



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
www.blm.gov/ca/elcentro



October 12, 2016

In Reply Refer To:
CACA-49698/2800(P)
CA670.39

**CERTIFIED MAIL NO. 7010 3090 0002 2634 7194
RETURN RECEIPT REQUESTED**

DECISION

Kristen Goland	:	
Western Region Permit Manager	:	Notice To Proceed
Tule Wind LLC	:	CACA-49698
1125 NW Couch Street	:	FLPMA
Portland, OR 97219	:	

Limited Notice To Proceed

Tule Wind, LLC (Tule), is hereby authorized to proceed with the limited preconstruction activities for the Tule Wind project as described below. The project shall be undertaken in conformance with the Bureau of Land Management’s (BLM) Record of Decision, dated December 20, 2011(DOI Control Number: FES 11-06) and Environmental Impact Statement 20110347 (FEIS), Biological Opinion, dated September 2, 2011 (FWS-SD-10B0136-11F0229) and Memorandum of Agreement, dated November 15, 2011, Grant Serial Number CACA-49698, and additional Terms and Conditions attached as Exhibit 1.

The preconstruction activities are being completed by Tule to prepare the project site for construction activities, as described in the revised Plan of Development (POD), dated April 22, 2016, and for preconstruction surveys and other preconstruction activities to occur prior to construction.

Preconstruction Activities

The following preconstruction activities are authorized to occur under this limited notice to proceed (LNTP):

- Disturbance limit staking and limited (<1 acre) vegetation clearing for line of sight staking
- Staking of Environmentally Sensitive Areas,

- Removal of weeds in accordance with the Habitat Restoration Plan (HRP),
- Cacti salvage within project footprint
- Use of BLM access routes authorized under the Eastern San Diego County Resource Management Plan (2008) within the project disturbance limits for project surveyors to complete effective preconstruction. Vehicles will be limited to pickup trucks and ATVs, and no road improvements will be conducted.

All preconstruction activities will be completed within the proposed limits of disturbance identified in the Tule Wind FEIS and in accordance with the POD.

Equipment and Personnel

Table 1 includes an overview of the duration of activity, crew size and equipment.

Table 1. Preconstruction Activity Details

Activity	Estimated Duration	Crew Size	Equipment
Disturbance Limit Staking	20 Weeks	4 (2, 2-person crews)	2 pickups* (1 pickup/crew), Survey equipment, 1 UTV per crew, 1 chainsaw and/or power brush-cutter
ESA Staking	6 Weeks	4 (2, 2-person crews)	2 pickups* (1 pickup/crew)
Cacti Salvage	6 Weeks	10-20 (2 to 4, 5-person crews)	4-8 pickups*, Tractor (rubber tired small loader)
Weed Removal	As needed with other LNTP activities	4 - 6 (2, 2-3-person crews)	2 pickups and small power-sprayer boom
Use of Existing BLM Roads	As needed with other LNTP activities	-	These roads will be utilized by the equipment listed above.

* Pickups will not be driving off of established roads

Access Routes and Temporary Work Space

Crews will utilize existing dirt access roadways that have been identified in the POD to access the staking areas, and to conduct the cacti salvage and weed removal operations. In areas where the use of existing access routes is not a viable option, crews will access the areas on foot, and will remain within the project disturbance limits. Crews will access sites for preconstruction activities via use of 4-wheel drive vehicles. The equipment list above will be transported to the Tule Wind Project site via McCain Valley Road. The total anticipated acreage of land disturbed for the limited preconstruction activities described herein will be no more than 1 acres of vegetation removal.

Schedule

The preconstruction activities are anticipated to begin in October 2016 and require 20 weeks to complete. The BLM will be notified in writing one week prior to the commencement of the preconstruction activities.

The Project Legal Description:

The public lands are identified as follows:

San Bernardino Meridian

T. 15 S., R.6 E.,

sec. 34, all,

sec. 35, all,

T. 16 S., R.6 E.,

sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,

sec. 3, all,

sec. 4, all,

sec. 9, all,

sec. 10, all,

sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$,

sec. 12, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$,

sec. 13,

sec. 14,

sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,

T. 16 S., R.7 E.,

sec. 17, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 18, lots 2 through 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,

sec. 19, lots 1, 2 and 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$,

sec. 20, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,

sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$,

sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,

sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

sec. 30, lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,

sec. 32, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$,

sec. 33, W $\frac{1}{2}$,

T. 17 S., R.7 E.,

sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,

sec. 4, lots 1, 2, 5 and 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,

sec. 5, lots 5, 6 and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,

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

sec. 9, lots 4 through 6,

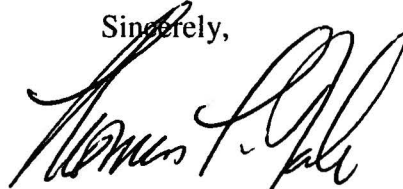
sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$,

sec. 15, NE¹/₄, E¹/₂NW¹/₄, NW¹/₄NW¹/₄,
sec. 17, NW¹/₄NE¹/₄, and
sec. 21, NE¹/₄, NE¹/₄NW¹/₄.

The right-of-way area described aggregate 12,239 acres.

A copy of this notice, terms and conditions, and grant CACA-49698 shall be made available in the field during the project. Any questions should be directed to Carrie Simmons, BLM Resources Branch Supervisor at 760 337-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Zale". The signature is fluid and cursive, with a large initial "T" and "Z".

Thomas F. Zale
Field Manager

Enclosures (2):

1. Exhibit 1, Terms and Conditions
2. Limited Notice To Proceed

cc:

Miriam Liberatore, BLM
Harley McDonald & Ed Clark, Tule Wind LLC
David Hochart & Keith Carwana, DUDEK

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY NOTICE TO PROCEED

Right-of-Way or Temporary Use Permit (TUP) Serial Number CACA-49698	
Date 10/12/2016	Issuing Office EI Centro Field Office
Right-of-Way or TUP name Tule Wind Project	

Certified/Registered Mail-Return Receipt Requested

INSTRUCTIONS — Use Certified or Registered Mail or hand deliver. Send or give original to Holder. Distribute other copies as indicated after receipt date.

Holder: **Tule Wind LLC, 1125 NW Couch Street, Portland, OR 97219**

In accordance with the terms and conditions of the above referenced right-of-way grant or TUP you are hereby authorized to proceed with the activities noted below in the locations specified. Map(s) are attached. Yes No

Activity	Location
<p>The holder is authorized to begin pre-construction activities as identified in LNTP Request #2 (August 8, 2016);</p> <p>1) See Exhibit 1 - Terms and Conditions</p>	<p>Please see cover letter for the Project Legal Description.</p>

Authorized officer is:

Thomas F. Zale

(Name)

Field Manager, EI Centro Field Office

(Title)

Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative.

Carrie Simmons

(Name of Authorized Officer's Representative)

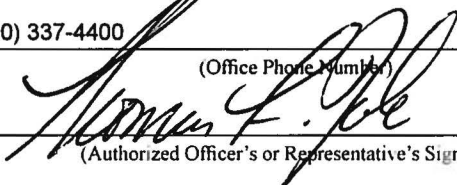
EI Centro Field Office, 1661 S 4th, Street, EI Centro, CA 92243

(Office, Street Address, City, State, Zip)

(760) 337-4400

(Office Phone Number)

(Cell Phone Number)



(Authorized Officer's or Representative's Signature)

10/13/2016

(Date)

Holders Acknowledgement when notice is delivered in person.

(Signature of Recipient)

(Firm Name)

(Name of Recipient)

(Date)

Exhibit 1 – Terms and Conditions

Tule Wind Project CACA-049698

General Conditions:

- The Holder shall comply with all requirements included in the BLM approved preconstruction plans applicable to the LNTP #2 preconstruction phase for the Tule Wind Project as summarized below and in accordance with applicable federal, state and local laws and regulations:
 - Dust Control Plan (July 2016)
 - Nesting Bird Management Monitoring and Reporting Plan (January 2013)
 - Health and Safety Plan (July 2012)
 - Environmental Awareness Tailgate Training Program (April 2012)
 - Construction Notification Plan (August 2016)
- The Habitat Restoration Plan submitted by the Holder to date, shall be reviewed and approved by BLM prior to initiating activities associated with cacti or vegetation removal.
- Prior to activities being performed associated with LNTP #2, the Holder will post a restoration bond with the BLM of \$185,000.
- Hazardous materials and waste stored on-site will comply with applicable state and federal regulations for spill control and prevention measures. Spill kits will be maintained onsite with each crew and environmental training will be conducted identifying the appropriate spill response action for each material or waste, and procedures for notification to the appropriate authorities.
- No paint or permanent discoloring agents will be applied to rocks or vegetation to indicate survey or construction activity limits.
- The Holder shall complete all activities within the approved work limits identified in the right-of-way grant and obtain access via the routes identified in Plan of Development (POD) (April 2016).
- The Holder shall comply with all stipulations contained in the Right-of-Way Grant dated April 10, 2012. Non-compliance with the stipulations by the Holder or any of its agents may at the option of the Authorized Officer result in cancellation or suspension of the Right-of-Way Grant or adverse action against the Holder.
- The Holder shall construct, operate, maintain and decommission the areas disturbed within this right-of-way in strict conformity with the project description as described in POD.
- Upon completion of the limited preconstruction activities, all preconstruction related materials shall be removed. Any components deemed to be unrecoverable shall be disposed of in approved landfills.

- The Holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the Right-of-Way Grant.
- The BLM retains the right to occupy and use the right-of-way and to issue or grant rights-of-way or other land uses over, upon, under and through the lands within the work limits, and will not unreasonably interfere with the authorized activities, or rights granted herein or by the Right-of-Way Grant.
- The Holder or its agents shall follow only the prescribed route to enter and leave the project location. The environmental monitors will lead the other members along the approved access routes during preconstruction activities.
- The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office 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. 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 General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
- In the event that the public land underlying the right-of-way encompassed in the grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way Holder.
- The Holder, contractor or anyone conducting activities authorized under the grant must have a copy of the grant/terms and conditions on site at the time the activity is being conducted pursuant to the authorization.
- The permit Holder, and its contractors are liable for damages related to its activities and is responsible for incidents on its construction sites, including but not limited to, hazmat,

vandalism, and accidents with recreational visitors. Permit Holder shall take measures to ensure visitor safety such as signing, flagging, lighting, etc.

- The permit Holder will obtain any applicable state/local permits pertaining to any activity, prior to initiating that activity.
- The Holder shall coordinate with the BLM to ensure that access is maintained to wilderness and recreation areas within the McCain Valley area during construction. In addition, the project applicant shall ensure that vehicles and equipment are not left in McCain Valley Road so as to obstruct the movement of non-construction vehicles in the area.
- If soil or groundwater contamination is suspected or encountered (e.g., unusual soil discoloration or strong odor), Tule Wind, LLC shall immediately stop work and notify the designated environmental staff in accordance with the communication protocol described in the Environmental Compliance Monitoring Plan (ECMP). All work in the area of suspected contamination shall cease, the work area shall be cordoned off, and the environmental field representative shall implement appropriate health and safety procedures. Work outside the suspected area may continue as determined by the environmental field representative.

Fire Prevention and Environmental Training:

- All crew members shall receive environmental and fire prevention training prior to performing preconstruction activities. The environmental training shall identify the sensitive environmental resources on-site, exclusion areas, and all other environmental issues. For fire prevention, the fire prevention measures set forth herein shall be discussed with crew members.
- A fire watch will be present when chainsaws (or other powered saws) and/or power brush cutters are being used. The fire watch will have the required tools, extinguishers, and communications equipment.
- Holder shall be required to adhere to the pertinent provisions of the Tule Fire Prevention Plan (“Plan”).

The sections of the Tule Fire Prevention Plan that are most applicable to the covered activities under this LNTP for work involving non-heavy equipment along existing access roads are as follows; A, D, J, K, O, R, T, U, W, X, FF, GG.

The sections of the Tule Fire Prevention Plan that are most applicable to the covered activities involving overland travel across vegetation and heavy equipment are as follows; A, D, E, G, I, J, K, O, Q, R, T, U, W, FF, GG.

- A. **Construction of Access Roads Prior to On Site Construction** – Holder shall observe fire safety guidance provided in Section A (Page 1).
- D. **Tule Fire Safety Coordinator** - A trained and experienced Fire Safety Coordinator shall perform the roles and responsibilities as identified in Section D of the Fire Prevention Plan (Page 3).

- E. **Road Widths and Roadside Fuel Modification** – Holder shall water down vegetation along access routes 20 minutes prior to crews completing any activities per the discretion of the Fire Safety Coordinators determination (Page 4).
- G. **Fire Patrols** - Fire patrols shall be onsite during preconstruction activities and Hot Work and for one hour following the completion of preconstruction activities and Hot Work. The Tule Fire Safety Coordinator shall operate one all-wheel drive, Type VI fire engine (all-wheel drive 1 ton pick-up equipped with a “Type 6” Skid Mounted unit (see Section H “Type 6 Skid Mounted Pump Units” (Page 6)) during all preconstruction activities (Page 5).
- I. **Construction Water Tenders** – A construction water tender or water storage tank(s) will be made available during preconstruction activities to ensure the Type VI fire engine identified above under Section G is maintained at capacity at all times (Page 6).
- J. **Portable Fire Extinguishers** - Each vehicle on site shall carry a Tri-Class (ABC) Dry Chemical Extinguisher, with a minimum rating of 3A, 40BC and a long-handle round-nose shovel. At each work location there shall be a back pack hand-pump containing 5 gallons of water, 3A 40BC extinguisher, and shovel. Fire suppression equipment shall be within vehicles used at the work site and designated for fire suppression use only (Page 6).
- K. **Red Flag Warnings; High Fire Hazard Weather Conditions** - Holder shall monitor local weather reports for High Fire Hazard and Red Flag Warnings. No hot work will occur during High Fire Hazard and Red Flag events. If hot work is requested during such an event, the Holder shall contact Cal Fire at the number provided in this section in advance of performing the hot work for approval of the work at the location requested (Page 8).
- O. **Mufflers and Spark Arrestors on Equipment Engines:** Vehicles shall not park in vegetative areas. Official requirements for spark arrestors shall be obtained from the Fire Agencies. All equipment on vehicles or otherwise portable equipment not on a vehicle shall be located so that exhaust does not discharge against combustible material (Page 12).
- Q. **Clearing Crews** - Holder shall regularly monitor the area following overland travel across vegetation for 60 minutes following the completion of crews working in area to monitor for any signs of fire. Overland travel across vegetation shall not occur during Red Flag Warning periods (Page 13).
- R. **Storage of Flammable and Combustible Liquids and Fueling of Vehicles and Equipment** - Fuel storage and handling provisions in the Plan shall be followed (Page 13).
- T. **Storage Areas and Parking Areas** - No vehicles will be parked or sit at idle in areas of combustible fuels such as brush or grass (Page 15).
- U. **Designated Smoking Areas** - Smoking restrictions in the Plan shall be followed (Page 15).
- W. **Hot Work (Welding, Grinding, etc.)** - Hot work on the site should be avoided where possible. However, if hot work is necessary to repair equipment, the procedures in this section shall be followed. No hot work shall be completed during Red Flag Warning periods (Page 16).
- X. **Storage of Combustibles and Trash** - Storage of combustibles and trash shall be maintained in an orderly, fire safe manner. Trash shall be placed in approved containers

daily and removed from site on a regular basis to prevent large accumulations of combustibles and trash (Page 19).

FF. **First Aid** - First aid equipment shall be available at each work location (Page 21).

GG. **Communications** - Crews and monitors shall be equipped with functioning 2-way radios or cell phones (Page 21).

Biological Resources:

- Holder shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for sensitive species, compliance with Nesting Bird Management, Monitoring and Reporting Plan and for coordination on compliance with the BLM. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the stipulations. The FCR shall have a copy of all relevant stipulations when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the project proponent, or a contracted biological monitor. The FCR shall have knowledge of all the sensitive species and migratory birds that may be found within the project area. The FCR shall also be approved by BLM.
- Only biologists approved by the BLM shall serve as biological monitors. The project proponent shall submit the name(s) and resumes of proposed biologist(s) to the BLM for review and approval at least 15 days prior to the onset of activities. No activities shall begin until a biologist is approved.
- To prevent the introduction of new invasive weedy plant species into the project area, Holder shall require the designated contractor to ensure that vehicles and equipment that have been used on sites outside of the project area have been cleaned prior to starting work on the project.
- Biological monitoring shall be conducted throughout preconstruction activities in order to avoid and minimize impacts to sensitive biological resources. Minimization efforts for which the biological monitoring shall observe will, at a minimum, include the following: 1) presence of a qualified biological monitor during all ground-disturbing activities that might disturb environmental resources; 2) avoidance and minimization of impacts to sensitive biological resources to the maximum extent feasible; 3) avoidance of special-status plant and animal species; 4) avoidance of wetlands and drainage features; 5) identification and quantification of any habitats if they are to be removed; and 6) specific measures for the protection of sensitive habitats as necessary, including but not limited to, erosion and siltation control measures as-needed per the biological monitor's determination, dust control measures, and defining work area limits.
- A biological monitor shall conduct a sweep ahead of vehicles (including ATVs) which may travel overland on approved project access or on existing roads. . Biological monitors shall be equipped with GPS units capable of identifying the authorized extent of disturbance.
- Prior to conducting preconstruction activities, a biological monitor, in coordination with the archaeological monitor, shall identify an appropriate route, within the access routes identified in the ROW, for gaining access to the required work areas. The route will avoid sensitive resources. If sensitive resources cannot be avoided, you must contact the BLM El Centro Field Office. The biological monitor shall survey the sites and surrounding areas for

compliance with all environmental permit conditions. A biological monitor will assist with avoidance/minimization of impacts to native vegetation, document impacts using a GPS unit and flush birds and any other detected wildlife from the work zones prior to and during disturbances. The on-site monitor will take photographs, record notes of the monitoring activities and coordinate with the FCR regarding compliance issues.

- For the protection of nesting birds, the Nesting Bird Management Monitoring and Reporting Plan will be followed.
- If preconstruction activities occur during the BUOW nesting season (February 1 to August 31) and BUOW burrows are discovered in the work area, the biological monitor shall establish and mark a 250-foot non-disturbance Environmentally Sensitive Area (ESA) radius around the burrow. If an active, non-breeding BUOW burrow is detected the work area should be located at least at a 160-foot radius as determined by a qualified biologist. The ESAs shall be staked and roped-off prior to initiating any activity onsite. No activity shall take place within the avoidance ESA.
- All kit fox and badger burrows will be marked and flagged for avoidance if discovered in the work area and associated buffer. All project activity will take place outside breeding season or the qualified biologist shall establish and flag a 200-foot non-disturbance ESA during breeding season or a 100-foot ESA outside breeding season radius from the burrow.
- No grading and/or road construction shall be permitted in order to complete the preconstruction activities.
- No jurisdictional wetlands or waters of the U.S./State shall be impacted during preconstruction activities unless appropriate permits are obtained and provided to BLM.
- Preconstruction activities shall follow the Conservation Measures of the U.S. Fish and Wildlife Service Biological Opinion for the Tule Wind Project (September 2011). For example, all construction clearing and grubbing in occupied Quino habitat will be conducted in one continuous time period. Clearing and grubbing will not be conducted during the Quino flight season, which generally includes 4 to 6 weeks between January and May, depending on weather conditions (Service 2003). (for additional information on Quino monitoring see http://www.fws.gov/carlsbad/TEspecies/Quino_Monitor.htm)
- Temporary impacts to sensitive vegetation communities shall be restored sufficient to compensate for the impact to the satisfaction of the BLM. If restoration of temporary impact areas to sensitive vegetation is not possible to the satisfaction of the BLM, the temporary impact shall be considered a permanent impact and compensated accordingly.
- A biological monitor shall conduct a final site visit after the completion of preconstruction activities to GPS the final limits of disturbance that resulted. A summary report shall be prepared to quantify areas that were disturbed and a graphic shall be provided depicting the location of disturbance. The report shall be provided to BLM within three weeks of completing all preconstruction activities.
- All potential pit-falls to wildlife will be covered or backfilled when not attended. Topsoil shall be conserved during excavation activities and reused as backfill. Topsoil located in developed or disturbed areas is excluded from this requirement.

- It may be necessary to trim brush down to the stump for some of the larger shrubs to ensure safe passage of personnel, equipment and for survey staking. This activity will be permitted per the discretion of the biological monitor onsite. The brush will be removed and removed in accordance with Section X of the Fire Protection Plan.
- Prior to the start of construction, a qualified biologist shall conduct focused surveys during the appropriate blooming period for special-status plant species for all construction areas. All of the special-status plant locations shall be recorded using a Global Positioning System (GPS), which will be used to site the avoidance fencing/flagging. Special-status plant species shall be avoided to the maximum extent possible by all construction activities. The boundaries of all special-status plant species to be avoided shall be delineated in the field with clearly visible fencing or flagging. The fencing/flagging shall be maintained for the duration of project construction activities.
- Project personnel shall not harm, harass, collect, or feed wildlife. No pets shall be allowed in the construction areas.

Archeological Resources:

- As per the Section 106 Final Memorandum of Agreement, the Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects (hereafter, MMP; Hale 2012), and the Tribal Participation Plan (TPP) (Hale 2011), an archaeological monitor and a Native American observer will be present during all ground disturbing activities associated with the Tule Wind project, including preconstruction activities associated with issuance of the NTP. Archaeological monitors shall work with the biological monitors to identify appropriate routes for gaining access to the required work areas and ensure that all known resources are avoided. Archaeological monitors will meet the Secretary of Interior standards for cultural resources and must be approved by the BLM prior to initiation of preconstruction activities.
- Archaeological Monitoring and Native American observation activities must adhere to all of the requirements set forth in the MMP and TPP, including notification by the project proponent of construction scheduling, and notification of Tribal members of the TPP rotation schedule within the timeframes specified in these documents. Should post-review discoveries of archaeological resources occur during preconstruction activities, the archaeological monitors present shall ensure that the procedures outlined in the MMP are followed.