KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2010-0040-CX
NEPA Document Number

LR13a
RMP Implementation No.

S:/BLMshare:
/nepa/ROW's/Pacific Wind

Land Description: T. 26-28 N., R. 17-18 W.
Applicant: Pacific Wind Development LLC
Authorization: Type II Wind ROW

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
X	Range	/s/ David Brock 12/15/2010
	Wild Horse and Burro	
X	General Recreation	/s/ Leonard A. Marceau 12/15/2010
X	Cultural and Paleontological Resources	/s/ Tim Watkins 12/16/2010
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Rebecca L. Peck 12/15/2010
X	Threatened and Endangered Plants and Animals	/s/ Rebecca L. Peck 12/15/2010
X	Migratory Birds	/s/ Rebecca L. Peck 12/15/2010
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
X	Visual Resources	/s/ Leonard A. Marceau 12/15/2010
	Socio-Economics/Environmental Justice	
X	General Botany/Noxious Weeds	
X	Energy Policy	

Writer: /s/ Joyce Cook Date: 06/21/2010

Environmental Coordinator: /s/ David Brock Date: 06/21/2010

Field Manager: /s/ Don McClure Date: 06/21/2010

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Pacific Wind Dolan Springs Wind Energy Testing and Monitoring Right-of-Way
DOI- BLM-AZ-C010-2010-0040-CX

A. Background

BLM Office: Kingman Field Office Lease/Serial/Case File No.: AZA 35336

Proposed Action Title/Type: Pacific Wind Dolan Springs Wind Energy Testing and Monitoring Right-of-Way

Location of Proposed Action: T. 27-28 N., R. 16-18 W.

Description of Proposed Action:

The proposed wind energy testing and monitoring right-of-way (ROW) would include a project area consisting of 26,887.95 acres of public land that would preclude other wind energy applications on the identified public lands and would include four site specific locations for meteorological (met) tower installation to gather wind resource data. The term of the ROW requested is 3 years and includes restoration and rehabilitation to restore the land to its original condition. Disturbance for each met tower is expected to be approximately 2.9 acres totaling 11.6 acres and total access needs are expected to be approximately 1.2 acres. A detailed description of the met tower proposal is included in the Plan of Development dated September 2010, attached.

B. Land Use Plan Conformance
Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LR13a All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance. (Page 21)

CL01 Protect the scientific information potential of sites, enhance the public use values of sites and manage sites for conservation. (Page 74)

VR01 Designate and manage visual resources according to the Visual Resource Management Classes as shown on Map 19, page 81 and Table 16, page 138.

WL02 Thirteen wildlife movement corridors and lands between mountains in southern Mohave County are proposed to ensure that biotic diversity is maintained (Map 20, Page 79).

C. Compliance with NEPA:
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9.E.(19) Issuance of short-term (3 years or less) rights-of-way

or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

D. Consultation and Coordination

June 21, 2010. Project was scoped at the Kingman Field Office Project Coordination Meeting. Concerns identified were cultural and possibly biological.

July 20, 2010. Field trip with Chris Bergen of Pacific Wind, Tim Watkins KFO Archaeologist and Ammon Wilhelm KFO Biologist to look at eight proposed met tower locations. Locations reduced to four. Pacific Wind will submit a revised application and POD. No biological concerns. Cultural clearances will be conducted when the specific locations are identified.

July 29, 2010. Letters sent to interested tribes requesting comments on the project.

August 11, 2010. Chris Bergen of Pacific Wind advised four met tower locations had been staked on the ground.

August 16, 2010. Cultural survey w/Tim Watkins, KFO Archeaeologist of 4 met tower locations.

August 25-26, 2010. Worked with Chris Bergen on amended application and Plan of Development documents.

September 2, 2010. Revised application and POD submitted.

September 9, 2010. Tim Watkins discussed the project with Hualapai tribal representatives.

October 1, 2010. Letters to third party right holders, i.e. ROW holders, grazing permittees, mining claimants, adjacent landowners.

October 25, 2010. Talked to Goldwater Capital Nevada representative regarding proposal and answered questions.

November 1, 2010. Discussion with Chris Bergen - provided Goldwater Capital contact information. FAA consultation not required unless within 5 miles of an airport or 200'+ towers are involved.

November 1, 2010. Department of Defense Airspace Consultation Map checked. Area is not within a military sensitive area.

November 9, 2010. Field trip with Tim Watkins and Hualapai Tribal Representative.

November 18, 2010. Coordination by Pacific Wind with the Arizona Game and Fish Department regarding bird flight deflectors on met tower guy wires.

December 8, 2010. Letter from Hualapai Department of Cultural Resources stating there is no objection to this undertaking.

E. Approval

I have considered the proposed project as described in the Plan of Development dated September 2010 and have determined there is no potential for significant impacts for the following reasons:

1. Pacific Wind's proposed locations of the met towers are in sparsely vegetated areas and access has been routed so as to avoid as much vegetation as possible.
2. Disturbed areas will be raked after met tower installation.
3. The ROW is for a temporary term and the area will be rehabilitated to restore the public land to its original condition.

Authorizing Official: ___/s/ Jackie Neckels_____ Date: ___12/16/2010_____
(Signature)

Name: Jackie Neckels
Title: Assistant Field Manager, Nonrenewable Resources

Contact Person

For additional information concerning this CX review, contact Joyce Cook, Realty Specialist, Kingman Field Office, 2755 Mission Blvd., Kingman, AZ 86401, 928-718-3700.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (**Yes or No with supporting Rationale)**
1. Have significant effects on public health or safety.	No, met tower guy wire supports may present a safety hazard for the public recreating in the area, however, guy wires will be visually marked for sight. The locations of the met towers are not in high recreation use areas.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. The met towers have been located to avoid sensitive areas. A biological survey was completed on 7/20/2010 and there are no sensitive species, plant or animal, in the area. Installation of met towers is expected to be outside the migratory bird breeding season.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. Met tower disturbance is expected to be 2.9 acres per met tower or less and access roads are expected to be a total of less than 2 acres.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No, it is not expected met towers will have significant effects or unique or unknown environmental risks.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. The BLM Wind Energy Policy states met tower installation and testing does not establish a right to development and a separate application is required.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No, the met towers do not have a direct relationship to other actions with cumulatively significant effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. There aren't any National Register listed or eligible properties in the vicinity of the met towers.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. There aren't any species proposed for listing, currently listed or critical habitat in the vicinity of the met towers locations.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. Installation of met towers on public land would not violate any laws.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. There are no low income or minority populations in the vicinity of the met tower locations.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. The met tower locations will not limit access to any public land. A cultural survey conducted of the met tower locations indicated there are no cultural resources present.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. Stipulations will be provided in the ROW grant to reduce the potential for spread of non-native invasive species.

Approval and Decision

Attachment 2

Compliance and assignment of responsibility (Type Program or Employee**):**
Lands and Realty

Monitoring and assignment of responsibility: (Type Program or Employee**):**
Lands and Realty

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: /s/ Joyce Cook **Date:** 12/17/2010

Joyce Cook, Realty Specialist
Project Lead

Reviewed by: /s/ David Brock **Date:** 12/17/2010

Dave Brock
NEPA Coordinator

Reviewed by: /s/ Jackie Neckels **Date:** 12/17/2010

Jackie Neckels
Assistant Field Manager,
Nonrenewable Resources

Project Description:

The proposed wind energy testing and monitoring right-of-way (ROW) would include a project area consisting of 26,887.95 acres of public land that would preclude other wind energy applications on the identified public lands and would include four site specific locations for meteorological (met) tower installation to gather wind resource data. The term of the ROW requested is 3 years and includes restoration and rehabilitation to restore the land to its original condition. Disturbance for each met tower is expected to be approximately 2.9 acres totaling 11.6 acres and total access needs are expected to be approximately 1.2 acres. A detailed description of the met tower proposal is included in the Plan of Development dated September 2010, attached.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations

Approved By: __/s/ Jackie Neckels_____ **Date:** __12/16/2010_____

Jackie Neckels

Assistant Field Manager, Nonrenewable Resources

Exhibits:

A. September 2010 POD

B. December 2010 Terms and Conditions

EXHIBIT A

PLAN OF DEVELOPMENT

Pacific Wind Development LLC

WIND ENERGY PROJECT METEOROLOGICAL TOWER DEVELOPMENT

AZA-35336 Amendment #1

September 2012

1. Purpose and Need for Right-of-Way

The Applicant, Pacific Wind Development LLC (Pacific Wind), has applied for a project area right-of-way (ROW) consisting of 26,887.95 acres in the Dolan Springs Area of Mohave County, Arizona, as shown on Exhibit A Map and described in Exhibit B. The application is for a wind site testing and monitoring ROW including four meteorological (met) towers, as shown on Exhibit A Map and described in Exhibit C, to collect wind data to determine if the area is appropriate for the development of a wind energy site. Pacific Wind would collect wind speed, wind direction, and temperature data. These meteorological towers may also be used for the purpose of micro-siting of wind turbines on the wind energy project as a whole. This Application is consistent with the BLM's comprehensive Wind Energy Development Program to support wind energy development on public lands. Wind energy serves the national interest in energy independence and the potential role that renewable energy, in particular wind energy, can play in providing clean, non-fossil fuel based energy.

Pacific Wind requests permission to install the towers in the fall or winter months of 2010, and it would take up to four weeks to complete. The towers are expected to be in place for a minimum of one year, but may remain in service until the expiration (3 year term) of the proposed ROW or additional term as permitted by the BLM.

2. Location

The met towers would be located on public land identified and as shown on topographic maps in Exhibit 1. The met tower configuration is shown on Exhibit 2.

3. Design Factors

a. The ROW requested is for a radius of 200' consisting of 2.9 acres per tower. This is the total area that may experience surface disturbance. The majority of disturbance would be around a 9 square foot area where the tower base is located and approximately a 1 square foot area where each of the supporting guy wires are anchored. The tower structures are made of galvanized steel tubing, 197' tall, gray in color with a wind loading of 112 miles per hour. Each tower has 4 sets of guy wires, each set connecting 7 wires to 4 guy anchors. At each tower location, the base, outer guy wire, and tower tip at lay down have been flagged. Off-road access routes, as required, are also flagged.

b. Each tower would have an access route from the nearest county road which would, to the extent possible, follow existing 4WD tracks and/or roads. The access routes would be the wheel base of a full size pickup or SUV which is approximately 10' wide, for installation, monitoring, repair, and decommissioning of the installed equipment. No blading or earth moving would be necessary and off-road access routes would consist of driving over the surface. The table below shows the distance of access routes to the met tower locations and acreage of disturbance. Towers would be accessed for

maintenance as necessary (typically less than once a year per tower). Vehicle access to the site should only be for major maintenance, if required, and for decommissioning. Should data from the towers justify further investment in the site after 6 to 12 months, bat monitoring equipment would be installed. Data download intervals depend on the battery life and data storage capacity of the acoustical technology used, but could be as frequent as every two weeks.

PML 2 Access	52‘ long x 10’ wide =	0.012 acres
PML 6 Access	1000‘ long x 10’ wide =	0.223 acres
PML 10 Access	326‘ long x 10’ wide =	0.748 acres
PML 11 Access	788‘ long x 10’ wide =	0.181 acres

Access routes would be in use until decommissioning when disturbed areas would be scarified.

c. Information on sodar equipment would be submitted to the BLM office later on in the ROW period if the project meteorologist determines sodar data would be useful to augment the met tower data. Provided information would include the location, access routes, design specifications, dimensions etc.

d. Soils and geology in the area are predominately sandy loams that are well drained with moderate to rapid permeability making them suitable for placement of the met towers.

e. No, utilities, welding, concrete work, grading, permanent foundations, or road building would be required. Fencing around the guy wire anchor points and around the tower base would be done if the land is being ranched and is required by the BLM. No grading or excavation other than that required to drill guy anchors into the ground, would be required.

Maintenance and inspections would be performed as needed, which typically is not more than once per year. Vehicle access to the site should only be for major maintenance, if required, and for decommissioning.

4. Additional Components

No additional components are required.

a. Any additional met towers that may be required would require an amendment to the issued authorization.

b. No equipment storage areas are required.

5. Government Agencies Involved

a. (List any State permits obtained)

None required.

b. (List any County permits obtained)

None required

6. Construction of Facilities

a. Describe, in detail, the sequence of construction and timing.

Prior to construction each tower location is staked, including the access route from major roads. The base plate, outer guy anchors, and tower tip at lay down assembly are staked.

Typical construction for each tower would consist of:
Day one: Transport tower and equipment to the site, install anchors, assemble tower
Day two: Install instruments and test system operation, raise tower, verify operation, and cleanup the jobsite.

These meteorological towers are designed specifically for wind energy resource measurements. Each tower would be up to 197 ft. The lightweight towers are made of galvanized steel tubing. The tubes slide together without bolts or clamps, and are made from a combination of 10ft, 5ft, and 0.5 ft sections. The sections are assembled horizontally on the ground and then tilted up using a gin pole and winch. No welding is necessary. The towers rest on a steel base plate approximately 9 square feet, or 3'x3' in size, and are supported with aircraft cable guy wires in four directions at each guy level. Guy wires are anchored with standard anchors. There are 28 guy wires per tower (7 per side, 4 sides) and they enter the ground approximately 167 ft., 146 ft and 125 ft from the tower base plate (see details in Exhibit 2). The tower supports a horizontal arm for mounting each group of sensors (wind speed and directional sensors), self contained data logger, and a solar panel approximately two (2) feet square. Four red Aviation balls 21" in diameter would be used on the guy wires to provide a visual indication for the public. There would be no lights on the towers. No cranes or concrete foundations are required. Each tower would consist of 3 pieces that would be assembled on site. Pulleys for Anabat or similar bat acoustical monitoring equipment would be mounted on the towers at 164 ft. to monitor bat calls. If it is determined the wind resource warrants continued monitoring after the first 6-12 months, bat monitoring equipment would be installed.

Pacific Wind would follow the BLM's Best Management Practices for Site Monitoring and Testing as outlined the Record of Decision, dated December 2005 implementing the Wind Energy Development Program as follows:

- The area disturbed by installation of meteorological towers (i.e., footprint) shall be kept to a minimum.

- Existing roads shall be used to the maximum extent feasible. If new roads are necessary, they shall be designed and constructed to the appropriate standard. (Note: new road construction is not necessary.)

- Meteorological towers shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities (e.g., prairie grouse) are present. Installation of towers shall be scheduled to avoid disruption of wildlife reproductive activities or other important behaviors.

• Meteorological towers installed for site monitoring and testing shall be inspected periodically for structural integrity.

b. Describe the type of equipment that will be used and personnel involved. Include where equipment will come from—local or out of state--and if they will be washed to prevent spread of noxious weeds.

A crew of 2-5 people and 2-4 pick-up trucks would access the sites for tower erection. One or more of the pick-ups may have a trailer. No heavy loads are expected. Equipment would not need to be stored onsite. The total time needed for the installation of the meteorological towers should not be more than five days per tower see (a) above. No pesticides or mulching would be used on-site.

c. Include how vegetation such as cactus, Joshua trees, yucca, will be dealt with, i.e. avoided, transplanted, salvaged and replanted, etc.

Impacts on vegetation would be avoided. Tower and guy-wire footing areas are small with little impact to land surface. To the extent practical activities would be confined to as small an area as possible around the proposed tower site during installation, subsequent monthly visits, and any repairs or maintenance visits to minimize impacts.

d. Describe safety requirements that will be implemented during construction.

Pacific Wind would follow the safety guidelines described in NRG Systems' (tower supplier) *"Installation Manual & Specifications"*

e. Describe how trash and construction debris will be dealt with.

All trash and construction debris would be collected and disposed of at an approved waste management location off-site.

7. Resource Values and Environmental Concerns

a. Summarize results of the cultural survey and report.

Cultural surveys have been completed for the meteorological tower locations. No historic or prehistoric artifacts found.

In the event sub-surface cultural resource discoveries are made during any ground disturbing activities, construction activities would cease in the area of discovery and the BLM would be contacted immediately. Arrangements would then be made for a professional archaeologist to visit the site of discovery and assess the potential significance of any artifacts or features that were unearthed pursuant to 36 CFR 800.13.

If any fossils are discovered during construction, the operator shall cease construction immediately and notify the BLM Authorized Officer to determine the significance of discovery.

b. Summarize results of biological survey and report.

A biological survey has been conducted. There are no wildlife or plant species of concern. All cacti, yuccas and Joshua trees would be avoided. The installation of the

meteorological towers is not expected to have any discernable effect on the populations of fish, plant life, wildlife, or marine life, including any threatened and endangered species, or marine mammals. Meteorological towers shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities are present. Installation of towers shall be scheduled to avoid disruption of wildlife reproductive activities or other important behaviors. If construction occurs between March and July and suitable habitat exists for migratory birds, a nest survey 200' around the project would be conducted within two weeks prior to construction and a report provided to the BLM.

c. Identify any other conflicts that have been addressed, i.e. visual, recreation, etc.

Construction and operations of the 4 wind monitoring devices would have minimal impact to air quality, surface and ground water quality, streams, noise, or soil stability. The towers are distant from residences and are expected to create minimal visual intrusion.

8. Stabilization and Rehabilitation

a. Identify how disturbed (compacted) areas will be dealt with, i.e. scarified to allow natural seeding to occur.

Tower and guy-wire footing areas are small with little impact to land surface. During construction and subsequent up to monthly maintenance/data collection, the 200 ft. radius surrounding the monitoring towers may be disturbed by vehicles or foot traffic.

Vehicle access to the site after installation should only be for major maintenance, if required, and for decommissioning. Tire tracks would be raked out after any vehicle access authorized by Pacific Wind during the testing and monitoring period.

9. Operation and Maintenance

a. Describe if and how (frequency) measurements are taken.

The towers would operate continuously, providing wind characteristic data via solar-powered data loggers and cell phone-based remote data acquisition systems.

10. Termination and Restoration

Ninety days prior to termination of the ROW, Holder shall contact the Authorized Officer to arrange a joint inspection of the ROW. This inspection would be held to agree to an acceptable termination and rehabilitation plan. This plan would consist of removal of all improvements and scarifying the disturbed areas. It may include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, topsoiling or seeding. The AO must approve the plan in writing prior to Holder's commencement of any termination actions.

11. Exhibits

A – Map
B – Project Area Legal Descriptions
C – Met Tower Legal Descriptions


28N 18W
28N 17W
28N 16W
27N 18W
27N 17W
27N 16W
26N 18W
26N 17W
26N 16W
Western Area Power Administration (345kV) Mead - Peacock
Western Area Power Administration (500kV) Mead - Perkins
Arizona Public Service Co (500kV) Moenkopi - Eldorado
Rod Lake
Legend
Proposed Met Tower
Pacific Wind Right-of-Way
Private Land
BLM Land
N
0 1 2
Miles
Pacific Wind Right-of-Way
Mohave County, Arizona
IBERDROLA RENEWABLES
File Name: \\Porgis01\gis data\Projects\AZ\Greenfield\MapDocuments\Mohave County\Dolan Springs Pacific Wind ROW Application.mxd
Modify Date: 8/25/2010

Exhibit B
Project Area Legal Descriptions

T. 27 N., R. 16 W.,	**Acres**
Sec. 7, Lots 1-4,E½,E½W½,	631.84
Sec. 18, Lots 1-4,E½,E½W½,	632.36
Sec. 19, Lots 1-4,E½,E½W½,	632.88
Total	**1,897.08**

T. 27 N., R. 17 W.,	
Sec. 2, Lots 1-4,S½N½,S½,	641.20
Sec. 3, Lots 1-4,S½N½,SE¼,	481.36
Sec. 4, Lots 1-4,S½N½,S½,	641.20
Sec. 6, Lots 1-7,S½NE¼,SE¼NW¼,E½SW¼,SE¼,	631.39
Sec. 7, Lots 1-4,E½,E½W½,	632.08
Sec. 8, All,	640.00
Sec. 9, All,	640.00
Sec. 10, All,	640.00
Sec. 11, All,	640.00
Sec. 12, All	640.00
Sec. 14, All,	640.00
Sec. 15, NW¼,N½SW¼,	240.00
Sec. 16, All,	640.00
Sec. 18, Lots 1-4,E½,E½W½,	632.60
Sec. 20, All,	640.00
Sec. 22, All,	640.00
Sec. 24, All,	640.00
Sec. 27, All,	640.00
Sec. 28, All,	640.00
Sec. 30, Lots 1-4,E½,E½W½,	633.20
Total	**12,213.03**

T. 27 N., R. 18 W.,	
Sec. 2, Lots 1-4,S½N½,S½,	640.00
Sec. 12, All,	640.00
Sec. 14, All,	640.00
Sec. 24, All,	640.00
Sec. 26, All,	640.00
Sec. 34, All,	640.00
Sec. 36, All.	640.00
Total	**4,480.00**

T. 28 N., R. 17 W.,	**Acres**
Sec. 8, All,	640.00
Sec. 16, All,	640.00
Sec. 18, Lots 1-4,E½,E½W½,	628.32
Sec. 20, All,	640.00
Sec. 28, All,	640.00
Sec. 30, Lots 1-4,E½,E½W½,	629.52
Sec. 32, All,	640.00
Sec. 34, All.	640.00
Total	**5,097.84**

T. 28 N., R. 18 W.,	
Sec. 12, All,	640.00
Sec. 14, All,	640.00
Sec. 24, All,	640.00
Sec. 26, All,	640.00
Sec. 36, All.	640.00
Total	**3,200.00**

TOTAL PROJECT AREA: 26,887.95 ACRES

Exhibit C
Met Tower Legal Descriptions

PML 2
T. 27 N., R. 18 W., Sec. 24, NW¼NW¼.

PML 6
T. 28 N., R. 17 W., Sec. 20, NW¼NE¼.

PML 10
T. 27 N., R. 17 W., Sec. 3, NW¼NE¼.

PML 11
T. 27 N., R. 17 W., Sec. 7, SE¼NE¼.

AZA-35336 Amendment #1 EXHIBIT B
Terms and Conditions
December 2012

1. The Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way (ROW) within the authorized limits of the right-of-way.

2. This right-of-way will be subject to the Plan of Development (POD) dated September, 2012.

3. A copy of the ROW grant including Exhibits A (POD) and B (terms & conditions), shall be on the project area and available to persons directing construction.

4. Mitigation to prevent the spread of invasive non-native species will include the following:
    a. The holder shall wash and remove all vegetative material and soil before transporting equipment to the site. This includes trucks, trailers and all other machinery.
    b. The holder shall be responsible for monitoring and treatment of noxious weed infestations that may occur after ROW issuance. If infestations are found, the Kingman Field Office (KFO) shall be notified immediately. The method of treatment for any infestation must be approved by the KFO.

5. The Holder shall install the met tower within 12 months of the effective date of this grant and shall provide proof of its construction to the Authorized Officer no later than 30 days after construction. If the met tower has not been installed within the subject 12 month period, the Holder shall: provide the Authorized Officer just cause as to the nature of any delay, the anticipated date of installation of facilities, and evidence of progress toward its installation.

6. The Holder shall notify the Arizona Game and Fish Department (AGFD) of the location of the met tower within 15 days of its installation and removal. The Holder shall make similar notification to the U. S. Department of Defense, Civil Air Patrol or other aviation regulatory agencies, if required by them.

7. The Holder shall follow the AGFD *Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona* and consult and coordinate with BLM and AGFD personnel to develop a study plan for measuring bird and bat data. The plan shall be implemented in accordance with discussions between BLM, AGFD and the Holder. Annual reports shall be provided to BLM and AGFD within 6 months of plan implementation and yearly thereafter.

8. The Holder shall install bird flight deflectors on guy wires as coordinated with and agreed to by the AGFD.

9. In accordance with Federal regulations in 43 CFR 2803.6-3, any proposed transfer of any

right or interest in the ROW grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.

10. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.). With regard to any toxic substances that are used, generated by or stored on the ROW or facilities authorized under this ROW grant see 40 CFR 761.1-761.193. Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117, shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

11. A bond, acceptable to the authorized officer, shall be furnished by the holder prior to issuance of the ROW. The amount of this bond shall be $2,000.00 per met tower. This bond must be maintained in effect until removal of improvements and restoration of the ROW has been accepted by the authorized officer.

12. This ROW grant may be renewed for an additional three year term upon the following conditions:
    a. A renewal request is received 120 days before the end of the initial term.
    b. A separate ROW application and POD is submitted for a wind energy development project prior to the end of the initial term.
    c. Appropriate environmental and geotechnical studies and inventory information has been collected during the initial three year term in accordance with a BLM approved study design strategy. This data is an integral part of preparing the development POD. The development POD must be of sufficient detail to provide information necessary to begin environmental analysis for the proposed wind development project.

On behalf of Pacific Wind Development LLC, I have reviewed these stipulations and conditions and agree with them

For Pacific Wind Development, LLC Date