

**Perch Lake Owners Association (PLOA)
Board Meeting Minutes
October 8, 2016 at Janiak Camp**

Present: Dave Foster, Jim Novitski, Hal Petrimoulx, Tom Van Wagner, Tom Haight, Liz Quinn, Cliff Janiak and Bill Pence

Absent: Carol Hicks-Brown

Visitor: Dawn Buss-Glodowski, North Zone Realty Specialist from the USDA, National Forest Service, Ontonagon Ranger District, 1209 Rockland Road, Ontonagon, MI 49953; phone – (906)884-2411 ext 15; e-mail – dbussglodowski@fs.fed.us

Location: Janiak Camp

Time: 10:00 AM

Adoption of Agenda: Need to delete election of BoD officer's and the reference to the Trans-superior Resources. Motion by Liz, seconded by Ole, unanimous approval

Review and approval of July 3, 2016 BoD minutes: Motion by Jim, seconded by Liz, unanimous approval

Officer's Reports:

President's Report: See attached report

Treasurer's Report: See attached report

Secretary's Report: See July BoD minutes.

Committee Reports

Lake Management: PLOA/NFS Boat launch Containment system take out was discussed. Removal was performed on Wednesday October 5th and finished up on the 6th because severe weather was predicted for Friday. There were 15 volunteers on Wednesday and everything except the posts was removed and hauled to Haight's without the use of the pontoon boat. We had sloppy Joes and potato chips for lunch both days. On Thursday the 6th there were 25 volunteers, three from the NFS, one from Iron county Conservation Service and four additional local people. It took four guys 2 hours to remove all the posts and haul them over to Haight's. Containment System Annual Maintenance:

DESCRIPTION	COST	TOTAL
Containment post steel	\$150	
Curtain Repair Kit	\$250	
Zip ties	\$100	
Batteries	\$50	
Lunch (Wed)	\$75	
CLMP	\$187	
Gift Cards	4@\$50 ea = \$200	\$1,012

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Pontoon trailer	TBD-Jim to review and contact Dave to coordinate with BoD for review/approval of trailer	
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- Cliff made motion and Ole seconded, unanimous approval for expenditure NTE \$1,100.
- The gift cards are for a drawing to give away to volunteers that help with the install/removal and to encourage participation.

Communications: Tom asked for information and reports for his annual newsletter that he prepares. Tom will include the website address in the newsletter.

Nomination Committee: Need to continue to talk to all members to get help each year since we now have 3 people with terms expiring each year.

Membership/historian: No additional information. Dave needs to work with Cliff to develop the position description.

OLD Business:

- Dave still needs to send a thank-you letter to Brian Cryst for all his work on the new website.
- Insurance for 2017/2018: Need to talk to Lee Siler prior to the Spring 2017 BoD meeting to review the new costs which are projected to rise.
- Jim is still looking for help to accomplish the lake weed testing at the south end of the lake from Tilot's Point to the westerly shoreline that is going to be done June 2017. Refer to the schedule of events for the timeframe. Jim is expecting the work to be accomplished in about two days and he is planning to drop the point marker buoys in the morning and they will all be picked up by the end of each day.
- Nexter issue: Hal to draft by-law changes and forward to Dave and he will send out a message to vote on the changes. It was noted that by-law changes can be approved by a majority.
- Water level monitoring: Hal to send out FOIA to get the readings by the NFS and sent to the MIDEQ. Also, to find out if the NFS is going to continue the water level monitoring after the 5 yr period is up.

New Business:

- The meeting was started with a presentation/discussion of the National Forest Service Motor Vehicle Use Map and Special Use permit. Ms. Dawn Buss-Glodowski had arrived earlier to review the options for the North Road with Cliff and Tom Vanwagner. Dawn's main focus was on the special use permit for private property owners that need to cross NFS property for access to their property. She provided a couple of samples of an association form for a special use permit. One was a single page and the other 4 pages (see attached). She

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explained the cost aspect and said that if a business uses NFS property the costs would be different. The cost recovery is in two parts: a 1-time fee for a type of environmental assessment. 8 hrs for \$116 and 8 to 24 hrs for \$412. She said that most sites are in the first two prices. Then there is an annual fee for roads less than one mile @ \$96. This is paid each year and the permit is good for 20 years. They will also provide a gate for the permittee(s). She noted that her assigned area only covers the north half of the lake, but the realty specialist for the south half and her talk quite often and cover for each other. She said that the ranger for the south half is Tony Holland (anthonyholland@fs.fed.us) and his wife is the south realty specialist Michelle Holland (michelleholland@fs.fed.us). She said that we can call her anytime with questions. She drove over 1-1/2 hrs each way on a holiday weekend to talk to us. Her special effort was very much appreciated.

- Motorized Vehicle Use Map (MVUM) update: There are currently two important dates regarding the MVUM --- The revised EA will be released March 27, 2017 and comments will be accepted for 30 days until April 26, 2017. The REQUIRED OBJECTION AND OBJECTION RESOLUTION PERIOD begins June 8, 2017 and ends September 7, 2017. Project details are at this website: <http://www.fs.usda.gov/project/?project=49931>
- A number of members expressed concern over the wireless service reception for Verizon and asked that this be checked into to see if there is anything that can be done to improve the service in the future. Dave to contact Verizon and see what can be done.
- Send an official Thank-you to Iron County and the NFS for their help on the containment.
- 2017 Calendar:

2017 Containment installation**	May 12, 2017 (Friday)
Spring 2017 BoD meeting	May 14, 2017 (Saturday)
Weed Survey (Tilot's pt to west)**	June 16 & 17, 2017 (FRI & SAT)
Annual Meeting & Picnic and BoD Summer meeting	July 2, 2017(Sunday)
Purple Loostripe removal**	September 6, 2017 (Wednesday)
2017 Containment removal**	October 5, 2017 (Thursday)
Fall 2017 BoD meeting	October 7, 2017 (Saturday)
**Advertise \$50 gift card drawing for volunteer activities	

Jim Novitski made motion to Adjourn seconded by Hal. Motion carried. Adjourned at 1:00 PM CDT.

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Respectfully submitted

David Foster

ENCL: Agenda, President's report, Treasurer's report, Lake Management report, DRAFT Nexter bylaw change and 4-NFS documents on Special use permits

Perch Lake Owner's Association
October 8, 2016 Fall Board Meeting
Janiak Camp at 10:00 AM (CDT)

- Roll call for quorum: Bill Pence (Ole), Cliff Janiak, Dave Foster, Jim Novitski, Liz Quinn, Carol Hicks-Brown, Tom Haight, Hal Petrimoulx and Tom Van Wagner
- Adoption of Agenda
- Review & approve Board meeting minutes from July 3, 2016 Board meeting
- **Officers' reports**
 - President
 - Treasurer
 - Secretary
- **Committee reports**
 - Lake Management
 - Communications
 - Nomination Committee
 - Membership/historian
- **Old Business**
 - PLOA/NFS Boat Launch Containment system – discussion of spring 2017 installation and review of October 2016 removal
 - Nexters' status by-law revisions from JULY2016 Annual Meeting - Hal
 - Perch River/Perch lake water level monitoring
 - Archivist/historian – still need to develop job description
 - Iron County-wide Lake Association and WePIC update
 - PLOA membership in Iron County Lake Association
 - Board member terms and election of president and treasurer
 - PLOA Website – up and running. Any comments?
 - July 2016 Annual meeting items
 - Trans Superior Resources request for leases in Iron Co. comment period ended 5-31-16
- **New Business**
 - Ottawa National Forest Motorized Vehicle Use Map (MVUM) update
 - PLOA future – 1yr, 3yr and 5yr plan. How do we get funding to keep the containment system operating?
 - Additional Topics
 - Next meeting --- May ???, 2017 at which camp?
- Adjourn

**Perch Lake Owner's Association
 October 8, 2016 Fall Board Meeting
 Janiak Camp at 10:00 AM (CDT)**

2017 Calendar

January 2017								February 2017								March 2017								April 2017							
Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S
1	1	2	3	4	5	6	7	5				1	2	3	4	9				1	2	3	4	13							1
2	8	9	10	11	12	13	14	6	5	6	7	8	9	10	11	10	5	6	7	8	9	10	11	14	2	3	4	5	6	7	8
3	15	16	17	18	19	20	21	7	12	13	14	15	16	17	18	11	12	13	14	15	16	17	18	15	9	10	11	12	13	14	15
4	22	23	24	25	26	27	28	8	19	20	21	22	23	24	25	12	19	20	21	22	23	24	25	16	16	17	18	19	20	21	22
5	29	30	31					9	26	27	28					13	26	27	28	29	30	31		17	23	24	25	26	27	28	29
																								18	30						
May 2017								June 2017								July 2017								August 2017							
Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S
18		1	2	3	4	5	6	22					1	2	3	26							1	31			1	2	3	4	5
19	7	8	9	10	11	12	13	23	4	5	6	7	8	9	10	27	2	3	4	5	6	7	8	32	6	7	8	9	10	11	12
20	14	15	16	17	18	19	20	24	11	12	13	14	15	16	17	28	9	10	11	12	13	14	15	33	13	14	15	16	17	18	19
21	21	22	23	24	25	26	27	25	18	19	20	21	22	23	24	29	16	17	18	19	20	21	22	34	20	21	22	23	24	25	26
22	28	29	30	31				26	25	26	27	28	29	30	30	23	24	25	26	27	28	29	35	27	28	29	30	31			
															31	30	31														
September 2017								October 2017								November 2017								December 2017							
Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S	Nº	S	M	T	W	T	F	S
35						1	2	40	1	2	3	4	5	6	7	44				1	2	3	4	48						1	2
36	3	4	5	6	7	8	9	41	8	9	10	11	12	13	14	45	5	6	7	8	9	10	11	49	3	4	5	6	7	8	9
37	10	11	12	13	14	15	16	42	15	16	17	18	19	20	21	46	12	13	14	15	16	17	18	50	10	11	12	13	14	15	16
38	17	18	19	20	21	22	23	43	22	23	24	25	26	27	28	47	19	20	21	22	23	24	25	51	17	18	19	20	21	22	23
39	24	25	26	27	28	29	30	44	29	30	31				48	26	27	28	29	30			52	24	25	26	27	28	29	30	
																						1	31								

**Perch Lake Owner's Association
October 8, 2016 Fall Board Meeting
Janiak Camp at 10:00 AM (CDT)**

BoD Member	Last Elected to BoD	Current BoD Expiration	Current Officer Position	Elected to Office	Board Class effective (JUL15)	Officer Expiration	Status	Remarks
Petrimoulx, Hal	7/11	7/19	Treasurer	7/14	I	???	Active	Past president (2004 – 7/13)
Haight, Tom	7/12	7/17			II		Active	Communications Comm Chair
Hicks-Brown, Carol	7/12	7/17	Secretary	7/15	II	7/17	Active	
Novitski, Jim	7/12	7/18			III		Active	Lake Mgmt Comm. Chair
Pence, Bill	7/12	7/17	Vice president	7/15	II	7/17	Active	
Quinn, Liz	7/12	7/18			III		Active	Past treasurer (7/10 – 7/14)
VanWagoner, Tom	7/15	7/18			III		Active	
Foster, Dave	7/11	7/19	President	7/15	I	???	Active	Past Secretary (7/11 – 7/13)
Janiak, Cliff	7/11	7/19			I		Active	Outreach/membership Comm. Chair
Crowe, Dave	7/09	7/12					Retired 7/12	
Madsen, Al	7/09	7/12					Retired 7/12	Past Vice President
Scanlan, Ed	7/09	7/12					Retired 7/12	
Bissey, Mary	7/08	7/11					Retired 7/11	Past Secretary
Read, Terry	7/08	7/11					Retired 7/10	Past treasurer
Treankler, Carl	7/08	7/11					Retired 7/12	Past Vice president
VanWagoner, Janet	7/12	7/15					Retired 7/15	

President's Report for PLOA OCTOBER 2016 Board Meeting

- a. **PLOA Website** – The website is up and running. The activity sign-up option is working and many people have used it for the containment monitoring and removal. We have had a request to ADD the member list with all the contact information to the MEMBERS only page and this needs to be finalized at the BoD meeting. Have had another suggestion for a “RECIPE” page under the “members only” page. Feel free to send any other comments or suggestions to me at dnfoster@charter.net or (616)844-5157 as a text or call.
- b. **National Forest Service (NFS) Boat Launch monitoring and control program**
The removal is scheduled on 6 & 7 October which is after this report, so we will have discussion of removal and the installation in the spring 2017.
- c. **Outreach and membership Committee** – No change.
- d. **Friends (and “nexters”) of Perch Lake** – At the annual meeting we came to a resolution of this issue to allow up to 16 new members, which will be a by-law change. I have not heard of any interest in joining at this point.
- e. **Board Membership** – We have a full board of nine members with three people in each term of classes I, II and III. Every year now we will be (re)electing three members to the board. This year Cliff, Hal and I were reelected.
- f. **Ottawa National Forest Motorized Vehicle Use Map (MVUM) update** – The Forest Service is proposing to make designation changes to some motorized access routes on the Ottawa National Forest. The Ottawa's MVUM was first established in April 2007 to be compliant with the 2005 Travel Management Rule. In September 2014 the Ottawa held three open houses to gather input for the “Travel Analysis Process”. Then in August 2016 five open houses were held to allow Ottawa staff to meet with the public and discuss this project. Comments on the updated maps were to be sent in by September 10, 2016 but they will accept suggestions until a short time before the Environmental Assessment (EA) is issued. The revised EA will be released March 27, 2017 and comments will be accepted for 30 days until April 26, 2017. The REQUIRED OBJECTION AND OBJECTION RESOLUTION PERIOD begins June 8, 2017 and ends September 7, 2017.

Sincerely, Dave Foster

Fall Treasurers Report 2016

	Administrative Account		Withdrawal Detail		501C3 Account		Withdrawal Detail	
	Deposit	Withdrawal			Deposit	Withdrawal		
Starting Balance	\$ 2,311.61				\$ 8,732.75			
April		\$ 3.00	online fee					
May	\$ 220.00	\$ 40.00	transfer of donated funds		\$ 40.00			
June						\$ 267.50	water quality supplies Iron Co. Lake & Stream	
						\$ 50.00	Partnership	
						\$ 831.00	Liability insurance	
Prior Reported Balance	\$ 2,488.61				\$ 8,123.75			
July	\$ 1,565.00	\$ 905.00	transfer to 501c3		\$ 905.00	\$ 84.14	DF cable ties for net	
		\$ 24.72	DF copying cost					
August	\$ 100.00	\$ 3.00	bank fee			\$ 130.00	JN water quality testing	
Sept	\$ 60.00	\$ 40.00	transfer to 501c3		\$ 40.00			
July-Sept Totals	\$ 1,725.00	\$ 972.72			\$ 945.00	\$ 214.14		TOTAL
Current Balance	\$ 3,240.89				\$ 8,854.61			

RIPARIAN
MAGAZINE

2016 FALL PLOA MEETING

I) Containment Area

A) Issues for the past year

1) Problems

- Zip tie failure – Purchased heavy duty ties- \$\$\$
- Stabilization post failure – Build and install enhanced bases for 4 posts - \$ 150+ -
- Overall – Be mindful of system dynamics when installing / Switch south part of boom netting to outside of stabilization posts next year/ Some wear/ Lights?
- New removal tarp needed - NO

B) Future work or enhancements

- Partner with Tribe
- Discuss options for enhancement (see website)
- Grants
- Inspection before removal – contract? – Jim to investigate and get \$
- Install/removal contract? – future consideration
- POLYTOON TRAILER - YES

II) Point Intercept Survey

A) Date

B) # Volunteers needed / 10 -12 minimum

C) Area (see map/ approx. 40 points)

D) Univ. Purdue involvement? – JIM TO COORDINATE

E) AIS only or include old transect points – YES

III) CLMP Parameters and Tests

A) Types – secchi disk/ phosphorus/ chlorophyll/ dissolved oxygen/ exotic plant watch

\$40 \$50 \$72 \$50 \$25 = 187

B) Crayfish Trapping

- Have not collected data yet – ends in SEPT

IV) Misc.

A) Volunteer of the year?

B) Outreach/ Partnership

- Wild rice

C) CLMP training event – May 3, 2017 at Windsor Center, Iron River, MI.

anybody committed – put on our calendar of events

GIFT card for 1- install
2- removal
3- surveying
4- LOOSESTRIFE

Draft PLOA Bylaw Change
Regarding "NextGen" Membership

Adult children (21+ years old) of paid riparian members (hereafter referred to as "NextGen" members) of the association will be eligible to become full members of the PLOA subject to the conditions listed below:

- a maximum of 16 NextGen members will be allowed at any one time, but not to exceed 60% of the paid riparian owner membership
- membership will be on a first come basis **determined by the date dues are received by the treasurer**
- no limit will be placed on the number of NextGen children that can become members from an adult riparian family
- NextGen members are subject to all dues, responsibilities, and requirements of the association
- NextGen members are afforded all rights and privileges of the association, including: serving as board members, officers, and committee members.
- **if NextGen membership has reached the maximum allowed then any prospective NextGen members who express interest to join the association via e-mail to the President and treasurer will be placed on a wait list by the treasurer and allowed membership in order of first date interest was expressed??**
- **if the riparian parents of the NextGen member(s) fail to maintain paid membership in the association the membership of the NextGen member will be continued / discontinued??**
- **if reduction of riparian membership results in greater than 60% NextGen membership the existing NextGen memberships will remain in force with continued rights to renew their membership??**

USDA Forest Service

Special Uses—Applying for a Permit

The Application Process

Obtaining a Special-Use Authorization with the Forest Service

[What are special-use authorizations?](#)

[When do I need an authorization?](#)

[Is my proposal appropriate?](#)

[How do I apply?](#)

[How do I answer all the questions?](#)

[What does an authorization cost?](#)

What are special-use authorizations?

A special-use authorization is a legal document such as a permit, term permit, lease, or easement, which allows occupancy, use, rights, or privileges of NFS land. The authorization is granted for a specific use of the land for a specific period of time.

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When do I need an authorization?

1. If you will need to occupy, use, or build on NFS land for personal or business purposes, whether the duration is temporary or long term.
2. If there is a fee being charged or if income is derived from the use.
3. If an activity on NFS land involves individuals or organization with 75 or more participants or spectators.

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Is my proposal appropriate?

1. Your request must be consistent with laws, regulations, orders, policies of NFS lands, other federal laws, and applicable State and local health and sanitation laws.
2. Your request must be consistent or made consistent with the standards and guidelines in the applicable Land and Resource Management Plan.
3. Your request must not pose serious or substantial risk to public health or safety.
4. Your request must not require exclusive or perpetual right of use or occupancy.
5. Your request does not unreasonably conflict or interfere with administrative uses, other scheduled or authorized existing uses, or use of adjacent non-NFS lands.
6. The proponent must not owe any fees to the Forest Service from a prior or existing special-use authorization.
7. No gambling or providing of sexually oriented commercial services can be authorized on NFS land, even if permitted under state law.
8. No military or paramilitary training or exercises by private organizations or individuals can be authorized on NFS land, unless it is federally funded.
9. No disposal of solid waste or storage or disposal of radioactive or other hazardous substances can be authorized on NFS land.

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How do I apply?

1. Contact a [Forest Service office](#) and request an application.
2. Prior to submitting the proposal, you are required to arrange a preapplication meeting at the [local Forest Service office](#) where the use is being requested. A staff member will discuss your proposal, potential land use conflicts, application procedures and qualifications, probable time frames, fees, bonding requirements, additional coordination with other agencies, environmental reports, and field reviews.
3. Most commercial uses require additional information with the application. You may need business plans, operating plans, liability insurance, licenses/registrations, or other documents. A commercial use is when an applicant intends to make use of NFS lands for business or financial gain.
4. Complete and submit the application form, including supporting documents, to the local Forest Service office. An incomplete proposal could delay the processing.

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How do I answer all the questions?

Name and Address- Include the full name(s) to be used. If the application includes real property, the name(s) on the legal document must match the application.

Applicant's Agent- This person must be at least 21 years old and may or may not be the same as the applicant. Documentation should be included to verify that this person may sign on behalf of the applicant.

Project Description- Include enough detail to enable the Forest Service to determine feasibility, environmental impacts, benefits to the public, the safety of the request, lands to be occupied or used, and compliance with applicable laws and regulations.

Environmental Protection Plan- Include proposed plans for environmental protection and rehabilitation during construction, maintenance, removal, and reclamation of the land.

Map- Provide a detailed map (U.S. Geological Survey quadrangle or equivalent) or plat (survey or equivalent) showing the requested use in relation to NFS land, identification of applicant's property (if applicable), scale, map legend, legal description, and a north arrow.

Technical and Financial Capability- Provide documentation to assure the Forest Service you are capable of constructing, operating, maintaining, removing the use off NFS land, and reclaiming the land after the authorization terminates.

Alternatives- You must first consider using nonfederal land. Lower costs or fewer restrictions are not adequate reasons for use of NFS lands. Provide alternative locations for the proposal in your application.

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What does an authorization cost?

Cost Recovery Fees- An assessment of fees to recover agency processing costs for special use applications and monitoring costs for special use authorizations. ♦ These fees are separate from any fees charged for the use and occupancy of NFS lands.

Land Use Fees- This is an annual rental fee based on the fair market value for the uses authorized and is payable in advance. Fees are established by appraisal or other sound business management principles.

Other Associated Costs- You may be responsible for providing information and reports necessary to determine the feasibility and environmental impacts of your proposal; compliance with applicable laws and regulations; and terms and conditions to be included in the authorization.

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Special Uses Brochure

Obtaining a Special-Use Authorization with the Forest Service summarizes the permit application process. It is available in a [print format \(PDF\)](#).

Link to a Local Office

Note: All proposals for the use of the National Forest under a [Special-Use authorization](#) require a pre-application meeting.

[Find a link to a national forest or grassland by state or name.](#)

Regulations

Complete regulations on special use permits on national forests are published at 36 CFR 251. View and search on-line for the specific CFR at the National Archives and Records Administration (NARA) [Code of Federal Regulations \(CFR\) Main Page](#).

Related Information

BLM right-of-way (ROW) application procedures. [LINK](#)

Sample Right-of-Way Operation and Maintenance Plan

The Special-Use Permit (SUP) granted by the U.S. Department of Agriculture Forest Service (FS) authorizes a right-of-way (R/W) to NorthWestern Corporation (NOR) to operate and maintain power facilities (facilities) located on National Forest System lands (NFS) in the state of Montana. [Sample Plan \(PDF\)](#)

http://www.fs.fed.us/specialuses/special_app_process.shtml

**USDA FOREST SERVICE
HOLDER INITIATED REVOCATION OF EXISTING AUTHORIZATION
REQUEST FOR A
SPECIAL-USE PERMIT OR TERM SPECIAL-USE PERMIT**

PART I - REQUEST FOR REVOCATION (Completed by current permit holder)

I (We), the undersigned holder(s) of a special-use authorization, dated _____ authorizing me (us) to occupy and use National Forest System lands for _____ have
(Mark one box with "X")

- conveyed all my (our) right, title, and interest in and to the improvements located on the parcel covered by said permit to:
- entered into a contract for the sale of the improvements located on the parcel covered by said permit but have retained title to said improvements until completion of payment under said contract with:

New Owner (1): _____
(Please Print)

Address: _____

New Owner (2): _____
(Please Print)

Address: _____

Phone: (____) ____-____

Accordingly, I (we) request that the special-use authorization identified above be revoked. I (we) have informed the new owner(s) that (1) the current authorization is not transferable; (2) they must apply for and obtain a new authorization; (3) there are terms and conditions for the use of National Forest System lands; (4) and they must contact the Forest Service prior to acquisition of improvements. The remaining balance of any fees previously paid should be credited to the new owner(s) named above, if an authorization is issued.

Holder (1): _____
(Please Print)

Holder (2): _____
(Please Print)

Signature: _____

Signature: _____

Date: _____ (mm/dd/yyyy)

PART II - REQUEST FOR A NEW PERMIT OR TERM PERMIT (Completed by new owner - Requester)

Request is made for a special use authorization to cover the same parcel of land or use covered by the authorization referred to above, and for the same purpose, subject, however, to such new conditions and stipulations as the circumstances may warrant. I (We) acknowledge that this is a request only, and that the use and occupancy of National Forest System lands is not authorized until an authorization is signed and issued by an authorized officer. I (We) also understand that an administrative fee may be charged by the Forest Service to process this request for a new authorization to use or occupy National Forest System lands.

Requester (1): _____
(Please Print)

Phone: (____) ____-____

E - Mail: _____

FAX: (____) ____-____

Date: _____ (mm/dd/yyyy)

Signature: _____

Requester (2): _____
(Please Print)

Phone: (____) ____-____

E - Mail: _____

FAX: (____) ____-____

Date: _____ (mm/dd/yyyy)

Signature: _____

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false writing shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

PLEASE ATTACH BILL OF SALE, DEED, OR OTHER DOCUMENTATION VERIFYING PURCHASE OF IMPROVEMENTS

PART III - REQUEST CHECKLIST (Completed by Administrator/Case Manager)	
1. Does the current use and occupancy of National Forest System lands and facilities comply with all federal, state, and local laws, regulations, orders, and policies? If not, what must be done to make the use and occupancy comply? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the current use and occupancy of National Forest System lands and facilities being conducted in a manner that is consistent with established standards and guidelines in the Forest Land and Resource Management Plan? If not, can it be made to be consistent? _____ How? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. What was the date of last inspection? What is the condition of the authorized area and facilities? (Describe undesirable or unacceptable conditions that need to be corrected.) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does the requester(s) owe any fees to the Forest Service from a prior or existing special-use authorization? If yes, identify fees owed. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is the requester(s) qualified to hold an authorization for the subject use and occupancy? If not, why? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Can the requester(s) demonstrate technical and financial capability to undertake the proposed use and occupancy, and fully comply with all the terms and conditions of the authorization? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Is there someone authorized by the requester(s) to sign an authorization, and there is someone willing to accept the responsibility of the terms and conditions of the authorization? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Remarks: _____	

Signature of Administrator /Case Manager: _____	Date: _____ (mm/dd/yyyy)
--	---------------------------------

PART IV – AUTHORIZED OFFICER	
<input type="checkbox"/>	The request and/or requester do not meet the criteria identified in Part III of this form. Therefore, I will not approve this request to issue an authorization to use or occupy National Forest System lands for the use(s) described in Part I of this form.
<input type="checkbox"/>	The request and the requester meet the criteria identified in Part III of this form. Therefore, I approve this request to issue an authorization to use or occupy National Forest System lands for the use(s) described in Part I of this form.

Signature: _____	Title: _____	Date: _____ (mm/dd/yyyy)
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Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer. The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SAMPLE OF AN ASSOCIATION CONSTITUTION AND BYLAWS

CONSTITUTION AND BYLAWS
of the
CEDAR RUN IMPROVEMENT ASSOCIATION
CONSTITUTION

Article I.

Section 1. The name of this Association shall be the Cedar Run Improvement Association.

Article II.

Section 2. The purpose of this Association is to form an organization of private land holders from the Forest Service of cabin sites on the Cedar Run special use road permits on the Smokey Bear National Forest, State of Nevada. The objects of this Association shall be to protect the property of its members; to better conditions on the tract by *performing road maintenance, installing water and sewage systems, providing for the collection of garbage, establishing police protection, and preventing and fighting fires*; to work in cooperation with the Forest Service in the enforcement of all regulations of the Department of Agriculture with regard to sanitation, fires, public health and recreation on the National Forests; and to do any and all things lawful, just, and necessary to further the interests of this Association as the need presents itself from time to time.

Article III.

SECTION 1. One person from each lot on said tract on which a summer home or other structure is erected under permit from the Forest Service, may become a regular member of this Association by signing the constitution and bylaws and paying the initiation fee provided for in the bylaws.

SECTION 2. Associate members shall include all members of the families of regular members, but an associate member shall not be entitled to vote unless holding a proxy and representing a regular member.

Article IV.

SECTION 1. The officers of the Association shall consist of a president, vice-president, and secretary-treasurer, and executive committee elected from the membership, and they shall hold office for one year or until their successors are elected.

Article V.

SECTION 1. The executive committee shall be composed of the officers of the Association and three additional members elected annually by the Association.

SECTION 2. The president of the Association shall be chairperson of the executive committee.

SECTION 3. The president and any three members of the executive committee shall constitute a quorum to do business.

Article VI.

SECTION 1. The general management and business of the Association shall be carried on by the executive committee.

Article VII.

SECTION 1. Any regular member who transfers or relinquishes his or her permit for a lot on the Cedar Run special use tract shall cease to be a member of this Association.

SECTION 2. All benefits secured from assessments paid the Association by a regular member who transfers or relinquishes a permit to another, shall accrue to the party to whom the permit is transferred or relinquished.

SECTION 3. New permittees may become members of the Association upon the following terms and conditions: (1) That they are permittees of the Forest Service for a lot at the Cedar Run special use tract on the Smokey Bear National Forest; (2) That they sign the constitution and bylaws; Provided, however, that the signature to a copy shall be taken as a signature to the original constitution and bylaws; (3) That they pay into the treasury of the Association an amount equal to the total amount of assessments levied upon each of the members of the said Association for the original installation of any and all projects from which they would benefit. Provided, however, that this will not apply to those who have acquired equities through transfer or relinquishment as stated in Section 2 of this Article; and provided further that nothing in this article shall be construed to relieve a transferee or a permittee from the payment of any dues or assessments which may be levied after the transfer of the permit.

BY LAWS

Article I.

SECTION 1. The annual meeting of this Association shall be held at the Cedar Run District Office on July 3rd of each year.

SECTION 2. Special meetings shall be held at such times and places as may be designated by the president or a majority of the executive committee. Written notice of all meetings of the Association shall be sent to the last known address of each member by the secretary-treasurer at least 30 days before the date of such meeting. Notices covering special meetings shall state the purpose for which said meetings are called. No business shall be transacted at a special meeting except as stated in the notice calling the same, unless the members in good standing present at the meeting give their unanimous consent thereto.

No member shall be considered in good standing who is delinquent in the payment of any dues or assessments.

SECTION 3. Except as otherwise provided in the constitution and bylaws, any business of the Association may be transacted at any meeting at which a quorum is present.

Article II.

SECTION 1. The officers of the Association and the executive committee shall be elected by ballot and installed at the annual meeting of the Association or at a special meeting and shall hold office until the next annual meeting after their election or thereafter until their successors have been duly elected and installed. Use the appropriate sentence--(Vacancies shall be filled by election. The president shall appoint replacements to fill vacancies on the executive committee or the Secretary-Treasurer position.)

SECTION 2. The duties of the officers of this Association shall be those that are usually incident to such offices and are as defined in the bylaws or as this Association may direct.

Article III.

SECTION 1. It shall be the duty of the president to preside at all meetings, to supervise the work of the Association, and to direct the work of its officers. He or she shall approve and countersign all checks for the expenditure of money for the Association and shall perform all the duties that devolve upon such office.

SECTION 2. Meetings of the executive committee shall be called by the secretary-treasurer upon request from the president or from a majority of the executive committee or from the supervisor of the Smokey Bear National Forest.

Article IV.

SECTION 1. The vice-president shall perform all duties of the president in the absence of the president or in the event of the president's inability to act.

Article V.

SECTION 1. It shall be the duty of the secretary-treasurer to conduct the correspondence of the Association; to keep all records and accounts; to report to the membership of the Association all assessments ordered by the Association or the executive committee, showing each member's portion; to collect from the members of the Association the assessments made by it or by the executive committee, issue receipts therefore, and keep in a book for that purpose an accurate account of the same; to do all things necessary in the conduct of the business of the Association which may be assigned to the secretary-treasurer by the Association or the executive committee. He or she shall sign all checks and vouchers for disbursing the funds of the Association or funds received by the secretary-treasurer by reason of holding office as secretary-treasurer of the Association, and the vouchers shall show for what purpose such moneys are paid. He or she shall submit a written report to the Association at its annual meeting, giving account of the business transactions of the Association for the year just closed, amounts received and disbursed, for whom and on what account received, and for what purpose paid out. The books of the secretary-treasurer shall be audited at least yearly by such persons as the executive committee may designate, and a report of the audit shall be submitted to the members at each annual meeting. The books of the secretary-treasurer shall be open for inspection by any members of the Association and the Supervisor of the Smokey Bear National Forest at any and all times. The secretary-treasurer shall report to the said Forest Supervisor all changes in the personnel of the officers and executive committee, and all changes in the constitution or bylaws.

SECTION 2. The secretary-treasurer of the Association shall be the secretary of the executive committee.

Article VI.

SECTION 1. For the purpose of providing for incidental expenses, an initiation fee of twenty dollars (\$20.00) shall be charged. The annual dues of each regular member of this Association shall be the sum of ten dollars (\$10.00), payable to the secretary-treasurer on or before May 30th _____ in each year.

Article VII.

SECTION 1. Amendments to the bylaws may be made only at the annual meeting by a majority vote if a quorum is present. Amendments to the bylaws in conflict with the rules and regulations of the Forest Service shall be void.

SECTION 2. No business of the Association shall be transacted at any meeting unless a quorum is present. Twenty (20) members or their proxies constitute a quorum to do business, provided, however, that any matter involving an single expenditure of over \$500 dollars shall be passed upon by two-thirds of all members.

Article VIII.

SECTION 1. The order of business of the annual meeting of the Association shall be as follows:

1. Call to order
2. Roll call and ascertainment of standing of members.
3. Ascertainment of a quorum.
4. Reading of minutes of last meeting.
5. Unfinished business.
6. Consideration of reports by secretary-treasurer and auditing committee.
7. Reading of communications.
8. Report of executive committee.
9. Report of special committees.
10. Report of standing committees.
11. Regular business including offering and discussion of resolutions.
12. Election of officers by ballot.
13. Installation of new officers.
14. Admission of new members.
15. Appointment of committees.
16. Adjournment.

Article IX.

The funds of the Association shall be deposited in Bank of America, Junction City branch. Other property or valuable documents shall be held in the custody of the president.

We, the undersigned, members of the Cedar Run Association, hereby adopt the attached constitution and bylaws of this Association and agree to support the same.

North Perch Plat Association
(Association Name)

The association is formed for the purpose of obtaining and maintaining road access across National Forest land described as the un-named travelway in T46N R35W N½NW¼ Section 23; SESWSESW Section 14; SENWNE Section 22 to property owned by Association members. The following are the members of the above-named association:

<u>Name</u>	<u>Address, e-mail, and Telephone Number</u>	<u>Property Legal Description</u>

The general membership elected the following directors to represent them for the purpose of this association.

Election conducted on: _____
(Date)

- Director and President:** _____
- Director and Secretary:** _____
- Director and Treasurer:** _____
- Director:** _____
- Director:** _____

(If the association is large enough, up to 5 directors should be elected annually, consisting of the following officers: president, treasurer, secretary and two additional directors.

All correspondence shall be signed by the president of this association who will act as the Forest Service contact for permit purposes. The association agrees that the president has the authority to sign for and on behalf of the association in all matters related to the special use granted by the Ottawa National Forest and will bind the association members, jointly and individually, to abide by the rules and regulations contained in the document and other requirements deemed necessary by the authorizing officer.

Signatures of the association members:

RIGHT-of-WAY MANAGEMENT PLAN

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

NorthWestern Corporation
and
Lolo National Forest

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I. INTRODUCTION

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

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

II. COMMUNICATION PROTOCOL

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

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

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

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

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

B. NorthWestern Corporation Contact Information

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

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

III. EXISTING LAND USES

A. Protection of Improvements

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

B. Access

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

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

C. Road and Area Closures

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

D. Survey Monumentation

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

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

IV. HEALTH AND SAFETY

A. Safety Plan

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

B. Traffic Control

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

C. Accident Reports

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

D. Waste Disposal

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

V. HAZARDOUS AND TOXIC SUBSTANCES

A. Fuels and Lubricants

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

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

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

B. Prevention of Oil Spills and Contamination

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

C. Hazardous Materials

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

VI. FIRE PROTECTION PLAN

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

VII. MAINTENANCE OPERATIONS

A. Notification and Scheduling

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

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

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

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

B. Permit Requirements

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

C. Maintenance Workforce and Living Facilities

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

D. Right-of-Way Maintenance Definitions

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

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

E. Collection Agreement

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

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

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

F. Vegetation Management – General Overhead Line Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Road and Gate Maintenance

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

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

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

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

VIII. ACCEPTANCE

NORTHWESTERN CORPORATION

RICK WALSH
Manager of Environmental Permitting

(Date)

USDA - FOREST SERVICE

DEBORAH L.R. AUSTIN
Forest Supervisor

(Date)

APPENDIX

APPENDIX A – Map of Cultural or Historic Resource Areas

APPENDIX B – Map of Floodplain or Floodprone Areas

APPENDIX C – Map of Visually Sensitive Area

APPENDIX D – Maintenance Levels and Road and Gate Inventory

Level 1

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

The following standards apply to Level 1 roads:

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

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

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

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

Level 2

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

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

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

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

Level 3

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

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

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

Roadside Activities: Litter cleanup. Unsightly materials removed currently.

NOR’s Road and Gate Inventory

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