

Terms and Conditions

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development, as amended or supplemented by written approval of the Authorized Officer, which shall incorporate the Imperial Solar Energy Center West Decision Record. Any surface disturbing activity, additional construction, or use that is not in accord with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved Plan of Development, shall be made available on the right-of-way area during construction, operation, and decommissioning. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health or safety or the environment.
2. The Holder shall fund in accordance with 43 CFR 2805.16 a third party Compliance and Inspection Program as deemed necessary by the Authorized Officer to ensure compliance with the terms and conditions of this right-of-way and applicable laws and regulations. The holder shall designate a representative (third party Compliance and Inspection Program Lead) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
3. The holder will be liable for all fire suppression costs resulting from fires caused during construction, operations, or decommissioning. The Holder shall comply with all guidelines and restrictions imposed by agency fire control officials.
4. Prior to ground disturbing activities, an individual(s) shall be designated and approved by the BLM as a Designated Archaeologist and Designated Paleontologist (i.e. Principal Investigator[s]). A Principal Investigator will be designated for the period during which on-going construction and post-construction monitoring and reporting by an approved archaeologist is required per the terms of this grant, such as post construction restoration activities. Each successive Principal Investigator will be approved by the BLM's Authorized Officer.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on its behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

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

10. Within 120 calendar days of completion of construction, the holder will submit to the Authorized Officer as-built drawings and a certification of construction verifying that the facility has been constructed in accordance with the design, plans, specifications, and applicable laws and regulations.
11. The grant holder shall construct and utilize common use ancillary facilities (i.e. Generation Tie-in line) where the authorized officer deems it necessary. The grant holder shall not charge for the use of the lands made subject to such additional right-of-way grants.
12. Upon discovery of human remains in California, all work in the area must cease immediately. Nothing is to be disturbed and the area is to be secured. The County Coroner's Office of the county where the suspected remains were located must be called. The appropriate land manager/owner or the site shall also be called and informed of the discovery.

If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene.

The Coroner will determine if the bones are historic/archaeological or modern.

Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

Archaeological Remains

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or American Graves Protection and Repatriation Act of 1990 (NAGPRA). If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.

13. A restoration plan that includes revegetation with native species shall be submitted and approved by the BLM prior to termination of the ROW. Appropriate site-specific vertical mulching techniques and contouring will be used where conditions vary. Salvaged native plants shall be used for re-vegetation, if appropriate, along with seeding using BLM-recommended seed mixes. Preferably, seed shall be planted between the months of

November and January following transmission line construction. Seed shall be planted using drilling, straw mulching or hydro-mulching as directed and approved by the BLM.

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

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

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

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

monthly compliance report to BLM's Authorized Officer until construction is complete.

16. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) will be delineated with stakes and flagging prior to construction activities. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the flagged areas. To the extent possible, surface disturbance will be timed to minimize mortality to FTHL (see Term#20 below).
17. Approved biological monitor(s) will assist the Designated Biologist in conducting pre-construction surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, decommissioning, and restoration activities. The biological monitor(s) will have experience conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, be able to identify FTHL scat, and be able to identify and follow FTHL tracks. The Designated Biologist will submit the resume, at least three references, and contact information of the proposed biological monitors to the BLM, California Department of Fish and Game (CDFG), and USFWS for approval. To avoid and minimize impacts to biological resources, the Biological Monitors will assist the Designated Biologist with the following:
 - a. Be present during construction (e.g., grubbing, grading, solar panel installation) activities that take place in FTHL habitat to avoid or minimize take of FTHL. Activities include, but are not limited to, ensuring compliance with all impact avoidance and minimization measures, monitoring for FTHLs and removing lizards from harm's way, and checking avoidance areas (e.g., washes) to ensure that signs; and stakes are intact and that human activities are restricted in these avoidance zones.
 - b. At the end of each work day, inspect all potential wildlife pitfalls (trenches, bores and other excavations) for wildlife and then backfill. If backfilling is not feasible, all trenches, bores, and other excavations will be contoured at a 3:1 slope at the ends to provide wildlife escape ramps, or completely and securely covered to prevent wildlife access;
 - c. During construction, examine areas of active surface disturbance periodically, at least hourly, when surface temperatures exceed 29°Celsius (C; 85°F) for the presence of FTHL.
18. FTHLs will be removed from harm's way during all construction activities, per conservation measure #19 below. FTHL removal will be conducted by two or more biological monitors when construction activities are being conducted in suitable FTHL habitat. To the extent feasible, methods to find FTHLs will be designed to achieve a maximal capture rate and will include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort will be 30

minutes per 0.40 ha (30 minutes per 1 ac). Persons that handle FTHLs will first obtain all necessary permits and authorization from the CDFG. FTHL removal surveys will also include:

- a. A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the Flat Tailed Horned-Lizard Rangewide Management Strategy, will be completed. During construction, quarterly reports describing FTHL removal activity, per the reporting requirements described in Conservation Measure #1 above, will be submitted to the BLM.
19. The removal of FTHLs out of harm's way will include relocation to nearby suitable habitat in low-impact (e.g., away from roads and solar panels) areas of the Yuha MA. Relocated FTHLs will be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24° Celsius (C) 75° Fahrenheit (F) or exceed 38°C (100° F), the Designated Biologist or biological monitor, if authorized, will hold the FTHL for later release. Initially, captured FTHLs will be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards will be held at temperatures between 75° F and 90° F and will not be exposed to direct sunlight. Release will occur as soon as possible after capture and during daylight hours. The Designated Biologist or biological monitor will be allowed some judgment and discretion when relocating lizards to maximize survival of FTHLs found in the Project area.
 20. To the maximum extent practicable, grading in FTHL habitat will be conducted during the active season, which is defined as March 1 through September 30, or if ground temperatures are between 24°C (75° F) and 38 °C (100° F). If grading cannot be conducted during this time, any FTHLs found will be removed to low-impact areas (see above) where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).
 21. No later than January 31 of every year the Project remains in operation, the Designated Biologist will provide the BLM's Authorized Officer, and the FTHL Interagency Coordinating Committee (ICC) an annual FTHL Status Report, which will include, at a minimum:
 - a. A general description of the status of the project site;
 - b. A copy of the table in the Project biological monitoring report with notes showing the current implementation status of each conservation measure;
 - c. An assessment of the effectiveness of each completed or partially completed measure in avoiding and minimizing project impacts;
 - d. A completed a Project Reporting Form from the Flat-tailed Horned Lizard Rangewide Management Strategy (RMS) (ICC 2003);
 - e. A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program; and

- f. Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
22. The Designated Biologist or biological monitor(s) will evaluate and implement the best measures to reduce FTHL mortality along access and maintenance roads, particularly during the FTHL active season (March 1 through September 30). These measures will include:
- a. A speed limit of 15 miles per hour when driving transmission line access roads or maintenance roads within the solar energy facility. The Designated Biologist may reduce this speed limit to 10 mph in areas identified as active wildlife corridors as needed to reduced mortality. All vehicles required for O&M along the transmission line and within the solar energy facility must remain on the designated access/maintenance roads. Cross country vehicle and equipment use outside of designated work areas shall be prohibited.
 - b. Pedestrian access outside of the designated access roads is permitted year-round as long as no ground-disturbing activities take place (such as weed abatement or other activities that would require soil disturbance beyond pedestrian footprints). This pedestrian access includes occasional inspections of solar panels and other on-site facilities.
 - c. O&M activities including weed abatement, or any other O&M activity that may result in ground disturbance outside of the designated access roads will be conducted outside of the FTHL active season whenever feasible.
 - d. If any O&M activities must be conducted during the FTHL active season that may result in ground disturbance, such as weed abatement, washing of solar panels, or vehicles requiring access outside of a designated access road, a biological monitor will be present during activities to reduce FTHL impacts.
23. Speed limits along all transmission access roads and within the solar energy facility will not exceed 15 miles per hour. Transmission access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
24. Temporarily disturbed areas associated with transmission line construction and staging areas, will be revegetated according to a Habitat Restoration Plan (HRP) approved by the BLM, CDFG, and Service. The HRP must be approved in writing by the aforementioned agencies prior to the initiation of any vegetation disturbing activities. Restoration involves recontouring the land, replacing the topsoil (if it was collected), planting seed and/or container stock, and maintaining (i.e., weeding, replacement planting, supplemental watering, etc.), and monitoring the restored area for a period of 5 years (or less if the restoration meets all success criteria). Components of the HRP will include:

- a. The incorporation of Desert Bioregion Revegetation/Restoration Guidance measures. These measures generally include alleviating soil compaction, returning the surface to its original contour, pitting or imprinting the surface to allow small areas where seeds and rain water can be captured, planting seedlings that have acquired the necessary root mass to survive without watering, planting seedlings in the spring with herbivory cages, broadcasting locally collected seed immediately prior to the rainy season, and covering the seeds with mulch.
25. Transmission access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
 26. Prior to the start of construction, a BLM approved *Raven Control Plan* shall be prepared and implemented that details specific measures for storage and disposal of all litter and trash produced by employees. This plan is designed to discourage scavengers that may also prey on wildlife in the vicinity.
 27. Prior to the start of construction, a *Wildlife Mortality Reporting Program* shall be prepared and implemented to identify and report any dead or injured animals observed by personnel conducting O&M activities along the transmission line. An appropriate reporting format for dead or injured wildlife observed along the transmission line will be developed in coordination with the USFWS and the BLM prior to the start of construction. In addition, reporting of any dead or injured avian species found along the transmission line will follow the existing USFWS Bird Fatality/Injury Reporting Program (<https://birdreport.fws.gov/>).
 28. An *Avian and Bat Protection Plan* (ABPP) shall be approved by BLM as a condition of the Notice to Proceed. The ABPP shall specify measures to avoid direct and indirect impacts to avian and bat species, to include migratory birds, that could result from ground-disturbing activities associated with the construction of the transmission line structures and spur roads and the staging and laydown areas, as well as operations-related conditions, such as collisions with equipment.
 29. Prior to the start of construction, a worker environmental awareness program (WEAP) will be developed be established for all employees and any subcontractors of ISEC West and available in both English and Spanish. Wallet-sized cards summarizing this information will be provided to all construction, operation, and maintenance personnel. The education program will include the following aspects:
 - a. Provide instruction on sensitive species identification.
 - b. Measures to avoid contact, disturbance, and injury.
 - c. Reporting procedures in the case of dead and/or injured wildlife species.
 - d. Biology and status of the FTHL.

- e. Protection measures designed to reduce potential impact to the species.
 - f. Function of flagging designating authorized work areas,
 - g. Reporting procedures to be used if a FTHL is encountered in the field, and driving procedures and techniques, for commuting to, and driving on, the Project site, to reduce mortality of FTHL on roads.
 - h. BLM shall be notified per approved guidelines and channels of authority if mortality should occur.
30. If initial grading and construction within the right-of-way site takes place outside the raptors' breeding season of February 1 to July 15, a qualified biologist shall conduct a pre-construction clearance survey for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission towers) that occurs within 500 feet of the survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.
31. Paleontological field survey and subsequent monitoring activities shall be in accordance with the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources." Field surveys are performed prior to any surface disturbing activities. Before conducting field surveys, the project location shall be as final as possible and any staking of the location shall be complete. Surveys shall be conducted by a BLM-permitted consulting paleontologist hired by the holder.
- a. Field surveys must be performed by the Principal Investigator or an approved Field Agent or Field Monitor (as defined in the following section) as authorized under a Paleontological Resource Use Permit. Field surveys and collections performed as a mitigation measure are not intended to be scientific research studies, but are meant to identify, avoid, or recover paleontological resources to prevent damage or destruction from project activities. However, proper scientific techniques and procedures must be utilized during all mitigation efforts. Safety should be an important consideration; therefore, surveys should not be attempted on cliff faces, in open, non-reinforced trenches deeper than five feet, or other unsafe areas.
 - b. At the start of field work, the consulting paleontologist (paleontologist) must contact the Paleontology Coordinator in each affected Field Office who may require a visit to that office.
 - c. Surveys must be performed only during times when the ground is visible. Biological timing restrictions, such as critical nesting or birthing times, may confine or delay field activities.
32. After completion of the paleontological field survey, the paleontologist must file a written report with the BLM and the designated repository. This report must summarize the results of the survey as well as appropriate geological and paleontological background

information as described below. It should also include any recommendations for on-site monitoring or other mitigation. Submission of the report shall be done prior to the start of construction. On a case-by-case basis, approval to begin project activities may be granted for those portions of the project area noted to be less paleontologically sensitive prior to final approval of the report.

- a. Reports of the general findings and the background information must be submitted to the BLM project manager or Authorized Officer (if appropriate), the Paleontology Lead or Regional Paleontologist, and each affected Field Office. Reports must include the information and details as specified on page 9 of Attachment 1 of the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources", as applicable.
 - b. Exact locations of fossil localities contained in these reports are considered sensitive and must not be included in any public document. The BLM locality form (8270-3) or equivalent, 1:24000 scale map showing the localities, and any other information containing specific fossil locations may be bound separately or placed in a separate section to allow for preservation of confidential locality data. A copy of this confidential section must be submitted to the Paleontology Lead (in some cases, two copies may be required). A copy for each affected Field Office may be required. Another copy must be submitted to the official repository with the collected materials.
 - c. BLM GPS recording and data standards must be used to report paleontological locality data. Existing USGS topographic maps are often based on the NAD27 standard, so locality data calculated from a map base must be converted before submission. Data must be recorded and reported with a mean error of +/- 12.5 meters or less, at a 95 percent confidence level. For small localities, data should be reported as point data. Larger polygonal localities should be reported using coordinates of a centroid and a description of the approximate size, or the key coordinate points of a bounding polygon. Linear features, such as roads or surveyed project boundaries, must be reported as line data. The 1:24000 scale map(s) accompanying the locality forms should graphically illustrate the locality, either as a point or an outline of the locality as appropriate, and be clearly labeled with the locality or field number.
33. Based on the paleontological field survey, the need for additional mitigation to protect paleontological resources shall be determined. The Authorized Officer, in consultation with Regional Paleontologist or the Paleontology Lead, shall analyze the Survey Report for survey findings and any mitigation recommendations. If no further mitigation is needed, the Authorized Officer will promptly notify the project proponent that there is no additional paleontological surveys or mitigation measures required, and the project may proceed pending any other approvals. The project file must be documented indicating acceptance of the survey report and identifying any additional mitigation requirements. If it is determined that additional mitigation efforts are needed to protect or preserve the paleontological resources, the project proponent will be notified as soon as possible. The Authorized Officer and/or the Paleontology Lead usually develop and approve the

mitigation procedures or recommend a project be redesigned in consultation with the project proponent. Factors such as locality or specimen significance, economics, safety, and project urgency will be considered when developing mitigation measures. Additional mitigation measures shall be developed and implemented as timely as possible so as not to delay project actions.

34. Archaeological sites that can be protected from direct impacts, but are within 50 feet , including buffer areas, of proposed construction activities will be identified and labeled as Environmentally Sensitive Areas (ESAs). This includes archaeological sites determined eligible for inclusion in the NRHP and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.
35. The ESAs will be designated by marking the boundaries of sites with appropriate buffer zones (generally a buffer of 20 feet beyond the outer limits of the site extent, as demonstrated by surface and/or subsurface indications) using temporary fencing or other easily recognizable boundary defining materials.
36. These areas will be shown on the engineering plans for the project as off-limits to construction activities.
37. Once established, an ESA will define areas where construction can occur while preventing construction activities and damage to archaeological resources within the designated ESA.
38. ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.
39. Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.
40. The BLM will implement procedures for post-review discovery and unanticipated effects.
41. The BLM will require the Applicant to develop and implement a Long Term Management Plan (LTMP) for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.
42. The holder will arrange and attend preconstruction conference(s) prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way or specific construction phase of the right-of-way as specified by the Authorized Officer. The holder and/or his representatives will attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, will also attend this conference to review the stipulations of the authorization, including the Plan of Development, as applicable. The holder shall notify the Authorized Officer of the schedule for any preconstruction conference at least 10

calendar days in advance of the preconstruction conference or such timeframe as may be required by the Notice to Proceed.

43. The holder must comply with requests from the Authorized Officer to modify, adapt or initiate new project monitoring activities involving natural resources including but not limited to air, water and wildlife species that vary from or are in addition to those identified in the Plan of Development and/or right-of-way grant stipulations. The holder agrees to adhere to the monitoring data standards identified by the Authorized Officer. Compliance with such requests will ensure that project monitoring activities involving natural resources support and are consistent with evolving standards and protocols identified by the BLM for long term monitoring of the impacts of the Bureau's solar energy program on the natural resources of affected public lands. In accepting this Right of Way grant, the holder recognizes the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant in accordance with 43 C.F.R. § 2805.15(a) to, among other things, conduct long-term monitoring activities involving natural resources.
44. This stipulation relates only to the establishment of the BLM compensation requirement. To mitigate for habitat loss of FTHL, the holder shall provide compensatory mitigation at a 6:1 ratio for impacts to 13.6 acres as described in the final Plan of Development. The BLM 6:1 ratio is developed in accordance with the FTHL Rangeland Management Strategy.

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

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

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

Desert Renewable Energy
 REAT¹ Biological Resource Compensation/Mitigation Cost Estimate² Breakdown
 September 14, 2010

The purpose of this table is to describe estimated costs that may be associated with implementing off-site biological mitigation/compensation required by one or more of the REAT agencies.

	Task	Cost
1.	Land Acquisition	\$1000 per acre ³
2.	Level 1 Environmental Site Assessment	\$3000 per parcel ⁴
3.	Appraisal	\$5000 per parcel ⁴
4.	Initial site work - clean-up, enhancement , restoration	\$250 per acre
5.	Closing and Escrow Costs – 2 transactions at \$2500 each; landowner to 3 rd party and 3 rd party to agency ⁵	\$5000 for 2 transactions
6.	Agency costs to review and determine accepting land donation - includes 2 physical inspections; review and approval of the Level 1 ESA assessment; review of all title documents; drafting deed and deed restrictions; issue escrow instructions; mapping the parcels....	15% of land acquisition costs (#1) × 1.17 (17% of the 15% for overhead) ⁶
	<i>SUBTOTAL for Acquisition & Initial Site Work for Permittee-Directed and REAT-NFWF MOA Options</i>	\$
7.	Long-term Management and Maintenance (LTMM) - includes land management; enforcement and defense of easement or title [short and long term]; region-wide raven management; monitoring....	\$1450 per acre ⁷
	<i>REAT-NFWF MOA Mitigation Account Additions [only applicable if the REAT Mitigation Account is used for all or a portion of the mitigation]</i>	
6. 8.	Biological survey for determining mitigation value of land (habitat based with species specific augmentation)	\$5000 per parcel ⁴
7. 9.	3 rd party administrative costs - includes staff time to work with agencies and landowners; develop management plan; oversee land transaction; organizational reporting and due diligence; review of acquisition documents; assembling acres to acquire....	10% of land acquisition cost (#1)
10.	Establish the project specific sub-account ⁸	\$12,000
11.	Pre-proposal Modified RFP or RFP processing ⁹	\$30,000
12.	NFWF management fee for acquisition & initial site work	3% of SUBTOTAL, & Tasks #8, #9
13.	NFWF management fee for LTMM	1% of LTMM
	<i>TOTAL for deposit into the REAT-NFWF MOA Project Specific Mitigation Sub-Account</i>	\$

1 Not all costs will apply to all REAT agency requirements. For example, some of the elements in this table are not intended to be used as a basis for prescribing security to meet obligations under the California Endangered Species Act.

2 All costs are best estimates as of summer 2010. This cost estimate table will be updated once per quarter, at a minimum. Actual costs will be determined at the time of the transactions and may change the funding needed to implement the required mitigation obligation. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation (MOA V.I.).

3 Generalized estimate taking into consideration a likely jump in land costs due to demand, and an 18-24 month window to acquire the land after agency decisions are made. If the agencies, developer, or 3rd party has better, credible information on land costs in the specific area where project-specific mitigation lands are likely to be purchased, that data overrides this general estimate. Note: regardless of the estimates, the developer is responsible for providing adequate funding to implement the required mitigation.

4 Parcel sizes may range from 1 acre to over 640 acres, plus. The 40 acre estimate is used for illustration purposes only. The general location of the land acquisition(s) will determine the generalized parcel size for determining project specific estimates.

5 Two transactions at \$2500 each: landowner to 3rd party; 3rd party to agency. The transactions will likely be separated in time. State agencies may or may not require this funding.

6 Always required for Federal agency donations. State agencies may or may not require cost to accept donations. SB 34 projects do not have to pay this fee

7 Estimate for purposes of calculating general costs. The general location and parcel size(s) of the land acquisition may also factor into the estimate. The actual long term management and maintenance costs will be determined using a Property Analysis Report (PAR) or a PAR-like assessment tailored to the specific acquisition.

8 Each renewable energy project will be a separate sub-account within the REAT-NFWF account, regardless of the number of required mitigation actions per project. If a project and its mitigation are phased, this fee is only applied when the project specific account is established and not charged again when additional funds are deposited with subsequent phases.

9 If determined necessary by the REAT agencies if multiple 3rd parties have expressed interest; for transparency and objective selection of 3rd party to carryout acquisition.