



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

El Centro Field Office
1661 South 4th Street
El Centro, CA 92243-4561
<http://www.blm.gov/ca/st/en/fo/elcentro.html>

March 29, 2013

In Reply Refer To:
2800 (P)
CACA-53151(P)
CACA-53151-02(P)
CAD07000

CERTIFIED MAIL 70103090000226355434
RETURN RECEIPT REQUESTED

DECISION

Campo Verde Solar, LLC :
525 Market Street, 15th Floor : Right-of-Way Grant CACA-53151
San Francisco, CA 94105 : Temporary Use Permit CACA-53151-02

Right-of-Way Grant CACA-53151 Issued/Amended
Temporary Use Permit CACA-53151-02 Issued
Rental Determined
Monitoring Determined

On March 19, 2013, the Bureau of Land Management (BLM) personally met with your company regarding changes made to your right-of-way (ROW) grant, serial number CACA-53151, which allows the use of public land for a 230 kV gen-tie transmission line. It was approved, and signed in person by the BLM Acting Field Manager, Thomas F. Zale, on March 19, 2013, at which time your company was then given their copy of the ROW grant, with legal description, map, and stipulations attached. The BLM would like to thank you for your cooperation.

In addition, enclosed is a copy of your temporary use permit (TUP), serial number CACA-52151-02, which allows the use of public land for temporary access and a temporary tensioning pull site. It was approved by the BLM on March 28, 2013.

The advance rental for the ROW CACA-53151 is determined to be \$1,980.27 for the period from April/2012 to December/2013. Also, the advance rental for the TUP CACA-53151-02 is determined to be \$3263.08 for the period from April/2013 to December/2013 (see enclosed receipt). The BLM has received your advance rental for these periods.

The monitoring fee for this ROW is determined to be a Category 6, which was determined to be \$53,334.96. The BLM has received your payment.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Peter Godfrey, BLM Project Manager, at 951-697-5385 or via email at pgodfrey@blm.gov.

Sincerely,



Thomas F. Zale
Acting Field Manager

Enclosures:
Signed TUP CACA-53151-02
Form 1842-1
Rental Receipt

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
El Centro

Serial Number
CACA 53151-02

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Campo Verde Solar, LLC receives a right to construct, operate, maintain, and terminate a Temporary access road, tensioning pull sites 100 feet by 400 feet on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Access Road

San Bernardino Meridian, Imperial, California

T. 16.5 S. R. 12 E.,

sec. 3, lot 7 to 11, inclusive, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Containing 2.52 acres more or less (20 feet wide by 5490.12 feet long)

San Bernardino Meridian, Imperial, California

T. 16.5 S. R. 12 E.,

sec. 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 4, SE $\frac{1}{4}$.

T. 17 S. R. 12 E.,

sec. 3, lots 5, 6, 10, 11, and SW $\frac{1}{4}$;

sec. 4, SE $\frac{1}{4}$;

sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;

sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.

Containing 20.84 acres more or less (40 feet wide by 22,695.25 feet long)

Tensioning Pull Sites-

San Bernardino Meridian, Imperial, California

T. 16 S. R. 12 E.,

sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 16-1/2 S R. 12 E.,

sec. 3, lots 2, 3, and 7.

Containing 2.75 acres more or less (100 feet wide by 400 feet long each)

Containing a total of 26.11 acres more or less

b. The right-of-way or permit area granted herein is See Above feet wide, See Above feet long and contains See Above acres, more or less. If a site type facility, the facility contains See Above acres.

c. This instrument shall terminate on December 31, 2015, 2.75 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 30 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, dated 03/22/2013, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Beth Dane
(Signature of Holder)

Thomas L. Pyle
(Signature of Authorized Officer)

VP & ASSISTANT SECRETARY
(Title)

ACTING FIELD MANAGER
(Title)

3/25/13
(Date)

3/28/2013
(Effective Date of Grant)

Exhibit A
Campo Verde Stipulations

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development and associated approved plans, as amended or supplemented by written approval of the Authorized Officer, which shall incorporate the Campo Verde Solar Energy Decision Record. Any surface disturbing activity, additional construction, or use that is not in accordance with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved Plan of Development, shall be made available on the right-of-way area during construction, operation, and decommissioning. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health or safety or the environment.
2. Within 14 days of issuance of the right-of-way grant or prior to the issuance of a Notice To Proceed, whichever comes first, the holder is required to update the plan of development to incorporate all Adopted Mitigation from the Environmental Assessment identified in the Decision Record.
3. The Holder shall fund in accordance with 43 CFR 2805.16 a third party Compliance and Inspection Program as deemed necessary by the Authorized Officer to ensure compliance with the terms and conditions of this right-of-way and applicable laws and regulations. The holder shall designate a representative (third party Compliance and Inspection Program Lead) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
4. The holder will be liable for all fire suppression costs resulting from fires caused during construction, operations, or decommissioning. The Holder shall comply with all guidelines and restrictions imposed by agency fire control officials.
5. Prior to ground disturbing activities, an individual(s) shall be designated and approved by the BLM as a Designated Archaeologist and Designated Paleontologist (i.e. Principal Investigator[s]). A Principal Investigator will be designated for the period during which on-going construction and post-construction monitoring and reporting by an approved archaeologist is required per the terms of this grant, such as post construction restoration activities. Each successive Principal Investigator will be approved by the BLM's Authorized Officer.
6. As agreed upon by the BLM, the applicant, and consulted tribes, the holder shall implement a tribal monitoring program to afford representatives designated by Indian tribes the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to this ROW near ESAs and in other areas determined appropriate for monitoring.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on its behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery

until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

8. Unless otherwise agreed to in writing by the Authorized Officer, powerlines shall be constructed in accordance with standards outlined in "Suggested Practices for Raptor Protection on Powerlines", Raptor Research Foundation, Inc., 1996. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.
9. The holder shall protect all survey markers found within the right-of-way. Survey markers include, but are not limited to, Public Land Survey System line and corner markers, other property boundary line and corner markers, and horizontal and vertical geodetic monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where any of the above survey markers are obliterated or disturbed during operations, the Authorized Officer will determine how the marker is to be restored. The holder will be instructed to secure the services of a registered land surveyor or informed that an official survey will be executed by the Bureau of Land Management (BLM). All surveying activities will be in conformance with the Manual of Surveying Instructions and appropriate State laws and regulations. Surveys by registered land surveyors will be examined by the Authorized Officer and the BLM State Office Chief Cadastral Surveyor for conformance with the Manual of Surveying Instructions and State laws and regulations before being filed in the appropriate State or county offices of record. The holder shall be responsible for all administrative and survey costs.
10. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. A litter policing program shall be implemented by the holder which covers all roads and sites associated with the right-of-way.
11. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined by 43 CFR 2801.5 that will be used, produced, or transported on or within the right-of-way, or used in the construction, operation, maintenance, or decommissioning of the project or any of its facilities. "The holder agrees in accordance with 43 CFR 2807.12(e) to fully indemnify the United States against any liability arising from the release of any hazardous material on *or near* the right-of-way *in connection with the holder's use and occupancy of the right-of-way, whether or not the release is authorized under the grant.* This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

12. Within 120 calendar days of completion of construction, the holder will submit to the Authorized Officer as-built drawings and a certification of construction verifying that the facility has been constructed in accordance with the design, plans, specifications, and applicable laws and regulations.
13. The grant holder shall construct and utilize common use ancillary facilities (i.e. Generation Tie-in line) where the authorized officer deems it necessary. The grant holder shall not charge for the use of the lands made subject to such additional right-of-way grants; however, the grant holder may enter into cost sharing agreements with third parties through which it may charge or be reimbursed for costs associated with the construction, operation and maintenance of its linear facilities within the right-of-way grant area.
14. The BLM will avoid effects to the significant values of the archaeological resources by requiring the Applicant to implement the following measures:

Archaeological sites that can be protected from direct impacts, but are within 50 feet, including buffer areas, of proposed construction activities will be identified and labeled as Environmentally Sensitive Areas (ESAs). This includes archaeological sites determined eligible for inclusion on the NRHP and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.

The ESAs will be designated by marking the boundaries of sites with appropriate buffer zones (generally a buffer of 20 feet beyond the outer limits of the site extent, as demonstrated by surface and/or subsurface indications) using temporary fencing or other easily recognizable boundary defining materials.

- (i) These areas will be shown on the engineering plans for the project as off-limits to construction activities.

Once established, an ESA will define areas where construction can occur while preventing construction activities and damage to archaeological resources within the designated ESA.

ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.

Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.

To facilitate continued tribal consultation for this undertaking, in consultation with Indian tribes and the BLM, the Applicant has agreed to develop and implement a tribal monitoring program to afford representatives designated by Indian tribes the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for monitoring.

The Applicant will develop procedures for archaeological monitoring, post-review discovery and unanticipated effects and submit to BLM for review and consultation with consulting parties.

15. In the event Native American human remains, sacred objects, or items of Native American cultural patrimony would be encountered, protocol would follow the Native American Graves Protection and Repatriation Act on federal property and the 36 CFR §800.4. The archaeological monitor should ensure the excavation or disturbance of the site is halted and the appropriate Federal and State laws are followed including the submittal of the "Discovery of Potential Human Remains Incident Report" form to the BLM within 24 hours. Generally the tribal monitor will be working alongside an archaeological monitor; however, in the unlikely event the archaeological monitor is not at the immediate discovery site the tribal monitor should request excavation work to stop. The tribal monitor will call the archaeological monitor to the discovery site immediately to investigate the find.
16. A restoration plan that includes revegetation with native species shall be submitted and approved by the BLM prior to termination of the ROW. Appropriate site-specific vertical mulching techniques and contouring will be used where conditions vary. Salvaged native plants shall be used for re-vegetation, if appropriate, along with seeding using BLM-recommended seed mixes. Preferably, seed shall be planted between the months of November and January following transmission line construction. Seed shall be planted using drilling, straw mulching or hydro-mulching as directed and approved by the BLM.
17. To the extent practicable, initial clearing of obstructions within the project ROW should take place between September 1 and January 31 to avoid impacts to any breeding burrowing owls. Occupied burrows should not be removed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either (a) the birds have not begun egg-laying and incubation; or (b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If initial clearing within the project ROW is to begin during the breeding season (February 1 through August 31), the following measures (conditions #16 through #18 below) will be implemented.
18. Within 30-days prior to initiation of initial clearing, pre-construction clearance surveys for burrowing owls shall be conducted by qualified and agency-approved biologists to determine the presence or absence of this species within the ROW area. The proposed ROW area shall be clearly demarcated in the field or via GPS by the project engineers and Designated Biologist prior to the commencement of the pre-construction clearance survey. The surveys shall follow the protocols provided in the CDFW's 2012 *Burrowing Owl Survey Protocol and Mitigation Guidelines*.
19. When removal of occupied owl burrows is unavoidable, the following mitigation measures shall be implemented outside of the breeding season. Passive relocation methods are to be used by the biological monitors to move the owls out of the impact zone. This includes covering or excavating all burrows and installing one-way doors into occupied burrows. This will allow any animals inside to leave the burrow, but will exclude any animals from re-entering the burrow. A period of at least one week is required after the relocation effort to allow the birds to leave the impacted area before excavation of the burrow can begin. The burrows should then be excavated and filled in to prevent their reuse. The removal of active burrows on-site requires construction of new burrows or the enhancement of existing unsuitable burrows (i.e., enlargement or clearing of debris) at a mitigation ratio of 2:1 at least 50 meters from the impacted area and must be constructed as part of the above-described relocation efforts.
20. As the project construction schedule and design details are finalized, an approved biologist shall prepare a Burrowing Owl Mitigation and Monitoring Plan that will detail the approved, site-specific methodology

proposed to minimize and mitigate impacts to this species. Passive relocation, destruction of burrows, and construction of artificial burrows can only be completed upon prior approval by and in cooperation with the CDFW.

21. Prior to the beginning of construction, Holder must provide a weed management plan, to be approved by BLM, which will be developed and implemented. The weed management plan will include a discussion of specific weeds identified on site that will be targeted for eradication or control as well as a variety of measures that will be undertaken to prevent the introduction and spread of new weed species as a result of the project. General measures to prevent the spread of weeds include:
 - a. Limiting disturbance areas during construction to the minimum area to perform work and limiting ingress and egress to defined routes.
 - b. Maintaining vehicle wash and inspection stations and closely monitoring the types of materials brought onto the site to minimize the potential for weed introduction.
 - c. Use of certified weed free mulch, straw wattles, hay bales and seed mixes.
 - d. Reestablishing native vegetation as quickly as practicable on disturbed sites after construction has concluded; and
 - e. Monitoring and rapid implementation of control measures to ensure early detection and eradication for new weed invasions.

22. Prior to ground disturbing activities, an individual shall be designated and approved by the United States Fish and Wildlife Service (USFWS) and BLM as a Designated Biologist (i.e. field contact representative). A Designated Biologist will be present during on-going construction and post-construction monitoring and will prepare a report as required by this grant, such as during annual reporting on habitat restoration. Each successive Designated Biologist will be approved by the BLM's Authorized Officer.

The Designated Biologist will have the authority to ensure compliance with the conservation measures for the Flat-Tailed Horned Lizard (FTHL) and will be the primary agency contact for the implementation of these measures. The Designated Biologist will have the authority and responsibility to halt activities that are in violation of the conservation measures. A detailed list of responsibilities for the Designated Biologist is summarized below. To avoid and minimize impacts to biological resources, the Designated Biologist will:

- a. Notify BLM's Authorizing Officer and the USFWS at least 14 calendar days before initiating ground disturbing activities;
- b. Immediately notify BLM's Authorized Officer and the USFWS in writing if the Project Holder is not in compliance with any conservation measures, including but not limited to any actual or anticipated failure to implement conservation measures within the time periods specified; and
- c. Conduct compliance inspections at a minimum of once per month during on-going construction after clearing, grubbing, and grading are completed, and submit a monthly compliance report to BLM's Authorized Officer until construction is complete.

23. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) will be delineated with stakes and flagging prior to construction activities. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the flagged areas. To the extent possible, surface disturbance will be timed to minimize mortality to FTHL.
24. Approved biological monitor(s) will assist the Designated Biologist in conducting pre-construction surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, decommissioning, and restoration activities. The biological monitor(s) will have experience conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, be able to identify FTHL scat, and be able to identify and follow FTHL tracks. The Designated Biologist will submit the resume, at least three references, and contact information of the proposed biological monitors to the BLM, California Department of Fish and Game (CDFG), and USFWS for approval. To avoid and minimize impacts to biological resources, the Biological Monitors will assist the Designated Biologist with the following:
 - a. Be present during construction (e.g., grubbing, grading, gen-tie line installation) activities that take place in FTHL habitat to avoid or minimize take of FTHL. Activities include, but are not limited to, ensuring compliance with all impact avoidance and minimization measures, monitoring for FTHLs and removing lizards from harm's way, and checking avoidance areas (e.g., washes) to ensure that signs; and stakes are intact and that human activities are restricted in these avoidance zones.
 - b. At the end of each work day, inspect all potential wildlife pitfalls (trenches, bores and other excavations) for wildlife and then backfill. If backfilling is not feasible, all trenches, bores, and other excavations will be contoured at a 3:1 slope at the ends to provide wildlife escape ramps, or completely and securely covered to prevent wildlife access;
 - c. During construction, examine areas of active surface disturbance periodically, at least hourly, when surface temperatures exceed 29°Celsius (C) equivalent to 85°Fahrenheit (F) for the presence of FTHL.
25. FTHLs will be removed from harm's way during all construction activities. FTHL removal will be conducted by two or more biological monitors when construction activities are being conducted in suitable FTHL habitat. To the extent feasible, methods to find FTHLs will be designed to achieve a maximal capture rate and will include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort will be 30 minutes per 0.40 ha (30 minutes per 1 ac). Persons that handle FTHLs will first obtain all necessary permits and authorization from the CDFW. FTHL removal surveys will also include:
 - a. A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the Flat Tailed Horned-Lizard Rangeland Management Strategy (RMS) (ICC 2003);, will be completed. During construction, quarterly reports describing FTHL removal activity, per the reporting requirements described in condition #20 above, will be submitted to the BLM.

26. The removal of FTHLs out of harm's way will include relocation to nearby suitable habitat in low-impact (e.g., away from roads and gen-tie ROW) areas of the Yuha MA. Relocated FTHLs will be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24° C ,75° F or exceed 38°C (100° F), the Designated Biologist or biological monitor, if authorized, will hold the FTHL for later release. Initially, captured FTHLs will be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards will be held at temperatures between 75° F and 90° F and will not be exposed to direct sunlight. Release will occur as soon as possible after capture and during daylight hours. The Designated Biologist or biological monitor will be allowed some judgment and discretion when relocating lizards to maximize survival of FTHLs found in the Project area.
27. To the maximum extent practicable, grading in FTHL habitat will be conducted during the active season, which is defined as March 1 through September 30, or if ground temperatures are between 24°C (75° F) and 38 °C (100° F). If grading cannot be conducted during this time, any FTHLs found will be removed to low-impact areas where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).
28. No later than January 31 of every year the Project is under construction, the Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) an annual FTHL Status Report, which will include, at a minimum:
 - a. A general description of the status of the project site;
 - b. A copy of the table in the Project biological monitoring report with notes showing the current implementation status of each conservation measure;
 - c. An assessment of the effectiveness of each completed or partially completed measure in avoiding and minimizing project impacts;
 - d. A completed a Project Reporting Form from the Flat-tailed Horned Lizard RMS;
 - e. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and
 - f. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
29. The Designated Biologist or biological monitor(s) will evaluate and implement the best measures to reduce FTHL mortality along access and maintenance roads, particularly during the FTHL active season (March 1 through September 30). These measures will include:
 - a. A speed limit of 15 miles per hour when driving transmission line access roads. The Designated Biologist may reduce this speed limit to 10 mph in areas identified as active wildlife corridors as needed to reduced mortality. All vehicles required for operation and maintenance (O&M) along the transmission line must remain on the designated access/maintenance roads. Cross country vehicle and equipment use outside of designated work areas shall be prohibited.

- b. Pedestrian access outside of the designated access roads is permitted year-round as long as no ground-disturbing activities take place (such as weed abatement or other activities that would require soil disturbance beyond pedestrian footprints). This pedestrian access includes occasional inspections of the gen-tie line.
 - c. O&M activities including weed abatement, or any other O&M activity that may result in ground disturbance outside of the designated access roads will be conducted outside of the FTHL active season whenever feasible.
 - d. If any O&M activities must be conducted during the FTHL active season that may result in ground disturbance, such as weed abatement, a biological monitor will be present during activities to reduce FTHL impacts.
30. Speed limits along all transmission access roads will not exceed 15 miles per hour. Transmission access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
31. Temporarily disturbed areas associated with transmission line construction and staging areas, will be revegetated according to a Site Reclamation and Revegetation Plan (SRRP) approved by the BLM and CDFW. The SRRP must be approved in writing by the aforementioned agencies prior to the initiation of any vegetation disturbing activities. Restoration involves recontouring the land, replacing the topsoil (if it was collected), planting seed and/or container stock, and maintaining (i.e., weeding, replacement planting, supplemental watering, etc.), and monitoring the restored area for a period of 5 years (or less if the restoration meets all success criteria). Components of the SRRP will include:
- a. The incorporation of Desert Bioregion Revegetation/Restoration Guidance measures. These measures generally include alleviating soil compaction, returning the surface to its original contour, pitting or imprinting the surface to allow small areas where seeds and rain water can be captured, planting seedlings that have acquired the necessary root mass to survive without watering, planting seedlings in the spring with herbivory cages, broadcasting locally collected seed immediately prior to the rainy season, and covering the seeds with mulch.
32. The frequency of transmission line access for O&M activities shall be kept to the minimum necessary and shall be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
33. Prior to the start of construction, a BLM-approved *Raven Control Plan* shall be prepared and implemented that details specific measures for storage and disposal of all litter and trash produced by employees. This plan is designed to discourage scavengers that may also prey on wildlife in the vicinity.
34. Prior to the start of construction, a *Wildlife Mortality Reporting Program* shall be prepared and implemented to identify and report any dead or injured animals observed by personnel conducting O&M activities along the transmission line. An appropriate reporting format for dead or injured wildlife observed along the transmission line will be developed in coordination with the USFWS and the BLM

prior to the start of construction. In addition, reporting of any dead or injured avian species found along the transmission line will follow the existing USFWS Bird Fatality/Injury Reporting Program (<https://birdreport.fws.gov/>).

35. A Bird and Bat Conservation Strategy (BBCS) shall be approved by BLM as a condition of the Notice to Proceed. The BBCS shall specify measures to avoid direct and indirect impacts to avian and bat species, to include migratory birds that could result from ground-disturbing activities associated with the construction of the transmission line structures and spur roads and the staging and laydown areas, as well as operations-related conditions, such as collisions with equipment.
36. Prior to the start of construction, a worker environmental awareness program (WEAP) will be developed and established for all employees and any subcontractors of Campo Verde Solar, LLC and made available in both English and Spanish. Wallet-sized cards summarizing this information will be provided to all construction, operation, and maintenance personnel. The education program will include the following aspects:
 - a. Provide instruction on sensitive species identification.
 - b. Measures to avoid contact, disturbance, and injury of wildlife species.
 - c. Reporting procedures in the case of dead and/or injured wildlife species.
 - d. Biology and status of the FTHL.
 - e. Protection measures designed to reduce potential impact to wildlife species.
 - f. Function of flagging designating authorized work areas,
 - g. Reporting procedures to be used if a FTHL is encountered in the field, and driving procedures and techniques, for commuting to, and driving on, the Project site, to reduce mortality of FTHL on roads.
 - h. BLM shall be notified per approved guidelines and channels of authority if mortality should occur.
37. If initial grading and construction within the right-of-way site takes place during the raptors' breeding season of February 1 to July 15, a qualified biologist shall conduct a pre-construction clearance survey for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission towers) that occurs within 500 feet of the survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.
38. The holder shall develop and implement a paleontological monitoring and discovery treatment plan that is approved by the authorized officer. The plan will include:
 - The treatments recommended for the area of the proposed disturbance
 - The level of monitoring
 - The types of field personnel
 - The methods of fossil and data recovery
 - The post-field treatment of recovered paleontological resources
 - The designated specimen repository
 - The format of the final mitigation report

39. The BLM will require the Applicant to develop and implement a Long Term Management Plan (LTMP) for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.
40. The holder will arrange and attend preconstruction conference(s) prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way or specific construction phase of the right-of-way as specified by the Authorized Officer. The holder and/or his representatives will attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, will also attend this conference to review the stipulations of this authorization, including the Plan of Development, as applicable. The holder shall notify the Authorized Officer of the schedule for any preconstruction conference at least 10 calendar days in advance of the preconstruction conference or such timeframe as may be required by the Notice to Proceed.
41. The holder must comply with requests from the Authorized Officer to modify, adapt or initiate new project monitoring activities involving natural resources including but not limited to air, water and wildlife species that vary from or are in addition to those identified in the Plan of Development and/or right-of-way grant stipulations. The holder agrees to adhere to the monitoring data standards identified by the Authorized Officer. Compliance with such requests will ensure that project monitoring activities involving natural resources support and are consistent with evolving standards and protocols identified by the BLM for long term monitoring of the impacts of the Bureau's solar energy program on the natural resources of affected public lands. In accepting this right-of-way grant, the holder recognizes the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant in accordance with 43 C.F.R. § 2805.15(a) to, among other things, conduct long-term monitoring activities involving natural resources.
42. Mitigation for permanent and temporary impacts to arrow weed scrub shall be accomplished through mitigation for the flat-tailed horned lizard (FTHL).
43. This stipulation relates only to the establishment of the BLM compensation requirement. To mitigate for habitat loss of FTHL, the holder shall provide compensatory mitigation at a ratio of 6:1 in accordance with the FTHL Rangewide Management Strategy.

The Holder may satisfy this requirement independently, or may elect to satisfy the requirements of this mitigation measure by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF).

If the Holder elects not to utilize the REAT NFWF Account, they must assume the full financial responsibility for completing the required habitat enhancement projects within 2-years of the effective date of the ROW grant. The holder is also responsible for the long term maintenance and upkeep of installed projects and is required to obtain an appropriate authorization from the BLM, such as a right-of-way grant, prior to the installation and maintenance of installed projects. The maintenance shall occur for the duration of project impacts. The holder will be responsible for all costs associated with processing right-of-way applications for the enhancement projects. Failure of the holder to complete enhancement actions under this mitigation measure within the 2-year time frame will be grounds for suspension of the right-of-way.

If the REAT NFWF Account is used for the enhancement projects, the holder shall ensure funds are transferred into the account in accordance with the prescribed REAT NFWF table within 6 months of the issuance of the ROW grant to ensure enhancement projects can be implemented within the 2-year deadline.

2806-2885 - RIGHTS-OF-WAY MANAGEMENT
 Determining CY 2013 ^{1/} Rent Under the Linear Rental Schedule
 All Linear Right-of-Way Facilities

USE FOR CALENDAR
 YEAR 2013 ONLY ^{2/}

Serial No. CACA 53151
 Date of Determination _____
 Employee Brandon Anderson

Determine the CY 2013 (12 months) rent for the ROW by multiplying the number of acres (round **up** to next tenth of an acre at county level) in each appropriate zone by the rental rate for that zone. All rental calculations are rounded to the nearest cent as follows: \$97.164 is equal to \$97.16; \$97.165 is equal to \$97.17.

Zone 1	_____ acres X \$	8.30 = \$	_____
Zone 2	_____ acres X \$	16.61 = \$	_____
Zone 3	_____ acres X \$	33.21 = \$	_____
Zone 4	_____ acres X \$	49.82 = \$	_____
Zone 5	_____ acres X \$	66.42 = \$	_____
Zone 6	_____ acres X \$	99.64 = \$	_____
Zone 7	<u>26.2</u> acres X \$	166.06 = \$	<u>4350.77</u>
Zone 8	_____ acres X \$	332.12 = \$	_____
Zone 9	_____ acres X \$	664.24 = \$	_____
Zone 10	_____ acres X \$	996.36 = \$	_____
Zone 11	_____ acres X \$	1660.60 = \$	_____
Zone 12	_____ acres X \$	3321.20 = \$	_____

12 month total			\$ <u>4350.77</u>
Times part year factor ^{3/}			<u>.75</u>
Total for part year			\$ <u>3263.08</u>

^{1/}Refer to 43 CFR 2806.24 for required rental payment periods.

^{2/} See attached rent billing business rules.

^{3/} Part year factors are:

12 months 1.0000	9 months 0.7500	6 months 0.5000	3 months 0.2500
11 months 0.9167	8 months 0.6667	5 months 0.4167	2 months 0.1667
10 months 0.8333	7 months 0.5833	4 months 0.3333	1 month 0.0833

Business Rules for Calculating Initial Rent (Courtesy Statements) and Subsequent Rent (Account Receivable Bills)

Calculation and Billing of “Initial” Rent

The initial rent can be billed by creating a Courtesy Statement (CS) in LRAM or CBS. Rent bills for new grants are “courtesy” statements because the applicant is not obligated to pay rent unless he/she accepts the terms/conditions of the grant offer. If created in LRAM, the system calculates the rent for grants issued between January 1 and September 30 time-period, **and** LRAM has now been programmed to use the upcoming year’s rental rates to create a CS for grants issued between October 1 and December 31 time-period. CSs can now be created in LRAM year-round. If created in CBS, the rent must be manually calculated.

Business Rule 1 – Round acres up to nearest tenth of an acre: Acres are rounded **up** to the next tenth of an acre on a county (or geographical area) basis.

Business Rule 2 – Default billing periods: For billing purposes, BLM will assume that the holder prefers the minimum allowable rental payment period provided by the new regulations in this section (either annual or 10-year), unless the holder notifies BLM in writing at least 3 months prior to the due date (by October 1, if the due date is January 1) of their desire to be billed for a greater period.

Business Rule 3 – When a new grant is issued between January 1 and September 30, and the initial billing period is 10 years (the annual rent for an individual* is \$100 or less; or the annual rent for a non-individual** is \$500 or less), **manually** calculate the first year’s rent by multiplying the rent per acre for the appropriate county zone from the **current rent schedule** by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the part year factor. Calculate the rent for the remaining years in the rent payment period by multiplying the rent per acre for the appropriate county zone from the **current rent schedule** by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the number of full years remaining in the rent payment period. For grants 10 years and longer, the first partial year is considered year one of the 10-year rent payment period, i.e., the first payment period is nine years plus X months. Subsequent payment periods are for a full 10 years.

Business Rule 4 – When a new grant is issued between October 1 and December 31, and the initial billing period is 10 years (the annual rent for an individual* is \$100 or less; or the annual rent for a non-individual** is \$500 or less), **manually** calculate the first year’s rent by multiplying the rent per acre for the appropriate county zone from the **current rent schedule** by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the part year factor. Calculate the rent for the remaining years in the rent payment period by multiplying the rent per acre for the appropriate county zone from the **next year’s rent schedule** by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the number of full years remaining in the rent payment period. For grants 10 years and longer, the first partial year is considered year one of the 10-year rent payment period, i.e., the first payment period is nine years plus X months. Subsequent payment periods are for a full 10 years.

Business Rule 5 – When a new grant is issued between January 1 and September 30, and the grant qualifies for annual billing (the annual rent for an individual* is more than \$100; or the annual rent for a non-individual** is more than \$500), **manually** calculate the initial rent by multiplying the rent per acre for the appropriate county zone from the **current rent schedule** by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the part year factor. Billing is for only the first partial year.

Business Rule 6 – When a new grant is issued between October 1 and December 31, and the grant qualifies for annual billing (the annual rent for an individual* is more than \$100; or the annual rent for a non-individual** is more than \$500), manually calculate the first year’s rent by multiplying the rent per acre for the appropriate county zone from the current rent schedule by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone and multiplying the result by the part year factor. However, since the new grant is issued in the 4th quarter, it is inefficient to only bill for a maximum of two months. Therefore, include both the partial year and the full subsequent year in the initial rental bill due on grant issuance. Calculate the rent for the subsequent year by multiplying the rent per acre for the appropriate county zone from the next year’s rent schedule by the number of acres (as rounded **up** to the nearest tenth of an acre) in the right-of-way area that fall in each zone. Billing is for the first partial year plus the next full year.

Accounts Receivable Bills

Calculation of “accounts receivable” bills (rent bills for existing grants are considered “accounts receivable” bills because the holder is obligated to pay rent as a term/condition of the grant. Account receivable bills must be calculated in LRAM. Since all grants should terminate on December 31 of the final year of the term, billing periods should be either annually, at 10-year intervals, or the term of the grant (not to exceed 30 years, if the term is perpetual). No other billing periods are available under the final regulations.

Business Rule 7 – Annual bills. Whenever the annual rent using the current year’s rental rates exceeds \$100 (for an individual*) or exceeds \$500 (for a non-individual**), then that grant qualifies for annual billing. These limits are based on individual grants, not multiple grants in bill groups or in consolidated bills.

Business Rule 8 – 10 year bills or bills for remaining years in term. Whenever the annual rent using the current year’s rental rates equals \$100 or less (for an individual*) or equals \$500 or less (for a non-individual**), then that grant qualifies for 10-year interval (or the remaining term) billing.

Business Rule 9 – Existing and new perpetual grants. Rent (and rent payment periods) for perpetual grants are determined the same as rent for grants with a specified number of years, except the maximum rental payment period cannot exceed 30 years (unless the land encumbered by the perpetual grant is being transferred out of Federal ownership and the holder requests a one-time payment as provided by §§2806.25, 2806.26 and 2885.22(a)). Payment of the maximum rent for a perpetual grant for a 30 year period is not a one-time rent payment for that grant. New rent is due for that perpetual grant in year 31 if the holder had initially or subsequently paid the maximum 30 year rent payment term.

* *The final rule does not define the term “individual” but the preamble states that an “individual” does not include any business entity, e.g., partnerships, corporations, associations, or any similar business arrangements. Includes husband and wife.*

** *Includes private corporations, public corporations, partnerships, or other unincorporated entities.*