

## **DECISION RECORD**

**EA Number:** AZ-410-2008-0019 Dry Lake Wind Project

**Lease/Serial/Case File No.** AZA-33259

**BLM Office:** Safford Field Office

### **Introduction**

Iberdrola Renewable Energies USA, LTD (IBR – formerly PPM Energy, Inc.) is proposing to construct, operate, and maintain a wind generation facility in Navajo County, Arizona. IBR's project, referred to as the Dry Lake Wind Project (Project), is located about six to 18 miles north-northwest of the City of Snowflake, just east of Arizona State Highway 377 and southwest of the I-40 corridor. The Project will provide up to 378 megawatts (MW) of wind energy and consist of multiple phases:

- Phase I will include 64 MW of wind energy with up to 40 wind turbines, access roads, an interconnection substation, an Operations & Maintenance (O&M) facility, and collector lines to transmit the generated energy to the substation. The turbines will range in size from 1.5 to 3.0 MW each.
- Subsequent phases will include comparable facilities able to provide a total of up to 314 MW of additional wind-generated energy. Because turbines will also range in size from 1.5 to 3.0 MW, the total number of project turbines for subsequent phases will be between 105 and 209.

The turbines, access roads, collector lines, substation and O&M facilities will be constructed on private leased land, Arizona State Trust lands, and lands managed by the U.S. Department of the Interior, Bureau of Land Management (BLM).

Iberdrola Renewable Energies USA, LTD has proposed this Project to help meet the growing demand for electricity in Arizona. Recent national and regional electrical demand forecasts predict that the growing consumption of electrical energy will continue to increase into the foreseeable future and will require development of new energy sources to satisfy that demand. The need for renewable sources of energy is recognized at both the national and state levels. Arizona has acknowledged the public benefits of renewable energy generation by putting in place a statewide Renewable Portfolio Standard. This Project will help Arizona to meet its stated renewable energy goal of 15 percent by 2025.

### **NEPA Review Process/Public Participation**

Bureau of Land Management is responsible for processing applications for grants of Right-of-Way (ROW) for use of federal lands administered by the BLM. This requires completing environmental reviews pursuant to the National Environmental Policy Act of 1969 (NEPA) [42 United States Code (USC) 4332].

Scoping: Consistent with NEPA, the BLM conducted a 45-day scoping process, lasting from May 15 to June 29, 2007. The public was invited to comment on the content and issues that should be addressed in the environmental review. A summary of the proposed Project and Project map was mailed or e-mailed to more than 662 Project stakeholders and interested parties on May 15, 2007. Stakeholders and interested parties included federal, state, and local officials, agency representatives, conservation organizations, Native American tribes, local libraries and newspapers, and landowners in the general vicinity of the Project. Additionally, a formal letter was sent to 99 federal, state, and local agencies and tribal representatives.

A public meeting was hosted by the BLM in Snowflake, Arizona, on June 12, 2007. Presentations were made by BLM and IBR about the Project and the environmental review process. Written and verbal comments were gathered during the meeting. Several comments were later submitted by mail. Substantive new information relevant to the analysis was incorporated into the preliminary Environmental Assessment (EA).

On February 12, 2008, the BLM issued a Notice of Availability for the preliminary EA and unsigned Finding Of No Significant Impact to the public for a 30-day review and comment period. In response, the BLM received comments from 14 interested parties. Based on comments received and updates to the Project layout, the following minor changes were made to the final October 2008 EA:

- Because of a change in company ownership, references to PPM Energy, Inc. were changed to IBR;
- The Project layout for Phase I was updated, including changes to construction and operation land use impacts;
- Because the Phase I Project layout no longer required access roads or collector lines to cross Washboard Wash, no floodplains mapped by the Federal Emergency Management Agency will be crossed during Phase I of the Project;
- The O&M building location was moved to improve accessibility and increase the setback distance from an Arizona Game and Fish Department (AGFD) wildlife watering site;
- The locations of several wind turbines were moved to avoid interfering with existing microwave beam paths;
- Additional raptors species that could occur in a Project area were recognized;
- Recognition that wind farm meteorological towers have not historically been found to attract bird nesting was added, however, IBR has committed to deterring bird nesting on lattice meteorological towers if nesting becomes an issue;

- Clarification that prior to subsequent Project phases, IBR will conduct aerial and ground surveys for caves and/or ground fissures to identify potential bat roosting habitat within the Project boundary as well as other potential roost sites in the general vicinity of the Project (e.g., bridges and culverts along State Highway 77);
- Clarification that IBR will coordinate with appropriate agency biologists regarding protocols for biological surveys conducted prior to subsequent Project phases;
- Clarification that IBR will avoid placing turbines in documented locations of, not only any species of wildlife, fish, or plant protected under the Endangered Species Act, but also the Bald and Golden Eagle Protection Act;
- Recognition that IBR will maintain current levels of public access; and
- A description that additional Class III cultural resource surveys for the Phase I area was conducted.

**Decision:**

The Proposed Action, with all mitigation measures in place, will not result in significant adverse impacts on the human environment, including but not limited to geologic and soils resources, hydrology and water quality, air quality, biological resources, land and recreational uses, transportation, cultural resources, visual resources, and socioeconomics. The Proposed Action will provide a public benefit by assisting Arizona in meeting its stated renewable energy goal of 15 percent by 2025.

BLM, in its capacity as NEPA lead agency responsible for management of federal lands, has determined that project-related right-of-way grants for the use of federal land can be issued in accordance with relevant federal laws, regulations, and policies (including Title V of the Federal Land Policy and Management Act [FLPMA] of 1976 and Title 43 CFR 2800, et seq.). Issuing a right-of-way grant for the proposed Project will advance national energy policy that calls for increasing renewable energy production on federal lands (NEPDG, 2001) and will be consistent with the BLM's 2005 Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (Wind Energy PEIS) and associated Record of Decision (ROD). In following the BLM's Wind Energy Development Program, the Project will be in an acceptable area with minimal impact to natural, cultural, and visual resources on the public lands.

**Alternatives Considered:** The only alternative to the Proposed Action that was considered in the EA was the "No Action" alternative. The No Action alternative consisted of the BLM not issuing a ROW grant to IBR, thus preventing IBR from constructing and operating its proposed wind farm facilities on BLM lands. Given the checkerboard nature of the federal, state, and private lands in this area, the No Action

alternative would have severely limited the land available for wind energy development at this location and the economic viability of the proposed Project. The effects to the environment that will result due to construction of the Project would not have occurred as part of the No Action alternative, and existing land uses in the Project area would have remained unchanged. Under the No Action alternative, it is likely that IBR would have attempted to develop wind projects elsewhere, either in Arizona or in other states. However, selection of the No Action alternative would not advance national energy policy that calls for increasing renewable energy production on federal lands nor would it have helped the State of Arizona meet its renewable energy goal of 15 percent by 2025.

**Rational for Decision:** The Proposed Action is consistent with the Phoenix RMP/FEIS. The EA analyzed the potential impacts to the environment and the public should the application be granted. A FONSI has been signed; therefore there are no significant impacts to the environment that will require an environmental impact statement. The action will not violate Federal, State, or local laws or requirement for the protection of the environment. Applicable laws, regulations and policies were considered in the EA.

**Mitigation Measures:**

Mitigation measures incorporated into the Proposed Action are identified and discussed in Chapter 3 of the final October 2008 EA and are included as an attachment to this Decision.

**Terms / Conditions / Stipulations:**

Terms/Conditions/Stipulations to this Decision are attached.

**Notice of Appeal:** This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained at 43 CFR, Part 4 and Form 1842-1, attached to this decision.

  
Field Manager

  
Date

**Attachments:**

- Attachment 1 - Mitigation Measures – 5 pages
- Attachment 2 - Terms/Conditions/Stipulations – 4 pages
- Attachment 3 – Form 1842-1

## **ATTACHMENT 1 - Mitigation Measures:**

Mitigation measures incorporated into the Proposed Action are identified and discussed in Chapter 3 of the final EA. Notable mitigation measures that IBR has adopted into its Proposed Project include (to be implemented by IBR or its representatives/contractors):

### **I. Paleontological**

- a. IBR will educate all construction workers in identification of fossiliferous deposits and consequences of unauthorized collection.
- b. IBR will halt construction if significant paleontological resources are uncovered.
- c. IBR will implement measures to prevent potential looting/vandalism or erosion impacts of any fossils uncovered during construction activities.

### **II. Geological Resources**

- a. IBR will utilize erosion control practices in areas impacted by proposed construction.

### **III. Soils**

- a. IBR will comply with the Arizona Pollutant Discharge Elimination System (AZPDES) permit conditions and implement a Storm Water Pollution Prevention Plan (SWPPP).
- b. IBR will implement best management practices such as covering bare soils with mulch, plastic sheeting, or fiber rolls to protect washes and drainages from excessive sediment runoff, especially during significant precipitation events.
- c. IBR will revegetate disturbed soils.

### **IV. Wastes (Hazardous or Solid)**

- a. IBR will develop a hazardous materials management plan, a waste management plan and a Spill Prevention, Containment, and Countermeasure (SPCC) Plan.

### **V. Water Quality and Quantity**

- a. IBR will apply for any necessary permits for impacts on waters of the U.S.
- b. IBR will design access roads constructed adjacent to streams and drainages so runoff can flow unrestricted.
- c. IBR will obtain coverage under an AZPDES permit and will prepare a SWPPP prior to construction.
- d. IBR will develop an SPCC Plan.
- e. IBR will use water or chemicals to suppress dust during Project construction. Prior to the use of any chemicals for dust abatement, IBR will confer with BLM's Authorized Officer to obtain approval.

### **VI. Wetland and Riparian Zone**

- a. IBR will avoid major disturbance of xeroriparian zones and drainage systems.

### **VII. Floodplain**

- a. IBR will avoid construction in floodplains, whenever feasible, and properly design culverts if access road crossings are unavoidable. If avoidance is not

feasible, impacts from the access road crossings of the floodplains could be minimized by using an existing crossing. If appropriate, rolling dips or water bars will also be constructed to divert water and sediment off of access roads before it can reach the floodplain. Additionally, wind turbines, the interconnect substation, and O&M facilities as well as all associated work spaces associated with the subsequent phases will be set back at least 50 feet from small ephemeral water bodies, and 75 feet from medium ephemeral or intermittent water bodies.

### **VIII. Vegetation**

- a. IBR will use best management practices to protect topsoil and adjacent resources and to minimize soil erosion.
- b. IBR will implement a Habitat Restoration Plan and Noxious Weeds and Invasive Species Control Plan (Weed Control Plan).

### **IX. Invasive and Nonnative Species**

- a. IBR will use best management practices outlined in the Weed Control Plan to prevent introduction of invasive or nonnative species into previously uncontaminated areas.
- b. IBR will require that all construction contractors guarantee that all vehicles and equipment arriving in the Project area will be clean of plant debris.

### **X. Wildlife**

- a. IBR will conduct pre-construction surveys prior to siting turbines associated with each of the subsequent phases of the Project. These surveys will include point count avian surveys, surveys to identify raptor nests, surveys to identify occupied prairie dog colonies, and surveys for potential bat roosting habitat.
- b. IBR will conduct formal post-construction monitoring studies designed to estimate avian and bat mortality.
- c. IBR will train construction contractors and operational staff on protocols for responding to dead or injured wildlife and in assessing general habitat conditions.
- d. IBR will coordinate with the appropriate agencies (including the BLM, AGFD, and USFWS) prior to finalizing a facility layout.
- e. IBR will avoid placing turbines in documented locations of any species of wildlife, fish, or plant protected under the federal Endangered Species Act and the Bald and Golden Eagle Protection Act.
- f. IBR will avoid or minimize placing turbines in documented locations of any species of wildlife, fish, or plants listed as species of concern by the USFWS, BLM, or state of Arizona.
- g. IBR will avoid or minimize disturbance of individual xeroriparian or drainage systems during construction.
- h. IBR will protect existing trees and shrubs that are important to the wildlife present in the area.
- i. IBR will avoid placing turbines in known local bird migration pathways or in areas where birds protected under the Migratory Bird Treaty Act are highly concentrated.

- j. IBR will avoid placing turbines in known daily movement flyways (e.g., between roosting and feeding areas) and areas with a high incidence of fog, mist, low cloud ceilings, and low visibility.
- k. IBR will avoid placing turbines near known bat hibernation, breeding, and maternity/nursery colonies, in migration corridors, or in flight paths between colonies and feeding areas.
- l. IBR will configure turbine locations to avoid areas or features of the landscape known to attract raptors (hawks, falcons, eagles, owls).
- m. IBR will avoid impacts on sensitive raptor species by limiting high-impact construction activities (activities that involve blasting, grading, other major ground disturbance, and high levels of construction traffic) to distances further than 1,300 feet from occupied raptor nest sites during the sensitive nesting season.
- n. IBR will remove any nests (after nesting season) and add nest deterrent devices to the lattice design met tower(s) if nesting becomes an issue after installation.
- o. IBR will avoid impacts on pronghorn antelope by conferring with BLM and AGFD biologists if high-impact construction activities are scheduled to occur within 0.6 mile from functioning watering sites during the fawning season. IBR will work with the BLM and AGFD to develop appropriate mitigation if pronghorn antelope will be adversely impacted.
- p. IBR will minimize constructing new roads or providing public access to previously inaccessible areas.
- q. IBR will minimize constructing new fences and other infrastructure.
- r. IBR will develop a Habitat Restoration Plan that avoids or minimizes negative impacts on vulnerable wildlife while maintaining or enhancing habitat values for other species.
- s. IBR will remove and dispose of all carcasses of livestock, big game, and other wildlife found near turbines that might attract foraging raptors in a timely manner.
- t. IBR will maintain sound water and soil conservation practices to protect topsoil and adjacent resources and to minimize soil erosion.
- u. IBR will minimize erosion by utilizing best management practices for erosion and sediment control.
- v. IBR will use tubular turbine towers rather than lattice towers to minimize bird perching and nesting opportunities.
- w. IBR will avoid placing external ladders and platforms on tubular towers to minimize perching and nesting.
- x. IBR will avoid the use of guy wires for turbine or meteorological tower supports.
- y. IBR will minimize turbine and other facility lighting to reduce the potential for attracting night-migrating songbirds and similar species (while still meeting FAA requirements).
- z. IBR will install electric collector lines underground to the extent feasible.
- aa. IBR will design all aboveground transmission line support structures following practices suggested by Avian Powerline Interaction Committee (APLIC 1996)

and install anti-perching devices on transmission pole tops and cross arms where the poles are located within ½ mile of turbines.

- bb. IBR will establish and enforce reasonable driving speed limits within the Project to minimize potential for road killed wildlife or livestock that could attract foraging raptors.

#### **XI. Threatened and Endangered Species**

- a. IBR will apply for coverage under the state of AZPDES permit and develop a site-specific SWPPP that include erosion prevention, soil stabilization, sediment control, and re-vegetation for each phase of Project development.
- b. IBR will develop and implement a Habitat Restoration Plan.
- c. IBR and BLM, with input from the USFWS, will jointly survey the subsequent phases area to determine potential habitat for Peebles Navajo Cactus. If suitable habitat for the cactus is potentially present, IBR and BLM will conduct surveys for the species within the proposed construction area during the appropriate time of year. IBR will avoid siting turbines or Project facilities in areas where cacti would be directly or indirectly impacted.
- d. IBR and BLM will implement measures to protect any populations of Peebles Navajo cactus found in the Project area.
- e. BLM will initiate consultation with the USFWS, as appropriate, if Peebles Navajo cactus is found anywhere in the Project area.

#### **XII. Land Use**

- a. Existing fencing affected during construction will be repaired to landowner specifications (including the potential use of cattle guards).
- b. IBR will compensate landowners for any damage to their grazing operations.

#### **XIII. Visual Resource**

- a. IBR will locate the wind energy facilities outside of highly sensitive viewing areas.
- b. When construction requires movement of earth during windy conditions, water or chemicals will be used for dust suppression.
- c. The wind turbine structures will be constructed as tubular towers, painted with non-reflective white paints.
- d. Red or white flashing lights will be mounted at the nacelle of the wind turbine, and located at the ends and middles of the turbine strings.
- e. Lighting at the substation and O&M facility will be limited to reduce nighttime light pollution.

#### **XIV. Cultural Resources**

- a. All surface disturbing activities will cease should any archaeological resources or vertebrate fossils be discovered. A Project archeologist will evaluate the discovery and provide recommendations to the BLM's Authorized Officer and surface disturbing activities will not resume until permission is obtained from the BLM's Authorized Officer.

**XV. Air Quality**

- a. IBR will implement best management practices (e.g., fugitive dust control) to protect local air quality.

**XVI. Noise**

- a. All construction equipment used will be adequately muffled and maintained.
- b. IBR will locate all stationary construction equipment as far as practicable from nearby residences.
- c. If blasting or other noisy activities are required during the construction period, IBR will notify nearby residents in advance.

**XVII. Public Services**

- a. IBR will construct and operate the Project in accordance with all associated federal and state permits and laws, as well as industry construction and operation standards.
- b. IBR will prepare an access road siting and management plan that incorporates existing BLM standards regarding road design, construction, and maintenance such as those described in the Wind Energy PEIS and ROD (BLM, 2005), BLM 9113 Manual (BLM and USFS, 1985) and the *Surface Operating Standards for Oil and Gas Exploration and Development* (Fourth Edition 2006) (i.e., the Gold Book).
- c. IBR will develop a transportation plan and incorporate the guidelines laid out in the Wind Energy PEIS and associated ROD (BLM, 2005).

**XVIII. Human Health and Safety**

- a. IBR will conduct a safety assessment to describe potential safety issues and the means that will be taken to mitigate them.
- b. IBR will develop a health and safety program prior to construction to protect both workers and the general public during construction, operation, and decommissioning of the Project;
- c. IBR will identify specific issues of concern raised by Navajo County and address these concerns in a traffic management plan.
- d. IBR will develop a fire management strategy to implement measures to minimize the potential for human-caused fires.

**End of Mitigation Measures**

## ATTACHMENT 2 -Terms and Conditions

1. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
2. Upon grant termination by the Authorized Officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
3. Each grant issued 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.
4. The stipulations, plans, maps, and designs set forth in Exhibit C along with the POD, dated September 30, 2008, attached hereto, are incorporated into and made a part of this grant instrument.
5. 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.
6. The holder will 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.
7. The holder will follow and adhere to any mitigation measures located within Environmental Assessment AZ-410-2008-0019 dated February 2008.
8. The right-of-way reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional rights-of-way, leases, or easements for compatible uses over, under, within or adjacent to the lands involved in this grant.
9. The holder will construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was conditionally approved on October 24, 2008 and made part of this grant. Any relocation, additional

construction, or use that is not in accordance with the approved plan of development, will 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, will be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities.

10. The holder will not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the Authorized Officer. Such authorization will be a written Notice to Proceed (NTP). The NTP will only be issued when all permits and licenses (Federal Aviation Administration, Arizona Department of Transportation, etc.,) have been secured and provided to the BLM.
11. The holder will designate a representative(s) who will have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative will be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
12. The holder will provide the BLM good cause as to the nature of any delay with anticipated construction dates. At such time, Iberdrola will provide BLM with evidence of progress toward commencement of construction. Failure of the holder to comply with the due diligence terms and conditions, provides the Authorized Officer the authority to terminate the authorization (43 CFR 2807.17). If lands that are currently reserved are not utilized for Phase II, these lands will be relinquished back to the BLM consistent with the timeframe in the approved POD and in accordance with the Due Diligence section of the Wind Energy Policy (WO IM 2006-16), dated August 24, 2006.
13. All requirements identified in the Memorandum, dated November 16, 2007, prepared by the U.S. Fish and Wildlife Service (USFWS) for this project are incorporated into and made a part of the terms and conditions of this ROW Grant.
14. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.

2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

15. Use of pesticides will comply with the applicable Federal and state laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder will obtain from the Authorized Officer written approval(Pesticide Use Proposal)showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides will be approved in writing by the Authorized Officer prior to such use.
16. The holder will provide a bond prior to issuance of the NTP in the amount of \$10,000 per turbine located on Public Lands, to be maintained for the life of the authorizing grant.
17. The Authorized Officer will be notified before any changes, modifications, or replacement of turbines, turbine blades or other wind farm facilities are made. Normal operation and maintenance activities, such as in-kind replacement of turbine blades or other components, are not included in this requirement.
18. Turbines that are damaged or inoperative will be promptly repaired. No turbine will be inoperative for more than 90 continuous days. The Authorized Officer may request removal of turbines that are inoperable for more than 90 continuous days. The Holder may request an exception to this requirement. The Authorized Officer may request written documentation before granting an exception.
19. The holder will take all necessary precautions to prevent radio and television interference due to turbine operation. The Holder will provide alternate reception modes when radio or television interference is documented.
20. The holder will work with the BLM to increase the public acceptance and awareness of the benefits of wind energy development by providing information and public points of access near the development where safe

and appropriate. These measures could include on-site interpretive resources, and photo locations.

21. The holder will notify the Authorized Officer of any tower collapse, blade throw, wind farm caused fire, or significant injury to worker within 24 hours of any such occurrence.
22. The holder will develop a turbine identification system whereby each turbine tower will be assigned a unique identifier. A description of the system and map showing tower locations and numbers will be submitted to the Authorized Officer before start of wind farm operations.
23. The proposed mitigation measures for wildlife and ecological resources described in section 5.2 of the final Plan of Development will be completed and are incorporated into the grant stipulations by reference.
24. A biological monitor will not be required for the construction of Phase I. For Phase II, the holder will be responsible for having a biological monitor present during construction. The biological monitor will contact the Bureau as soon as possible if construction deviates from the (Phase II) Plan of Development or if mitigation and/or stipulations are not being met. In addition the biological monitor will provide monthly summary reports of their construction oversight.
25. Any unanticipated archaeological or historical artifacts or remains, or vertebrate fossils discovered during construction, maintenance and use will be left intact and undisturbed; all work in the immediate area of discovery will stop immediately and the Authorized Officer will be notified immediately. Commencement of operations will be allowed upon clearance by the Authorized Officer.
26. An additional cultural and paleontological resource survey may be required in the event that the project location is changed or additional surface disturbing operations are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of operations.
27. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-

601; Stat. 3048; U.S.C. 3001) are discovered, the permittee will stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The permittee will continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

28. The holder will be responsible for having an approved Archaeological Monitor present at all major ground disturbing activities, to include the digging of a foundation of the towers, trenching for the 34.5 kV collector cables and communication lines, and any associated permanent buildings. The monitor must have or work for a person or corporation that meets the requirements of 43 CFR Part 7 (section 7.8) For purposes of this project a monitor will be present during the removal of the top soil of the above project areas, should no cultural material be identified the digging can proceed without a monitor present. Once the foundation is dug or the trench finished and before any other work is started the sides of the depression will be inspected by the monitor. If at any time during the project evidence of cultural artifacts or human remains are unearthed, all work at the site is to stop. In addition the archaeological monitor will provide monthly summary reports and an end of project monitoring report.
29. During construction, all cultural sites in or near the Area of Potential Effect(APE) or ROW will be fenced off with temporary orange construction fencing and will be checked by the monitor to ensure that no damage occurs to archaeological property which has been identified as eligible for inclusion on the National Register of Historic Places.
30. The holder will ensure that windrows from trenching are pushed back into the trenches and reclaimed to match pre-construction terrain conditions.

### **End of Terms and Conditions**