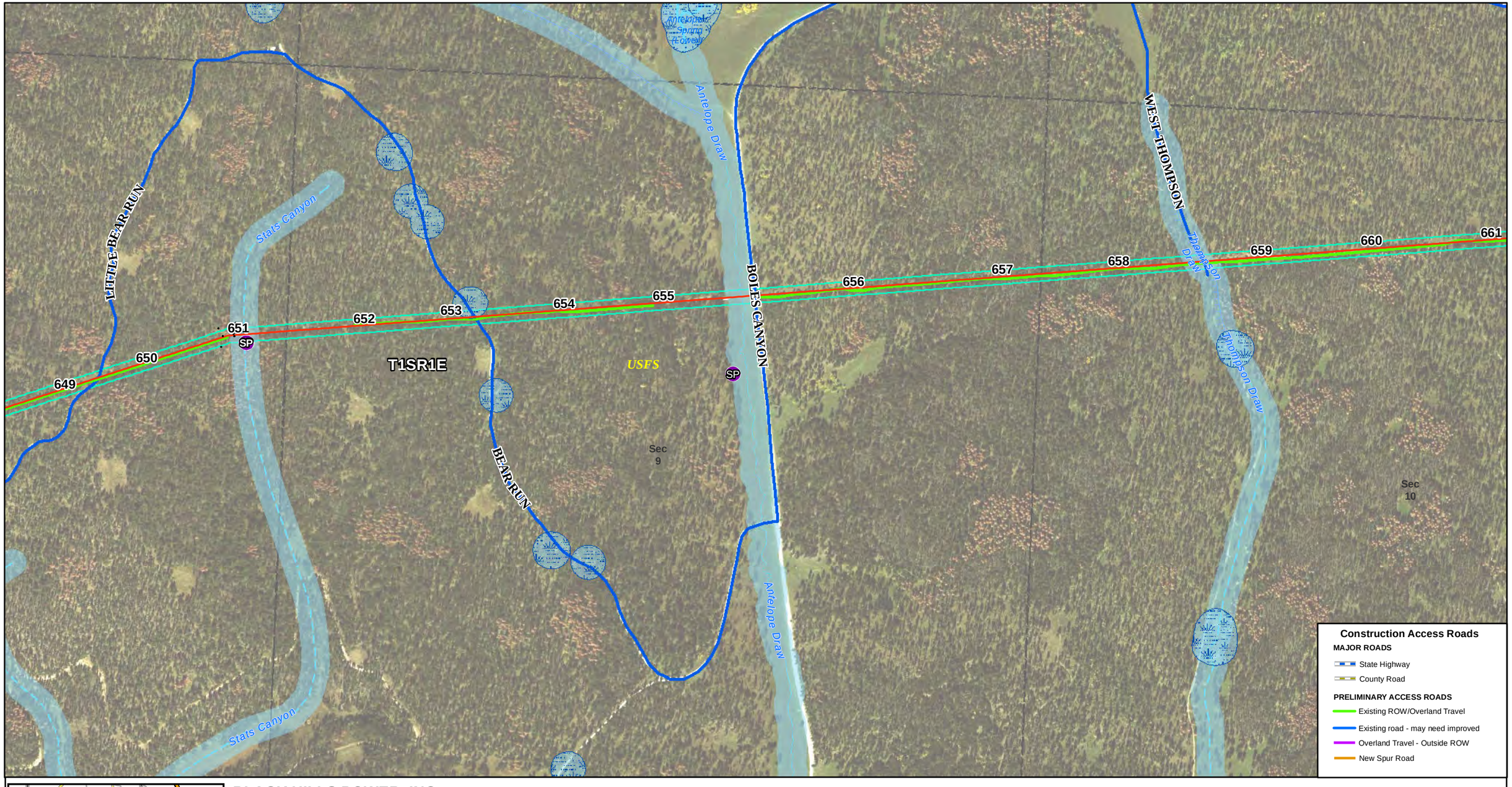
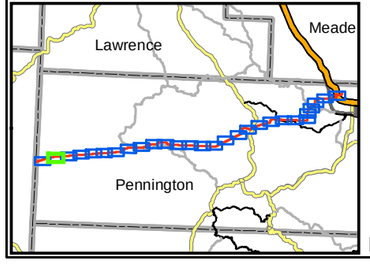
Map 26

Following construction at structure 669, crews would continue west on Powerline CZ Road accessing structures 668 and 667. Crews would then backtrack to Prince and Olie Road (384.1D), taking it west to its intersection with the ROW where crews would access structure 666 then continue on Prince and Olie Road to Briggs Spring Road (384) heading north to its intersection with the ROW. Crews would exit Briggs Spring Road onto Powerline Road within the ROW working west to structures 665-660.

Sensitive plants occur within the ROW near structure 665. These plants will be flagged and avoided if possible. If they cannot be avoided, equipment shall only enter when soils are dry or frozen. Sensitive plants are located adjacent to South Castle Creek Road. All vehicles and construction equipment shall stay on the improved road surface of these roads.

South Castle Creek and Briggs Spring Road cross several stream buffers. All vehicles and construction equipment shall stay on the improved road surface of these roads.





BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

Date: 4/22/2016

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Map 27

Crews would continue west on Powerline Road within the ROW to structure 656, then continue west to Boles Canyon (117.1) taking it south to Bear Run Road (114) following it north to the ROW and Powerline Road. Crews would work east to structures 655 and 654, and then work west to structures 653 and 652. Crews would then backtrack to Bear Run Road taking it west to its intersection with the ROW. Crews would work east to structures 651 and 650 then west to structures 648 and 649 within the ROW.

Sensitive plants occur near the edge of the ROW near structure 651. These plants will be flagged and avoided.

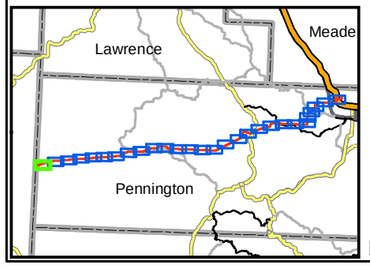
A stream buffer is located adjacent to Boles Canyon Road. All vehicles and construction equipment shall stay on the improved road surface of these roads. Bear Run Road crosses a stream buffer and several wetland buffers. Prior to construction in this area, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for each stream and wetland buffer crossing and utilize applicable BMPs as described in sections 1-14 above.

WYOMING
SOUTH DAKOTA
Sec 7
Sec 8
Little Bear Run
LITTLE BEAR RUN BR 1A
LITTLE BEAR RUV
T1SR1E
USFS
640
641
642
643
644
645
646
647
648
649
650
651
Stats Canyon
Stats Canyon
Stats Canyon

Construction Access Roads

MAJOR ROADS
- State Highway
- County Road

PRELIMINARY ACCESS ROADS
- Existing ROW/Overland Travel
- Existing road - may need improved
- Overland Travel - Outside ROW
- New Spur Road



BLACK HILLS POWER, INC.

TECKLA-OSAGE-LANGE
230 kV TRANSMISSION LINE

LANGE TO SOUTH DAKOTA BORDER
ACCESS ROADS AND MITIGATION RESTRICTIONS
PENNINGTON COUNTY, SOUTH DAKOTA

Scale 1 to 8,000

0 250 500 1,000 1,500 2,000 Feet

Mitigation Areas
- Areas requiring additional mitigation restrictions.
- BHNF Big Game Winter Range - MA 5.4 (closed to construction 12/15 - 5/15)
- BHNF Big Horn Sheep Lambing Areas (closed to construction 4/1 - 6/15)
- M&C Mines and Caves
- B R Bat Roosts
- SP Sensitive Plants

Transmission
- Project centerline and structure number/location

WETLAND
- Wetlands and Fens -100 foot buffer
- Springs

STREAMS
- Perennial
- Intermittent
- Ephemeral
- Swale
- 100 foot stream buffer

Notes:

Ground disturbance would be prohibited within 100 feet of surface water and/or riparian areas unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation would occur prior to development.

Prior to construction, active raptor nests would be identified within the analysis area. Nests would be avoided while active. Timing and disturbance buffers would be maintained around identified nests of raptor SOLC and sensitive species using USFWS-recommended spatial and temporal buffers for construction-related activities.

Date: 4/22/2016

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Map 28

Crews would then backtrack to Little Bear Run (115) following it west a little over 0.5 mile where a new spur road would be needed to access structure 646. Following construction at structure 645, crews would backtrack to Little Bear Run Road and follow it west to its intersection with the ROW and work east to 644 and west to structure 643 within the ROW. Crews would backtrack to Little Bear Run Road and continue west to Little Bear Run BR 1A (115.1A) taking it east to structure 645, then continue east on Little Bear Run BR 1A to the ROW near structure 647, accessing structure 647 from the ROW. Crews would then backtrack on Little Bear Run BR 1A to Little Bear Run Road and continue west to an existing un-named road leading to structure 641 and then access structure 642 within the ROW.

Little Bear Run road will be used to access structure 647. This existing road crosses a wetland buffer. Prior to crossing the buffer, the contractor would consult with the BHNF/MYRD Hydrologist to identify the necessary site-specific design requirements for this buffer crossing and utilize applicable BMPs as described in sections 1-14 above.

Appendix I

Training Log, Subcontractor Certifications, Corrective Action Log, SWPPP Update Log

Corrective Action Log

Project Name: Teckla-Osage-Rapid City 230 kV

SWPPP Contact: Michael A. Pogany, P.E.

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/Responsible person

SWPPP Amendment Log

Project Name: Teckla-Osage-Rapid City 230 kV

SWPPP Contact: Michael A. Pogany, P.E.

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Title: Teckla-Osage-Rapid City 230 kV Transmission Project

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the BMPs and practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

SWPPP Training Log

Project Title: Teckla-Osage-Rapid City 230 kV Transmission Project

BHC Trainer:

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

I certify that I have attended BHC stormwater training for the SWPPP for the above designated project and agree to follow the BMPs and practices described in the SWPPP.

Name	Company	Date

Appendix J

Inspection Logs

Storm Water Construction Site Inspection Report

General Information			
Project Name	Teckla-Osage-Rapid City 230kV Transmission Project		
NPDES Tracking No.	WYR105257 (WY) SDR10H659 (SD)	**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s), Title			
Inspector's Contact Information			
Describe present phase of construction			
Type of Inspection: ❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? ❑Yes ❑No **If yes, provide:** Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds ❑ Other: Temperature:			
Are there any stormwater discharges at the time of inspection? ❑Yes ❑No **If yes, describe:**			

Site-specific BMPs

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1	Existing Vegetation (Vegetated Buffer Zones)	❑Yes ❑No	❑Yes ❑No	
2		❑Yes ❑No	❑Yes ❑No	
3		❑Yes ❑No	❑Yes ❑No	
4		❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not	❑Yes ❑No	❑Yes ❑No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	actively being worked properly stabilized?			
2	Are discharge points, offsite property, and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
4	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No	
5	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
6	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
8	Are non-stormwater discharges (e.g., concrete wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	

Compliance Statement

Based on the results of this inspection, I hereby certify the site is in compliance with the stormwater pollution prevention plan and the construction stormwater permit.

❑Yes ❑No

If No, describe non-compliance and anticipated corrective actions below.

CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print name and title: _____

Signature:_____ **Date:**_____

Appendix K

Authorization Letters from WDEQ and SDDENR

DEPARTMENT OF ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 13, 2016

Stuart Wevik
Black HIlls Energy - South Dakota, Black HIlls Power Inc
PO Box 1400
Rapid City, SD 57709

Dear Mr. Wevik:

Thank you for submitting your Notice of Intent for the general storm water discharges associated with construction activities permit. This letter grants you coverage under this permit for the project listed below in Pennington County, SD. This coverage does not relieve you from complying with other state and local requirements or from obtaining other required permits. The Notice of Intent did not identify a contractor that would be responsible for erosion and sediment control on the project. If a contractor responsible for erosion and sediment control is added, a contractor certification form must be submitted identifying the contractor. The contractor will then be considered a co-permittee for permit compliance. You must maintain your site in compliance with the permit conditions. **Refer to Section 3.0 for effluent limits and Section 4.0 for Pollution Prevention Plan requirements.** Your facility Permit No. is **SDR10H659**. Please refer to this number in future correspondence.

Project Information
Michael Pogany - Contact Person
Teckla - Osage - Rapid City 230 kV Transmission Line
Var, Sec.Var, TVar, RVar
44.121069 Lat., -103.26025 Long.
Rapid City, SD

Please check to be certain the above project is the same as listed in the Notice of Intent.

Please Note: The SDDENR is in the process of reissuing the General Permit for Storm Water Discharges Associated with Construction Activities, which expired on January 31, 2015. The general permit is administratively continued until the new general permit is issued. This letter grants you full coverage under the current permit and automatic coverage under the new general permit. You will be notified when the new general permit is issued.

Thank you for preserving the natural resources of South Dakota. If you have any questions or need any guidance, please contact me at (605) 773-3351 or 1-800-SDSTORM (737-8676).

Sincerely,

William Marcouiller
Natural Resources Engineer
Surface Water Quality Program

c: Mary Bosworth, City of Rapid City, 300 6th St., Rapid City, SD 57701-2724

Permit No.: SDR10H659

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501-3181

GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

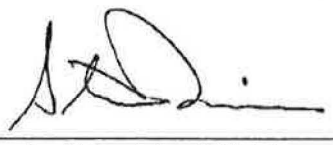
Authorization to Discharge Under the
Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD) Chapters 74:52:01 through 74:52:11, operators of storm water discharges from **construction** activities, located in the State of South Dakota are authorized to discharge in accordance with the conditions and requirements set forth herein.

This General Permit shall become effective on **February 1, 2010**.

This General Permit and the authorization to discharge shall expire at midnight, **January 31, 2015**.

Signed this **31st** day of **December, 2009**



Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations

Matthew H. Mead, Governor

DEQ

Todd Parfitt, Director

June 15, 2012

re: Renewal of the large construction general permit for storm water discharges

Please find the attached Letter(s) of Authorization (LOA) which renews coverage of your facility under the recently reissued **large construction general storm water permit (LCGP).** A copy of that permit was sent to you this past May along with other renewal information. You may obtain additional copies of the permit from the DEQ website at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/ or by calling me at 307-777-7570 (barb.sahl@wyo.gov) or John Gorman at 307-777-5622 (john.gorman@wyo.gov).

Please be sure to read and understand the requirements of the new permit, there have been some changes from the previous permit. Many of the changes were noted in the renewal package you recently received.

If we can be of further assistance, please let us know.

Sincerely,

Barb Sahl

Barbara L. Sahl
Storm Water Program Coordinator
Water Quality Division
barb.sahl@wyo.gov

enclosure: letter(s) of authorization

cc: chron

/bls

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Authorization to Discharge Storm Water Associated Large Construction Activities Under the Wyoming Pollutant Discharge Elimination System

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act and the federal Water Pollution Control Act ,

Black Hills Power, Inc.
Teckla-Osage-Rapid City 230 kV Transmission Line
Section 34, Township 42 North, Range 73 West to Section 15, Township 46 North, Range 60 West., Campbell County

and located within the State of Wyoming which has or may discharge storm water associated with Construction Activities, is hereby authorized to discharge to the surface waters of the State of Wyoming in accordance with the requirements of this permit which was issued April 22, 2016.

Coverage under the general permit expires 12/29/2017.

This facility has been assigned **permit authorization number WYR105257**.

Authorization under this general permit is effective beginning 6/13/2016.

Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions are permitted provided that requirements specified in Part 7.14 are followed and the necessary BMPs are installed and effective. Discharges that consist of process or wastewaters or more than minor amounts of ground water must be covered under a separate WYPDES permit specifically for those discharges.

If a copy of the general permit was requested, it is attached. If you have any questions regarding the conditions of your permit, contact Barb Sahl at (307) 777-7570 or John Gorman at (307) 777-5622. Or visit the storm water website at http://deq.wyoming.gov/wqd/storm-water-permitting/

Barb Sahl

Authorized Signature
Department of Environmental Quality/Water Quality Division

Mailing Address:
Stuart Wevik
PO Box 1400
Rapid City, SD 57702