

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY LEASE/GRANT

SERIAL NUMBER N-85801

1. As approved by the Record of Decision for the *Silver State Solar South Project*, a right-of-way lease/grant is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761 et seq.) and the Bureau of Land Management right-of-way regulations (43 CFR Part 2800) and amendments thereto.

2. Nature of Interest:

a. By this instrument, the holder:

Silver State Solar Power South, LLC
135 Main Street, 6th Floor
San Francisco, CA 94105

Receives a right to use and occupy the following described public lands to construct, operate, maintain, and decommission a 250-MW alternating current (AC) photovoltaic (PV) solar power plant project, including associated facilities as described in the approved Plan of Development (POD), incorporated herein:

See attached legal description and map (Exhibit A).

b. The instrument issued herein consists of an approximately 250-MW AC PV solar power plant and associated facilities. The Project facilities and related infrastructure would occupy approximately 2,393 acres and include, among other facilities: solar generating facility, internal circulation roads, drainage facilities, an onsite substation, operations and maintenance building, a 12-kilovolt (kV) distribution line and related appurtenances from an interconnection point near the NV Energy Bighorn Substation, a 220/230 kV generation interconnection tie (gen-tie) line, and a maintenance road that would bisect the site. The maintenance road would allow public access through the Project area by connecting existing recreational routes that traverse the Project area. The total area granted would include approximately 2,861.9 acres which is the minimum aliquot part section needed to encompass the project area.

The total footprint covered by this instrument, consists of 2,861.9 acres, more or less.

- c. This instrument shall expire on December 31, 2044, unless, prior thereto, it is relinquished, abandoned, or terminated pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed by the Authorized Officer. The holder is required to submit an application for renewal at least 120 calendar days prior to the expiration date of this instrument. The Authorized Officer will review the application for renewal to ensure the holder is complying with the terms, conditions, and stipulations of this instrument and applicable laws and regulations. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.
- e. Notwithstanding the renewal, expiration, relinquishment, abandonment, or termination of this instrument, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the renewal, expiration, relinquishment, abandonment, or termination of this authorization.
- f. The Authorized Officer retains the right of access to the lands included within the right-of-way at any time and may enter any facility on the right-of-way in accordance with 43 CFR 2805.15(a). The holder shall pay monitoring fees in accordance with 43 CFR 2805.16 for the reasonable costs incurred in the inspection and monitoring of construction, operation, maintenance, and decommissioning of the right-of-way.
- g. This instrument is issued subject to valid existing rights in accordance with 43 CFR 2805.14.

3. Rental:

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management the fair market value of the right-of-way, which includes both base rent and a megawatt capacity fee, as determined by the Authorized Officer unless specifically exempted from such payment by law or regulation. Provided, however, that the rental may be adjusted by the Authorized Officer, whenever necessary, to reflect changes in fair market value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices. The rental provisions of this authorization may also be modified consistent with the provisions of any regulatory changes or pursuant to the provisions of any new or revised statutory authorities.

- b. The rental includes an annual base rent for the acreage of the public land included in the authorization and a megawatt capacity fee based on the authorized megawatt capacity of the approved solar energy facilities. The base rent is due and payable upon the date of issuance of this instrument and will be paid on an annual basis consistent with the regulations. The base rent will be adjusted each year based on the Implicit Price Deflator-Gross Domestic Product (IPD-GDP) index. The megawatt capacity fee is based on the authorized megawatt capacity approved by the Authorized Officer, or an approved phase of development, and will be paid on an annual basis upon the start of electric generation from the solar energy facilities. The megawatt capacity fee will be phased-in over a 5-year period after the start of electric generation (at the rate of 20 percent the first year, 40 percent the second year, 60 percent the third year, 80 percent the fourth year, and 100 percent the fifth and subsequent years of operations). The 5-year phase-in period will apply separately to each phase of development as approved by the Authorized Officer.

4. Bond:

- a. A Performance and Reclamation bond, in an amount determined by the Authorized Officer, shall be obtained by the holder to ensure compliance with the terms and conditions of this instrument. The Authorized Officer will require that the holder submit a Reclamation Cost Estimate for review and to assist the Authorized Officer in determining the bond amount. The holder shall provide the Authorized Officer proof that a bond in the required amount has been obtained by such date as specified by the Authorized Officer. The amount of the bond will be limited to the anticipated liabilities associated with the activities approved by the Notice to Proceed. If the Notice To Proceed is limited to only an initial phase of development or activity, the bond amount will be limited to that phase or activity. The bond amount would increase with the issuance of a Notice to Proceed for future phases of development or additional activities. The bond must be maintained in effect until removal of improvements and restoration of the right-of-way has been accepted by the Authorized Officer. Acceptable bond instruments include cash, cashier's or certified check, certificate or book entry deposits, negotiable U.S. Treasury securities (notes, bills, or bonds) equal in value to the bond amount, surety bonds from the approved list of sureties (U.S. Treasury Circular 570) payable to the Bureau of Land Management (BLM), irrevocable letters of credit payable to the BLM issued by financial institutions that have the authority to issue letters of credit and whose operations are regulated and examined by a federal agency, or a policy of insurance that provides BLM with acceptable rights as a beneficiary and is issued by an insurance carrier that has the authority to issue insurance policies in the applicable jurisdiction and whose insurance operations are regulated and examined by a federal or state agency. The Authorized Officer will not accept a corporate guarantee as an acceptable form of bond. The Authorized Officer will review the bond on an annual basis to ensure adequacy of the bond amount. The bond will also be reviewed at the time

of any assignment, modification, or renewal of this instrument. The Authorized Officer may increase or decrease the bond amount at any time during the term of the right-of-way authorization, consistent with the regulations.

- b. The holder agrees that any bond held as security for holder's performance of the terms and conditions of this instrument may, upon failure on the holder's part to fulfill any of the requirements herein set forth or made a part hereof, be retained by the United States to be applied as far as may be needed to the satisfaction of the holder's obligations assumed hereunder, without prejudice whatever to any other rights and remedies of the United States.
- c. Should the bond delivered under this instrument become unsatisfactory to the Authorized Officer, the holder shall, within 30 calendar days of demand, furnish a new bond. In the event of noncompliance with the terms and conditions of this instrument, the BLM will notify the holder that the surety or other bond instrument is subject to forfeiture and will allow the holder 15 calendar days to respond before action is taken to forfeit the bond and suspend or terminate the authorization.

5. Terms and Conditions:

- a. This instrument is issued subject to the holder's compliance with all applicable laws and regulations and, in particular, with the regulations contained in Title 43 Code of Federal Regulations Part 2800, including the terms and conditions required by 43 CFR 2805.12. Failure of the holder to comply with applicable law or regulations or any terms, conditions, or stipulations of this instrument shall constitute grounds for suspension or termination thereof. The Authorized Officer may change the terms and conditions of this instrument as a result of changes in legislation, regulations, or as otherwise necessary to protect public health or safety or the environment in accordance with 43 CFR 2805.15(e).
- b. The right-of-way Stipulations (Exhibit B), attached hereto, and the approved Plan of Development are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.
- c. The holder shall perform all operations in a good and workmanlike manner, consistent with the approved Plan of Development, so as to ensure protection of the environment and the health and safety of the public. The Authorized Officer may order an immediate temporary suspension of operations, orally or in writing, in accordance with 43 CFR 2807.16 to protect public health or safety or the environment if the Authorized Officer determines that the holder has violated one or more of the terms, conditions, or stipulations of this instrument. An immediate temporary suspension order is effective until the holder receives a written Notice to Proceed from the Authorized Officer.

- d. The holder will not initiate any construction or other surface disturbing activities on the right-of-way without prior written authorization of the Authorized Officer. Such authorization will be a written Notice to Proceed (Form 2800-15) issued by the Authorized Officer or his/her delegated representative. Each Notice to Proceed will authorize construction or use and occupancy only as therein expressly stated and only for the particular location or use and occupancy therein described, i.e., a construction phase or site location. The Authorized Officer will issue a Notice to Proceed subject to such terms and conditions as deemed necessary when the design, construction, use, occupancy, and operation proposals are in conformity with the terms and conditions of this instrument.
- e. The holder shall start construction of the initial phase of development within 12 months after issuance of a Notice to Proceed but no later than 24 months after the effective date of the issuance of this right-of-way lease/grant. The holder shall complete construction within the timeframes approved in the Plan of Development, but no later than 24 months after start of construction, unless the project has been approved for phased development as provided for in paragraph (5)(f).
- f. If this right-of-way lease/grant and approved Plan of Development provides for a phased development, construction of each subsequent phase must begin within 3 years of the start of construction of the previous phase. A Notice to Proceed will be required to be issued by the Authorized Officer for each phase of development. The Notice to Proceed for a particular phase of development may be subject to the issuance of additional Notices to Proceed for specific activities within the particular development phase.
- g. During operations, the holder shall maintain all onsite electrical generation equipment and facilities in accordance with the design standards in the approved Plan of Development. Any idle, improperly functioning, or abandoned equipment or facilities that have been inoperative for any continuous period of 3 months or more must be repaired, placed into service, and/or removed from the site within 30 calendar days from receipt of a written Notice of Failure to Ensure Diligent Development from the Authorized Officer, unless the holder is provided an extension of time by the Authorized Officer. To obtain an extension of the 30-day deadline, the holder must submit a written request to the Authorized Officer and show therein good cause for any delays in repairs, use, or removal; an estimate when corrective action will be completed; and evidence of diligent operation of the equipment and/or facilities.
- h. Failure of the holder to comply with any diligent development provision of this instrument may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.17 - 2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities. The Authorized Officer will provide the holder a

written Notice of Failure to Ensure Diligent Development prior to the suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the timelines in the approved Plan of Development.

- i. Upon termination by the Authorized Officer or expiration of this instrument, all improvements shall be removed from the public lands within 180 calendar days or otherwise disposed of as provided for in the approved Plan of Development, or as directed by the Authorized Officer.
- j. This instrument shall, at a minimum, be reviewed by the Authorized Officer at the end of the 10th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that this instrument may be reviewed at any time deemed necessary by the Authorized Officer in accordance with the regulations.
- k. This instrument may be assigned consistent with the regulations, but all assignments are subject to approval by the Authorized Officer. In addition, the qualifications of all assignees must comply with the requirements of the regulations. A partial assignment of this instrument shall not be approved if such action would hinder the Authorized Officer's management of the authorization or the associated public lands.
- l. Upon the request of the Authorized Officer, the holder shall provide access to environmental, technical, and financial records, reports, and other information related to construction, operation, maintenance, and decommissioning of the right-of-way. Any information provided to the Bureau which is marked confidential or proprietary will be kept confidential to the extent allowed by law. Failure of the holder to cooperate with such request, provide data, or grant access to such records, reports, and information may, at the discretion of the Authorized Officer, result in suspension or termination of the right-of-way lease/grant in accordance with the regulations.
- m. The holder shall not initiate any construction or other surface disturbing activities as a minor change to the right-of-way or Plan of Development without prior written approval of the Authorized Officer, or his delegate. Such authorization shall be a written Change of Condition or Adjustment. Each Change of Condition/Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the

approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

At the conclusion of project construction or as project phases are completed, as-built drawings must be provided to the BLM for the purpose of confirming the ROW to the as-built locations. All Conformance Requests will be documented and tracked to ensure the acreages of disturbance affected by post-authorization conformance changes remain within the limits of impacts analyzed in the EIS and approved in the ROD and ROW.

IN WITNESS WHEREOF, The undersigned agree to the terms, conditions, and stipulations of this right-of-way lease/grant.

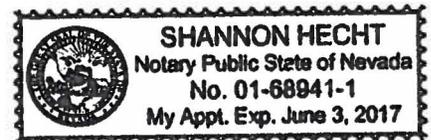
Brian King
(Signature of Holder) *Legal: med*
Vice President, Project Development
(Title)
March 12, 2014
(Date)

Timothy Smith
Timothy Smith
Southern Nevada District Manager
3/17/2014
(Effective Date of Right-of-Way Lease/Grant)

(see attached notarial certificate)

Attachments

- Exhibit A: Legal Description and Maps (4 pages)
- Exhibit B: Stipulations (14 pages)
- Exhibit C: Mitigation Measures (Record of Decision)(9 pages)



Shannon Hecht

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Francisco

On March 12, 2014 before me, Ruth G. Bolender, Notary Public, personally appeared Brian Kunz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ruth G. Bolender
Signature of Notary Public



(Notary Seal)

EXHIBIT A

LEGAL DESCRIPTION AND MAP

Mount Diablo Meridian, Clark County Nevada

T. 26 S., R. 59 E.,

sec. 34, NE¹/₄NW¹/₄SE¹/₄, E¹/₂SW¹/₄NW¹/₄SE¹/₄, SE¹/₄NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, S¹/₂SE¹/₄SE¹/₄, SE¹/₄NE¹/₄SE¹/₄SE¹/₄;

sec. 35, S¹/₂SW¹/₄NE¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SW¹/₄SW¹/₄SE¹/₄NE¹/₄, SE¹/₄SE¹/₄SE¹/₄NW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, NE¹/₄NE¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SE¹/₄NW¹/₄NE¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SE¹/₄NE¹/₄SW¹/₄, SW¹/₄NE¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SE¹/₄SE¹/₄NW¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, NE¹/₄ SW¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SE¹/₄NW¹/₄ SW¹/₄SW¹/₄ that portion lying east of the easterly right-of-way of NVN046054, SW¹/₄NW¹/₄SW¹/₄SW¹/₄, SW¹/₄SW¹/₄SW¹/₄, SE¹/₄SW¹/₄SW¹/₄, SE¹/₄SW¹/₄, NW¹/₄NW¹/₄NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, NW¹/₄NW¹/₄SE¹/₄SE¹/₄.

T. 27 S., R. 59 E.,

sec. 2, lots 1 thru 4 inclusive, SW¹/₄NE¹/₄, W¹/₂NW¹/₄SE¹/₄NE¹/₄, SE¹/₄NW¹/₄SE¹/₄NE¹/₄, SW¹/₄SE¹/₄NE¹/₄, W¹/₂SE¹/₄SE¹/₄NE¹/₄, SW¹/₄SE¹/₄SE¹/₄SE¹/₄NE¹/₄, N¹/₂NE¹/₄SW¹/₄NW¹/₄, NE¹/₄SW¹/₄NE¹/₄SW¹/₄NW¹/₄, SE¹/₄NE¹/₄SW¹/₄NW¹/₄, N¹/₂NW¹/₄SW¹/₄NW¹/₄, SW¹/₄NW¹/₄SW¹/₄NW¹/₄, NW¹/₄SE¹/₄NW¹/₄SW¹/₄NW¹/₄, NW¹/₄NW¹/₄SW¹/₄SW¹/₄NW¹/₄, SW¹/₄SW¹/₄SW¹/₄NW¹/₄, NE¹/₄NE¹/₄SE¹/₄SW¹/₄NW¹/₄, SE¹/₄NW¹/₄, NE¹/₄NE¹/₄SW¹/₄, NE¹/₄NW¹/₄NE¹/₄SW¹/₄, NE¹/₄SE¹/₄NE¹/₄SW¹/₄, SW¹/₄NE¹/₄NW¹/₄SW¹/₄, NW¹/₄NW¹/₄SW¹/₄, SW¹/₄NW¹/₄SW¹/₄, SE¹/₄NW¹/₄SW¹/₄, SW¹/₄SW¹/₄, W¹/₂NW¹/₄SE¹/₄SW¹/₄, SE¹/₄NW¹/₄SE¹/₄SW¹/₄, SW¹/₄SE¹/₄SW¹/₄, W¹/₂SE¹/₄SE¹/₄SW¹/₄, SE¹/₄SE¹/₄SE¹/₄SW¹/₄, NW¹/₄NE¹/₄NE¹/₄NE¹/₄SE¹/₄, SW¹/₄NE¹/₄NE¹/₄NE¹/₄SE¹/₄, W¹/₂NE¹/₄NE¹/₄SE¹/₄, NW¹/₄SE¹/₄NE¹/₄NE¹/₄SE¹/₄, SW¹/₄SE¹/₄NE¹/₄NE¹/₄SE¹/₄, NW¹/₄NE¹/₄SE¹/₄, SW¹/₄NE¹/₄SE¹/₄, NW¹/₄NE¹/₄SE¹/₄NE¹/₄SE¹/₄, SW¹/₄NE¹/₄SE¹/₄NE¹/₄SE¹/₄, W¹/₂SE¹/₄NE¹/₄SE¹/₄, NW¹/₄SE¹/₄SE¹/₄NE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, NE¹/₄SW¹/₄SE¹/₄, NE¹/₄NW¹/₄SW¹/₄SE¹/₄, NE¹/₄NW¹/₄NW¹/₄SW¹/₄SE¹/₄, NE¹/₄SE¹/₄NW¹/₄SW¹/₄SE¹/₄, NE¹/₄SE¹/₄SW¹/₄SE¹/₄, NE¹/₄NW¹/₄SE¹/₄SW¹/₄SE¹/₄, N¹/₂SE¹/₄SE¹/₄SW¹/₄SE¹/₄, SE¹/₄SE¹/₄SE¹/₄SW¹/₄SE¹/₄, NW¹/₄NE¹/₄NE¹/₄SE¹/₄SE¹/₄, SW¹/₄ NE¹/₄NE¹/₄SE¹/₄SE¹/₄, W¹/₂NE¹/₄SE¹/₄SE¹/₄, NW¹/₄SE¹/₄NE¹/₄SE¹/₄SE¹/₄, SW¹/₄SE¹/₄NE¹/₄SE¹/₄SE¹/₄, NW¹/₄SE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄, NW¹/₄NE¹/₄SE¹/₄SE¹/₄SE¹/₄, SW¹/₄ NE¹/₄SE¹/₄SE¹/₄SE¹/₄, W¹/₂SE¹/₄SE¹/₄SE¹/₄, NW¹/₄SE¹/₄SE¹/₄SE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄SE¹/₄SE¹/₄;

sec. 3, lots 1 through 2 inclusive, E¹/₂NE¹/₄SE¹/₄NE¹/₄, E¹/₂SE¹/₄SE¹/₄NE¹/₄, S¹/₂SE¹/₄SW¹/₄SE¹/₄SW¹/₄, S¹/₂SW¹/₄SE¹/₄SE¹/₄SW¹/₄, S¹/₂SE¹/₄SE¹/₄SE¹/₄SW¹/₄, E¹/₂NE¹/₄NE¹/₄SE¹/₄, E¹/₂SE¹/₄NE¹/₄SE¹/₄,

S¹/₂SW¹/₄SW¹/₄SW¹/₄SE¹/₄, S¹/₂SE¹/₄SW¹/₄SW¹/₄SE¹/₄, S¹/₂SW¹/₄SE¹/₄SW¹/₄SE¹/₄,
S¹/₂SE¹/₄SE¹/₄SW¹/₄SE¹/₄, E¹/₂NE¹/₄SE¹/₄SE¹/₄, S¹/₂SW¹/₄SW¹/₄SE¹/₄SE¹/₄, S¹/₂SE¹/₄SW¹/₄SE¹/₄SE¹/₄,
S¹/₂SW¹/₄SE¹/₄SE¹/₄SE¹/₄, E¹/₂SE¹/₄SE¹/₄SE¹/₄;

sec. 9, NE¹/₄SE¹/₄, E¹/₂NE¹/₄ NE¹/₄ NE¹/₄NW¹/₄SE¹/₄, E¹/₂SE¹/₄ NE¹/₄ NE¹/₄NW¹/₄SE¹/₄,
E¹/₂NE¹/₄SE¹/₄NE¹/₄NW¹/₄SE¹/₄, E¹/₂SE¹/₄SE¹/₄NE¹/₄NW¹/₄SE¹/₄, E¹/₂NE¹/₄NE¹/₄SE¹/₄NW¹/₄SE¹/₄,
E¹/₂SE¹/₄NE¹/₄SE¹/₄NW¹/₄SE¹/₄, E¹/₂NE¹/₄SE¹/₄SE¹/₄NW¹/₄SE¹/₄, E¹/₂SE¹/₄SE¹/₄SE¹/₄NW¹/₄SE¹/₄,
E¹/₂NE¹/₄NE¹/₄NE¹/₄SW¹/₄SE¹/₄, E¹/₂SE¹/₄NE¹/₄NE¹/₄SW¹/₄SE¹/₄, E¹/₂NE¹/₄SE¹/₄NE¹/₄SW¹/₄SE¹/₄,
E¹/₂SE¹/₄SE¹/₄NE¹/₄SW¹/₄SE¹/₄, E¹/₂NE¹/₄NE¹/₄SE¹/₄SW¹/₄SE¹/₄, E¹/₂SE¹/₄ NE¹/₄SE¹/₄SW¹/₄SE¹/₄,
N¹/₂SE¹/₄SE¹/₄, N¹/₂SW¹/₄SE¹/₄SE¹/₄, N¹/₂SE¹/₄SE¹/₄SE¹/₄;

sec. 10, E¹/₂NE¹/₄NE¹/₄NE¹/₄, E¹/₂SE¹/₄NE¹/₄NE¹/₄, E¹/₂NE¹/₄SE¹/₄NE¹/₄, E¹/₂SE¹/₄ SE¹/₄NE¹/₄,
W¹/₂NE¹/₄NE¹/₄NE¹/₄ that portion lying west of the westerly right-of-way of NVN046054,
W¹/₂SE¹/₄NE¹/₄NE¹/₄ that portion lying west of the westerly right-of-way of NVN046054,
NW¹/₄NE¹/₄NE¹/₄, SW¹/₄NE¹/₄NE¹/₄, N¹/₂NW¹/₄NE¹/₄, W¹/₂NE¹/₄SE¹/₄NE¹/₄ that portion lying west of
the westerly right-of-way of NVN046054, W¹/₂SE¹/₄SE¹/₄NE¹/₄ that portion lying west of the
westerly right-of-way of NVN046054, E¹/₂SW¹/₄SE¹/₄NE¹/₄, E¹/₂NW¹/₄SE¹/₄NE¹/₄, S¹/₂ that portion
lying east of the easterly right-of-way and west of the westerly right-of-way of NVN046054,
NW¹/₄NE¹/₄NE¹/₄SE¹/₄, SE¹/₄SW¹/₄SW¹/₄, N¹/₂NW¹/₄NE¹/₄NW¹/₄, SW¹/₄NW¹/₄NE¹/₄NW¹/₄,
SE¹/₄NE¹/₄NW¹/₄NW¹/₄, SE¹/₄SW¹/₄NW¹/₄NW¹/₄, N¹/₂SE¹/₄NW¹/₄NW¹/₄, SW¹/₄SE¹/₄NW¹/₄NW¹/₄;

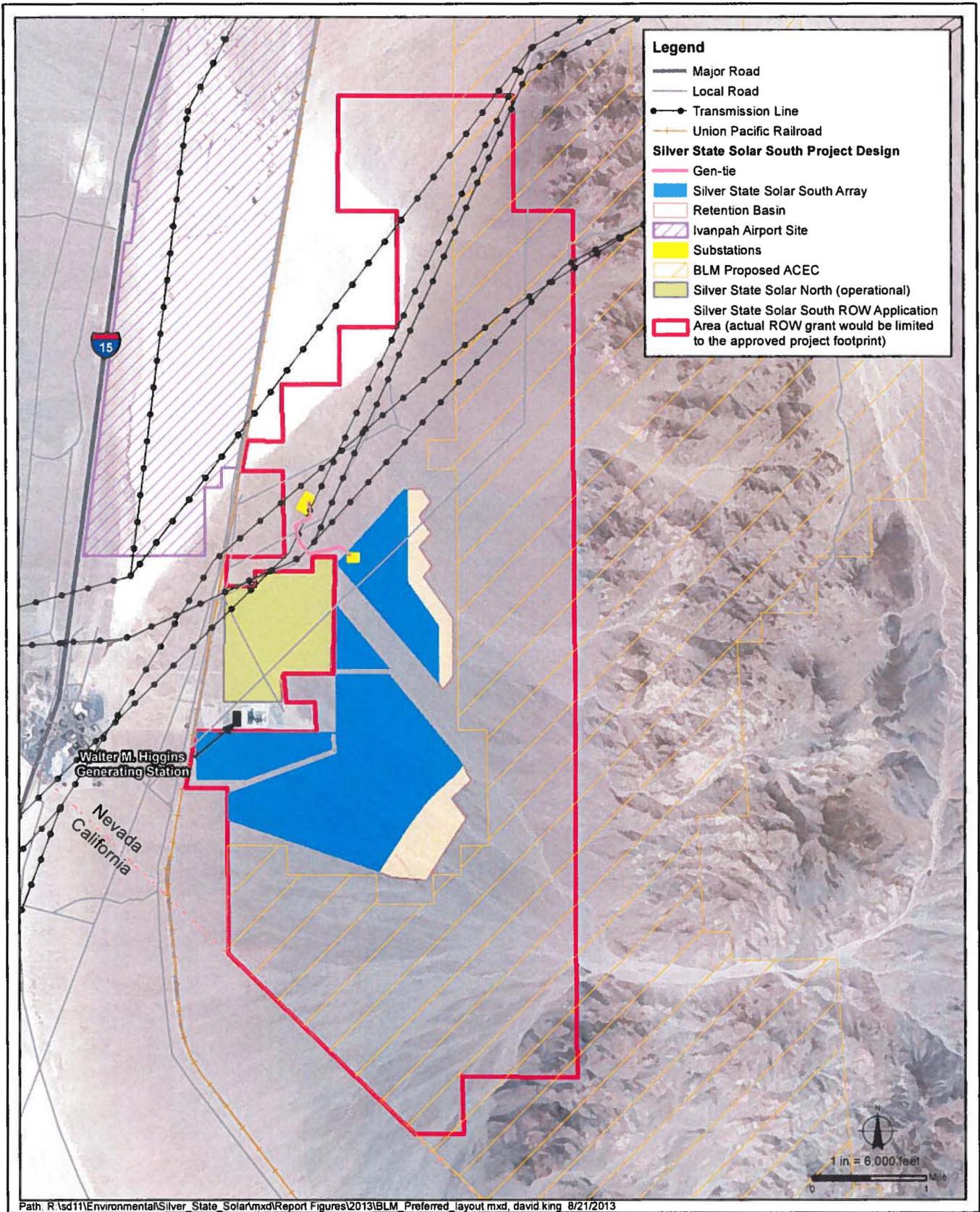
sec. 11, NW¹/₄NE¹/₄NE¹/₄NE¹/₄NE¹/₄, SW¹/₄NE¹/₄NE¹/₄NE¹/₄NE¹/₄, NW¹/₄NE¹/₄NE¹/₄NE¹/₄,
SW¹/₄NE¹/₄NE¹/₄NE¹/₄, NW¹/₄NE¹/₄NE¹/₄, -NE¹/₄NE¹/₄SW¹/₄NE¹/₄NE¹/₄, NW¹/₄NW¹/₄SE¹/₄NE¹/₄NE¹/₄,
E¹/₂NE¹/₄NW¹/₄NE¹/₄, SW¹/₄NE¹/₄NW¹/₄NE¹/₄, W¹/₂NW¹/₄NW¹/₄NW¹/₄NE¹/₄, SW¹/₄NW¹/₄NW¹/₄NE¹/₄,
SW¹/₄NW¹/₄NE¹/₄, E¹/₂SE¹/₄NW¹/₄NE¹/₄, NW¹/₄SE¹/₄NW¹/₄NE¹/₄, SW¹/₄SE¹/₄NW¹/₄NE¹/₄, SW¹/₄NE¹/₄,
SW¹/₄SW¹/₄NW¹/₄SE¹/₄NE¹/₄, SW¹/₄SE¹/₄NE¹/₄, NW¹/₄, SW¹/₄, W¹/₂NE¹/₄NE¹/₄SE¹/₄,
W¹/₂SE¹/₄NE¹/₄NE¹/₄SE¹/₄, SE¹/₄SE¹/₄NE¹/₄NE¹/₄SE¹/₄, W¹/₂NE¹/₄SE¹/₄, SE¹/₄NE¹/₄SE¹/₄, NW¹/₄SE¹/₄,
SW¹/₄SE¹/₄, SE¹/₄SE¹/₄;

sec. 12, SW¹/₄NW¹/₄SW¹/₄, SW¹/₄NE¹/₄SW¹/₄SW¹/₄, W¹/₂SW¹/₄SW¹/₄, SE¹/₄SW¹/₄SW¹/₄;

sec. 13, W¹/₂NW¹/₄NW¹/₄NW¹/₄, W¹/₂SW¹/₄NW¹/₄NW¹/₄, SE¹/₄SW¹/₄NW¹/₄NW¹/₄,
W¹/₂NW¹/₄SW¹/₄NW¹/₄, NE¹/₄NW¹/₄SW¹/₄NW¹/₄, NW¹/₄SW¹/₄SW¹/₄NW¹/₄;

sec. 14, NE¹/₄, NW¹/₄, NE¹/₄SW¹/₄, N¹/₂NW¹/₄SW¹/₄, N¹/₂NW¹/₄SW¹/₄NW¹/₄SW¹/₄,
NE¹/₄SW¹/₄NW¹/₄SW¹/₄, N¹/₂SE¹/₄NW¹/₄SW¹/₄, SE¹/₄SE¹/₄NW¹/₄SW¹/₄, N¹/₂NE¹/₄NE¹/₄SE¹/₄SW¹/₄,
N¹/₂NW¹/₄NE¹/₄SE¹/₄SW¹/₄, W¹/₂NE¹/₄NE¹/₄SE¹/₄, W¹/₂NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, N¹/₂NE¹/₄SW¹/₄SE¹/₄,
N¹/₂NW¹/₄SW¹/₄SE¹/₄,

sec. 15, NE¹/₄, N¹/₂NW¹/₄, N¹/₂NE¹/₄SW¹/₄NW¹/₄, N¹/₂SW¹/₄NE¹/₄SW¹/₄NW¹/₄, SE¹/₄NE¹/₄SW¹/₄NW¹/₄,
N¹/₂SE¹/₄NW¹/₄, N¹/₂SW¹/₄SE¹/₄NW¹/₄, E¹/₂SE¹/₄SE¹/₄NW¹/₄, NW¹/₄SE¹/₄SE¹/₄NW¹/₄,
NE¹/₄NE¹/₄NW¹/₄SE¹/₄, N¹/₂NW¹/₄NE¹/₄NW¹/₄SE¹/₄, NE¹/₄NE¹/₄SE¹/₄, N¹/₂NW¹/₄NE¹/₄SE¹/₄,
N¹/₂SE¹/₄NW¹/₄NE¹/₄SE¹/₄.



**BLM Preferred Alternative - Proposed Action Site Layout
Silver State Solar South Project**

FIGURE

2-1

EXHIBIT B

STIPULATIONS

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the approved Plan of Development, as amended or supplemented by approval of the Authorized Officer. 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 comply with the Biological Opinion for listed and proposed species associated with this project signed by the US Fish and Wildlife Service on September 30, 2013, and as may be amended. Failure to comply with the requirements of the Biological Opinion shall be cause for suspension or termination of the right-of-way lease/grant.
3. Any unanticipated cultural resource (historic or prehistoric site or object) discovered by the holder, or any person working on his 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.

The holder shall immediately notify the BLM Authorized Officer of any paleontological resources discovered as a result of operations under this authorization. The holder shall suspend all activities in the immediate area of such discovery until notified to proceed by the Authorized Officer, and shall protect the locality from damage or looting. The Authorized Officer will evaluate, or will have evaluated, such discoveries as soon as possible, but not later than 5 working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources will be determined by the Authorized Officer after consulting with the holder. The holder is responsible for the cost of any investigation necessary for the evaluation and for any mitigation measures, including museum curation associated with assessing the investigation. The holder may not be required to suspend operations if activities can avoid further impacts to a discovered locality or be continued elsewhere, however not suspending operations must be approved by the Authorized Officer.

Although unlikely, any human remains that may be discovered during authorized activities shall be protected by all Project personnel and construction crew members by following the procedures set forth in Section VI of the October 26, 2009, State Protocol Agreement between the BLM and the Nevada State Historic Preservation Office. This includes at a minimum: 1) it is the responsibility of the holder to notify the BLM authorized contracting officer and archaeologist immediately, 2) cease all construction activities within a 100 meter buffer area, and 3) to ensure protection of the discovery from further damage or vandalism until a BLM-authorized archaeologist evaluates the nature of the materials. If needed, mitigation procedures will be developed by the BLM in consultation with the State Historic Preservation Office.

4. All power lines shall be designed and constructed to be avian-safe in accordance with the standards outlined in "Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006" (APLIC 2006). Unless otherwise agreed to in writing by the Authorized Officer, power lines shall also be constructed in accordance with standards outlined in "Suggested Practices for Raptor Protection on Powerlines", Raptor Research Foundation, Inc., 1996. 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.
5. 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.
6. The holder shall designate a representative 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.
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. Use of pesticides and herbicides shall comply with all applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides, the holder shall obtain from the Authorized Officer, written approval of a Pesticide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.
9. Only those chemicals (pesticides and herbicides) listed on the BLM approved label list are authorized for use on public lands. A Pesticide Use Proposal must be submitted for each chemical used, and it cannot be used until approval has been obtained in writing from the Authorized Officer. The proposal needs to identify any surfactants or dyes used in the spraying operation. Applicator(s) of chemicals used must have completed pesticide certification training and have a current up to date Certified Pesticide Applicator's License. Pesticide and herbicide application records for the areas and acres treated must be submitted to the Authorized Officer each year. This includes the following:

- Brand or Product name
- EPA registration number
- Total amount applied (use rate #A.I./acre)
- Date of application
- Location of application
- Size of area treated
- Method of treatment (air/ground)
- Name of applicator
- Certification number and dates
- Costs to treatment
- Amount of surfactants or dyes used in spraying operation

The record information must be recorded no later than 14 calendar days following the pesticide or herbicide application and must be maintained for ten years.

10. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. A litter policing program shall be implemented by the holder which covers all roads and sites associated with the right-of-way.
11. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials, 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 right-of-way 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 substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq., or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) in connection with the holder's use and occupancy of the right-of-way, whether or not the release is authorized under the grant. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
12. The holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

The holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way or potentially affecting the right-of-way of which the holder is aware.

As required by law, the holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of way.

13. Within 120 calendar days of completion of construction, the holder shall 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.

Within 90 days of construction completion, the holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.

CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

14. The holder shall be liable for all fire suppression costs resulting from fires caused during construction or operations. All guidelines and restrictions imposed by agency fire control officials will be followed.

The following fire prevention measures shall be implemented by the holder or its contractor during construction:

Maintain a list of all relevant firefighting authorities near the project site. The closest resources to respond to a wild land fire threatening the community of Primm would come from Clark County Fire Department Station 78 in Goodsprings;

Have and maintain available fire suppression equipment in all construction areas, including but not limited to: water trucks, potable water pumps, and chemical fire extinguishers. Ensure an adequate supply of fire extinguishers for welding and brushing crews;

Include mechanisms for fire suppression in all heavy equipment, including fire extinguishers and spark arresters or turbo-charging (which eliminates sparks in exhaust);

Remove any flammable wastes generated during construction on a regular basis;

Vegetation clearing shall be accomplished in a manner that reduces vegetation and does not create a fire hazard;

Store all flammable materials used at the construction site;

Allow smoking only in designated smoking areas; and

Require all work crews to park vehicles away from flammable vegetation, such as dry grass and brush. At the end of each workday, heavy equipment should be parked over mineral soil, asphalt, or concrete, where available, to reduce the chance of fire.

15. Prior to a final Notice to Proceed being issued, the holder may receive a Limited Notice to Proceed to conduct activities necessary for the installation of the perimeter fencing, designed with a desert tortoise exclusionary fence along its bottom edge or as a stand-alone desert tortoise exclusionary fence constructed to meet USFWS standards, and activities necessary to clear desert tortoises from the area enclosed within the fence, as described in the approved Biological Opinion for the portion of the project being authorized. All activities must be conducted in accordance with the approved Biological Opinion for this project and all other terms, conditions and stipulations of this right-of-way authorization.
16. The holder shall, prior to construction activities, provide the Authorized Officer a Revised Plan of Development, a Performance and Reclamation bond, a Site Restoration Plan, a Groundwater Monitoring Plan, and a Traffic Management Plan. Prior to construction, and upon approval of the Plan of Development, acceptance of the Performance and Reclamation bond, approval of the third-party Compliance Inspection Contractor, approval of the Site Restoration Plan, approval of the Groundwater Monitoring Plan, and approval of the Traffic Management Plan, a Notice to Proceed will be issued by the Authorized Officer.
17. The holder shall submit for approval to the Authorized Officer a Revised Plan of Development that is reflective of the activities authorized in the right-of-way lease/grant. The holder shall ensure that the following elements are contained within the Revised Plan of Development:

Erosion and sedimentation control measures to be used to minimize impacts during the life of the project. At a minimum, this will include: soil stabilization measures to offset loss in vegetation, biannual and post-storm monitoring of erosion and sedimentation, annual monitoring of the surface of Roach Dry Lake to assess effects of sedimentation (monitoring at Roach Dry Lake will be conducted in a manner that will not interfere with the Southern Nevada Supplemental Airport (SNSA)), and adaptive management of actions if erosion and sedimentation control measures are found to be insufficient to control surface water at the site. Any changes must be approved in advance by the Authorized Officer.

A storm water monitoring and response plan to be used to minimize impacts from flood damage during the life of the project. At a minimum, this plan shall include: visual surveys of all structures for scour following major storm events, visual surveys of fencing to check for damage and/or debris, cleanup of broken equipment if failures do occur, inspection and cleanup of downstream areas, including the surface of Roach Dry Lake, if debris is transported off site, and adaptive management of flood protection and erosion actions if the monitoring plan reveals routine damage to project structures due to flooding. Any changes must be approved in advance by the Authorized Officer.

The flood control system for this approved project should drain the Project site by sheet flow to on- and off-site drainages. The drainage plan should include the use of

constructed berms and existing natural washes within the footprint of the solar array. The same mitigation measures and BMPs described for soil erosion, productivity and contamination should be implemented. An approved Storm Water Prevention Pollution Plan will also be required before a Final Notice to Proceed.

To avoid unnecessary visual disturbance to wildlife implement measures to reduce night lighting in all natural areas. Methods to be implemented include, but are not limited to, shielding methods, and/or reduced lumen intensity.

18. The holder shall develop, and submit for approval by the Authorized Officer, a Site Restoration Plan that describes measures to mitigate and compensate for special status plants such as transplanting/re-seeding and/or compensation in consultation with appropriate agencies (USFWS, BLM, and/or NDOW). The plan will also outline the protocol for the re-vegetation of the portions of the project area that are classified as temporarily impacted. The plan will provide a matrix showing how the holder will address each species considered sensitive in terms of mitigation type (e.g., seed collection, salvage, fencing certain populations). This will include clearly describing how cacti and yucca species will be salvaged, stored, and re-established. The plan will also define success criteria in accordance with agency guidance and outline mitigation measures to be implemented if the success criteria are not met.
19. The holder shall fund and implement a third party Compliance Program with the Authorized Officer. The Program will include the holder hiring an independent third-party Compliance Inspection Contractor, to be approved by the Authorized Officer, to insure compliance with the terms, conditions and stipulations of this lease/grant. All questions or concerns regarding compliance with the terms, conditions, and stipulations of this right-of-way lease/grant shall be directed to the Authorized Officer.
20. The holder shall develop, implement, and submit for approval by the Authorized Officer a Groundwater Monitoring Plan prior to construction. The plan will include metering of project wells and monthly reports to the Las Vegas Valley Water District and quarterly reports on water use to the BLM and State Engineer.
21. The holder will produce, and submit for approval by the Authorized Officer, a Traffic Management Plan that identifies Best Management Practices (BMP) to minimize construction-related traffic impacts. Specifically, the BMPs shall ensure an adequate flow of traffic in both directions by providing sufficient signage to alert drivers of construction zones, notifying emergency responders prior to construction, conducting community outreach, and control traffic around impacted intersections. The Traffic Management Plan shall also include the following:

Deliveries of materials will be scheduled for off-peak hours to reduce effects during periods of peak traffic; Truck traffic will be phased throughout construction; Truck traffic will use designated truck routes when arriving to and departing from the proposed work sites. The holder shall encourage the construction workforce to carpool, rideshare or

vanpool; information on available local and regional programs shall be made available to the workforce through bulletin board postings and training programs. Signs and public notices regarding construction work will be distributed before disruptions occur, identifying detours to maintain access, the use of flagmen or escort vehicles to control and direct traffic flow, and scheduling roadway work during periods of minimum traffic flow.

22. The holder shall ensure that all structures installed as part of the project will be color treated to reduce contrast with the surrounding environment. The exterior of the inverter boxes and the exterior of the O&M building, walls or fences surrounding switchyard/substation facilities, PCS stations, and lighting fixtures and poles, will be factory treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green to minimize contrast with the existing landscape. If a fixed-tilt design is chosen, the PV panel mounting clips shall be treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green. Whatever finish is chosen shall be used consistently for all structures to be color treated, not including transmission towers and fencing. The fence and weather station towers will be a non-specular dull finish to be approved by BLM prior to procurement and installation. Steel transmission or distribution towers or poles will be color treated of the rust exterior type (Corten or similar). Other panel support structures (i.e., posts, tables), temporary water tanks and other temporary construction support facilities, will not be color treated. The holder will work with the Authorized Officer to select the appropriate color from the BLM approved color palette. All color treatments shall be approved by the Authorized Officer prior to any application.

23. Cactus and yucca plants within the right-of-way lease/grant area are considered federal property. The holder shall implement the following conditions regarding the disposition of cactus and yucca species within disturbed portions the right-of-way lease/grant area:

The holder will salvage and transplant 1,400 cactus and yucca plants into one or more areas within the Ivanpah Valley or vicinity as directed by BLM. The holder shall contract with a BLM-approved company to set-up, monitor and maintain these areas. Set-up would include: fencing with t-post and wire (or repair existing fencing if present), salvage and transplant cactus/yucca and water plants at least once a month (or as needed, based on monitoring). The holder shall continue monitoring and maintenance (watering) for a one year period.

The holder will salvage cactus and yucca plants (approximately 500 to 600 plants) to be used for revegetation of temporary impact areas associated with project construction. The holder will include the maintenance and monitoring of these plants in the project site rehabilitation and cactus and yucca salvage plan.

The holder will purchase all remaining plants using pricing described in BLM Nevada Forestry IM-NV-2010-055. The remaining plants will not be salvaged and will be destroyed during onsite clearing.

24. The holder shall conduct all construction activity (including, but not limited to, truck deliveries, pile driving, and vibration equipment use) only during daytime hours (7:00 a.m. and 10:00 p.m.) while in the vicinity of the Desert Oasis Apartment Complex and near residential or recreational areas.
25. The holder shall turn off idling equipment when not in use.
26. The holder shall notify adjacent residents in advance of construction work through public mailings and signs directed toward residents, landowners, and recreational users within one mile of the site prior to commencement of construction. The notice shall state specifically where and when construction activities will occur in the area. The holder shall also provide a communication line or procedures to enable individuals to contact the contractor in the event that construction noise levels affect them. The holder shall provide the Authorized Officer with the mailing list and a copy of the notice that was mailed immediately following the mailing.
27. The holder shall install acoustic barriers around stationary construction noise sources as necessary to maintain a noise level not to exceed 85 dba at the property boundary closest to the nearest residence.
28. The holder shall ensure that construction equipment is maintained per manufacturers' recommendations. The holder shall ensure that all equipment is adequately muffled and maintained, to include: use of noise controls on standard construction equipment and shielding on impact tools, use of broadband noise backup alarms on mobile equipment, and installation of mufflers on exhaust stacks of all diesel and gas-driven engines.
29. The holder shall ensure proper installation of transformer equipment by: installing transformers within enclosures, using sound-dampening pads between each transformer and the mounting surface, using flexible conduit couplings between each transformer and the associated wiring system, and mounting the transformers on surfaces with a large mass to avoid amplifying the sound.
30. To minimize or avoid potential hazards from earthquakes and other geologic events, the holder is responsible for funding inspections to be performed by a BLM-approved appropriate professional (e.g. geologist, geophysicist, geologic engineer, or structural engineer) following geologic events in the vicinity of the project site. The appropriate professional will perform the appropriate inspection and make recommendations to ensure that hazards are minimized for the next comparable or larger event. The holder will implement the recommended corrective actions.
31. The holder shall acquire the appropriate insurance coverage to address potential off-site damage to structures or injury to people by facility structures that are moved off-site by a geologic event such as an earthquake or flash flood event.

32. The holder shall ensure that imported soils are free from contaminants before use on the site. At the request of the Authorized Officer, soils shall be tested (at the cost of the holder) to ensure that hazardous materials are not present within the imported fill.
33. The holder shall ensure that imported soils are consistent in texture and drainage characteristics to existing on-site soils before use on the site. At the request of the Authorized Officer and the expense of the holder, soils will be tested to ensure they are of the same soil type as pre-construction soils.
34. If drainages cannot be avoided by infrastructure placement, the holder shall design drainage crossings to accommodate estimated peak flows and ensure that natural volume capacity can be maintained throughout construction and upon post-construction restoration.
35. Preconstruction surveys must be conducted by qualified biologists according to the most current USFWS protocols, where available, by species. These surveys will include surveying mowing areas, brush clearing areas, and ground disturbance areas within habitat deemed suitable for sensitive species by a qualified biologist. These surveys will be conducted for the presence of special status plants, the presence of noxious weeds, and the presence of general and special status wildlife species, to prevent direct loss of vegetation and wildlife and to prevent the spread of noxious plant species. The holder will submit survey results to the Authorized Officer.
36. A Worker Environmental Awareness Program (WEAP) shall be prepared by the holder. All construction crews and contractors will be required to participate in WEAP training prior to starting work on the project. The WEAP training shall include a review of the special status species and other sensitive resources that could exist in the project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources. A record of all trained personnel will be maintained.

The holder will ensure that biological monitors monitor and enforce disturbance buffers around all active bird nests (for raptors and species protected by the MBTA) found in project areas during construction. The general bird breeding season for this area is late February to early July. For raptors specifically, the holder will use the USFWS Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (1999) to determine appropriate survey areas and disturbance buffers for active nests. For all non-raptor bird species, biologists will survey within project areas. Because there are no standardized disturbance buffers for active non-raptor bird nests, the holder will consult with the appropriate agencies (BLM, USFWS, and NDOW) on a case-by-case basis when active nests are found in project areas, unless directed to do otherwise by these same agencies.

Active bird nests will not be moved during breeding season, unless the holder is expressly permitted to do so by the USFWS, BLM, and NDOW.

All active nests and disturbance or harm to active nests will be reported within 24 hours to the USFWS, the BLM, and NDOW upon detection. The biological monitor will halt work if it is determined that active nests are being disturbed by construction activities, until further direction or approval to work is obtained from the appropriate agencies.

37. The holder shall fully implement the Bird and Bat Conservation Strategy for the duration of the project to ensure compliance with the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA).
38. The holder shall fully implement the Raven Management Plan for the duration of project to ensure compliance with the Biological Opinion and the Endangered Species Act (ESA).
39. The holder shall work closely with the Clark County Department of Aviation to ensure that all planning, construction, and operation remains compatible with airport projects and future airport operations.
40. The holder shall implement a Hazardous Materials Handling Management Program or incorporate within their other program the item outlined below. Hazardous materials used and stored onsite will be managed according to the specifications outlined below as follows:

Hazardous Materials Handling Program: A project-specific hazardous materials management program will be developed prior to initiation of construction. The program will outline proper hazardous materials use, storage, and disposal requirements. The program will identify types of hazardous materials to be used during construction activities. All personnel will be provided with project-specific training. This program will be developed to ensure that all hazardous materials are handled in a safe and environmentally sound manner. Employees will receive hazardous materials training and will be trained in: hazardous waste procedures; spill contingencies; waste minimization procedures; and treatment, storage, and disposal facility (TSDF) training in accordance with OSHA Hazard Communication.

Transport of Hazardous material: Hazardous materials that will be transported by truck include fuel (diesel fuel and gasoline), and oils and lubricants for equipment. Containers used to store hazardous materials will be properly labeled and kept in good condition. Written procedures for the transport of hazardous materials used will be established in accordance with U.S. Department of Transportation (USDOT), and Nevada Department of Transportation (NDOT) regulations. A qualified transporter will be selected to comply with federal and state transportation regulations.

Fueling and Maintenance of Construction Equipment: Written procedures for fueling and maintenance of construction equipment will be prepared prior to construction. Vehicles and equipment will be refueled on site or by tanker trucks. Procedures will include the use of drop cloths made of plastic, drip pans, and trays to be placed under refilling areas to ensure that chemicals do not come into contact with the ground. Refueling stations will be located in designated areas where absorbent pads and trays will be available. The fuel tanks will also contain a lined area to ensure that accidental spills do not occur. Drip pans or other collection devices will be placed under the equipment at night to capture drips or spills. Equipment will be inspected daily for potential leakage or failures. Hazardous materials such as paints, adhesives and solvents, will be kept in an approved locker or storage cabinet.

41. The holder will either return solar panel products to the original manufacturer or send them to a certified recycling or disposal facility when the solar facility is decommissioned. Solar panel material recycling and end-of-life disposal will be done in compliance with the federal, state, and local regulations.
42. The holder will ensure that the all health and safety and emergency plans to be required for employees and contractors during construction, operations, and decommissioning of the authorized facility will comply with the Occupational Safety and Health Standards provided in federal regulation 29 CFR, Part 1910, as well as with applicable state and local occupational health and safety regulations.
43. The holder shall notify FAA by filing FAA Form 7460 at least 30 days before construction is to begin or the date that an application for construction permit is to be filed.
44. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
45. The Holder shall mark the exterior boundaries of the right-of-way with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the holder. The holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
46. The holder shall conduct all activities associated with construction, operation, maintenance and decommission of this right-of-way lease/grant within its authorized limits.
47. The holder shall not violate applicable air standards or related facility sitting standards established by or pursuant to applicable federal, state, or local laws or regulations. The holder shall be responsible for dust abatement within the limits of the right-of-way

lease/grant and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the holder.

Prior to relinquishment, abandonment, or decommission of this right-of-way, the holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

During excavation, backfilling, and contouring, the disturbed soil shall be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

48. The holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of this right-of-way), the United States against any liability arising from the holder's use or occupancy of the right-of way, regardless of whether the holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the holder, and during the term of this right-of-way lease/grant. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the holder, its agents, contractors, or third parties. If the liability is caused by third parties, the holder will pursue legal remedies against such third parties as if the holder were the fee owner of the right-of-way.

Notwithstanding any limits to the holder's ability to indemnify and hold harmless the United States which may exist under state law, the holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the holder's use or occupancy of the right-of way regardless of whether the holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the holder and during the term of this right-of-way lease/grant.

49. Mineral material generated, and not needed for construction or development activities within the authorized limits of the right-of-way lease/grant, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of in place excess mineral material. All mineral material generated needs to be used on site within the right-of-way lease/grant area or stockpiled on site for sale by the BLM.

50. The holder shall comply with the BLM-approved BBCS.
51. All activities must be conducted in accordance with the approved Biological Opinion (Silver State South: 84320-2010-F-0208-R003) for this project, including all other terms, conditions and stipulations of this right-of-way authorization, and mitigation measures in the Record of Decision. (see Appendix C)
52. In order to maintain public access, the Holder shall allow access to the Lucy Gray Mountains through the use of their Project access road, located outside of the Project fence. This road will be open to the general public for dispersed use and access to the Lucy Gray Mountains. This access would also be available to organized competitive OHV races, if the races have obtained necessary permits and are approved.

Air Quality and Climate (Section 4.1)

Mitigation will be in accordance with the Project's dust control permit and Clark County regulations and BMPs.

Noise (Section 4.2)

MM NOI-1: Conduct Construction Activities during Daytime Hours. The Applicant shall conduct construction activity only during daytime hours while within 1,000 feet of the Desert Oasis apartment complex. Construction activities (including truck deliveries, pile driving, and vibration equipment use) shall be restricted to the least noise-sensitive times of day—weekday daytime hours between 7:00 a.m. and 10:00 p.m., within 1,000 feet of nearby residential uses ;

MM NOI-2: Turn Off Idling Equipment. Construction personnel shall turn off idling equipment when not in use. MM

NOI-3: Notify Adjacent Residences. The Applicant shall notify adjacent residents in advance of construction work through public mailings and signs directed toward residents, landowners, and recreational users within one mile of the site prior to construction. The notice shall state specifically where and when construction activities will occur in the area. The Applicant shall also provide a communication line or procedures to enable individuals to contact the contractor in the event that construction noise levels affect them.

MM NOI-4: Install Acoustic Barriers. The Applicant shall install acoustic barriers around stationary construction noise sources as necessary to maintain a noise level not to exceed 85 decibels (dBA) at the property boundary closest to the nearest residence.

MM NOI-5: Proper Maintenance and Working Order of Equipment and Vehicles. Construction equipment shall be maintained per manufacturers' recommendations. The Applicant shall ensure that all equipment is adequately muffled and maintained, to include:

- Use of noise controls on standard construction equipment and shielding on impact tools;
- Use of broadband noise backup alarms on mobile equipment; and
- Installation of mufflers on exhaust stacks of all diesel, gasoline and natural gas-powered engines.

MM NOI-6: Construction Equipment Muffled. The Applicant shall provide adequately muffled construction equipment.

MM NOI-7: Ensure Proper Installation of Transformer Equipment. The Applicant shall ensure proper installation of transformer equipment by:

- Installing transformers within enclosures;
- Using sound-dampening pads between each transformer and the mounting surface;
- Using flexible conduit couplings between each transformer and the associated wiring system; and
- Mounting the transformers on surfaces with a large mass to avoid amplifying the sound.

This measure would not apply to transformers installed by SCE related to the Primm Substation as those would not be high voltage (less than 50 kV) and would thus not require the sound reduction methods described.

Geology, Topography and Geologic Hazards (Section 4.3)

MM GEO-1. Inspections After Geologic Events. To minimize or avoid potential hazards from earthquakes and other geologic events, the Applicant shall have inspections performed by a BLM-approved appropriate professional (e.g., geologist, geophysicist, geologic engineer, or structural engineer) following geologic events in the vicinity of the proposed Project site. The appropriate professional shall perform the appropriate inspection and make recommendations to ensure that hazards are minimized for the next comparable or larger event. The Applicant shall implement the recommended corrective actions.

MM GEO-2. Applicant's Insurance Coverage. The Applicant shall acquire the appropriate insurance coverage to address potential off-site damage to structures or injury to people by facility structures that are moved off-site by a geologic event such as an earthquake or flash flood event.

Soil Resources (Section 4.4)

MM SOILS-1: Ensure Soils are Free From Contaminants. The Applicant shall ensure that imported soils are free from contaminants before use on the site. At the request of the BLM, soils shall be tested to ensure that hazardous materials are not present within the imported fill.

MM SOILS-2: Ensure Soils are of the Same Soil Type. The Applicant shall ensure that imported soils are consistent in texture and drainage characteristics to existing on-site soils before use on the site. At the request of the BLM, soils shall be tested to ensure they are of the same soil type as pre-construction soils.

MM SOILS-3: Cryptobiotic Soil Mitigation Study Funding. The Applicant shall provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils.

Water Resources/ Hydrology (Section 4.5)

MM WATER-1: Groundwater Monitoring Plan. The Applicant shall develop and implement a Groundwater Monitoring Plan during Project construction and operations. The plan shall include metering of Project wells and monthly reports to LVVWD and quarterly water use reports to the BLM and State Engineer. The Plan will include monthly collection of the following data from the Project wells and the Primadonna Well 4 during construction when significant water use is occurring, but not operation when such use will be minimal: (i) ground water production measurements; (ii) static water levels measurements; and (iii) water quality testing consisting of TDS measurements. Primadonna shall receive copies of all reports concurrently with the filing of such reports in accordance with the monitoring plan. The Applicant shall develop a mitigation plan in coordination with Primadonna and acceptable to the BLM in the event the Project pumping degrades water quality in Primadonna Well 10 to the degree that Primadonna is unable to deliver potable water. The parties will cooperate to develop a baseline water quality standard in Well 4 prior to the pumping of the Project wells.

MM WATER-2: Operational Phase Erosion and Sedimentation Control Measures. The Applicant shall develop and implement erosion and sedimentation control measures to be used to minimize impacts during the life of the Project. At a minimum, this plan shall include:

- Soil stabilization measures to offset loss in vegetation;
- Biannual and post-storm monitoring of erosion and sedimentation;
- Annual monitoring of the surface of Ivanpah Dry Lake and Roach Dry Lake to assess effects of sedimentation;
- Monitoring at Roach Dry Lake will be conducted in a manner that will not interfere with the Southern Nevada Supplemental Airport; and
- Adaptive management of actions if erosion and sedimentation control measures are found to be insufficient to control surface water at the site. Any changes must be approved by the BLM.

MM WATER-3:Flood Risk Control Measures. The Applicant shall develop and implement flood risk control measures to minimize impacts during the life of the Project. These measures shall include, as appropriate, adhering to the recommendations presented in the Applicant's Initial Site Drainage Plan for the project proposed in the 2010 Final EIS (BLM 2010). At a minimum, this plan shall include:

- PV panels will be installed to remain a minimum of 6 inches above the high water mark, based on flood depth estimates;
- Steel post foundations (8 to 12 feet in depth) in flood-prone areas would be designed to withstand a minimum of 1.5 feet of scour; and
- Adaptive management of actions if erosion and sedimentation control measures are found to be insufficient or excessive or if flooding proves to be destructive. Any changes must be approved by the BLM.
- Ensure construction facilities do not cause inadvertent flooding (e.g., ensure temporary roads do not block drainage outlets).

MM WATER-4:Storm Water Monitoring and Response plan. The Applicant shall develop and implement a storm water monitoring and response plan to minimize impacts from flood damage during the life of the Project. At a minimum, this plan shall include:

- Visual surveys of all structures for scour following major storm events;
- Visual surveys of fencing to check for damage and/or debris;
- Cleanup of broken equipment if failures occur;

- Inspection and cleanup of downstream areas if debris is transported off site;
- Adaptive management of flood protection and erosion actions if the monitoring plan reveals routine damage to Project structures due to flooding. Any changes must be approved by the BLM.

MM WATER-5: Drainage Crossing Design. The Applicant will actively seek to avoid placement of infrastructure in drainages and commit to the use of existing natural washes, with adequate buffers, to the greatest extent practicable. If drainages cannot be avoided by infrastructure placement, then the Applicant shall design drainage crossings to accommodate estimated peak flows and ensure that natural volume capacity can be maintained throughout construction and upon post-construction restoration. This measure is necessary to minimize erosion and degradation to which drainages are subject.

Biological Resources (Section 4.6)

MM BIO-1. Preconstruction Surveys. Preconstruction surveys shall be coordinated by the Applicant and conducted by qualified botanists. Areas to be surveyed shall include mowing areas, brush clearing areas, and ground disturbance areas within habitat deemed suitable for sensitive species. These surveys shall be conducted for the presence of special status plants and noxious weeds to prevent direct loss of plants and to prevent the spread of weeds.

MM BIO-2. Best Management Practices. Crews will be directed by the Applicant to use BLM-approved BMPs, where applicable. These measures will be identified by the Applicant and approved by BLM prior to construction and incorporated into the construction operations.

MM BIO-3. Biological Monitors. Biological monitors shall be assigned by the Applicant to the proposed Project in areas of sensitive biological resources. The monitors shall be responsible for ensuring that impacts on special status species would be avoided to the fullest extent possible. Where appropriate, monitors shall flag the boundaries of areas where activities would need to be restricted to protect native plants or special status species. Those restricted areas shall be monitored to ensure their protection during construction.

MM BIO-4. Facility Siting. Final site layout and spur road locations shall be adjusted by the Applicant to avoid sensitive biological resources to the greatest extent feasible, and shall remain within the Project ROW area.

MM BIO-5. Yellow Twotone Beardtongue Measures. If yellow twotone beardtongue are identified within the Project site, specific mitigation measures to protect the yellow twotone beardtongue shall be developed by the Applicant through agency coordination and included in the restoration plan. Mitigation may include seed collection, nursery development, transplantation of individuals, and/or sponsorship of the plant into the Center for Plant Conservation National Collection of Endangered Plants at Missouri Botanical Garden.

MM BIO-6. Cactus and Yucca Salvage Plan. The Applicant shall salvage and/or purchase, as directed by BLM, all cactus and yucca plants from temporary and permanent impact areas within the right of way lease/grant. The salvage requirements will be described in the Project revegetation plan and will be approved by the BLM botanist prior to construction.

MM BIO-7. Worker Environmental Awareness Program. A Worker Environmental Awareness Program (WEAP) shall be prepared by the Applicant or their contractor. All construction crews and contractors shall participate in WEAP training prior to starting work on the proposed Project. The WEAP training shall include a review of the special status species and other sensitive resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources. A record of all trained personnel shall be maintained.

MM BIO-8. Migratory Birds and Raptors Impacts Reduction Measures. To reduce impacts on migratory birds and raptors, the following will be done:

The Applicant shall fund biological monitors to monitor and enforce disturbance buffers around all active bird nests (for raptors and species protected by the Migratory Bird Treaty Act) found in the Project area during construction. The general bird breeding season for this area is late February to early July. BLM will coordinate with NDOW prior to biological monitoring to ensure communication and details of monitoring are approved.

- For all bird species, biologists shall survey within the proposed Project area. Because there are no standardized disturbance buffers for active non-raptor bird nests, the Applicant shall consult with the appropriate agencies (BLM,

USFWS, and NDOW) when required by the approved Bird and Bat Conservation Strategy.

- Active bird nests shall not be moved during breeding season, unless the Project is expressly permitted to do so by the USFWS, BLM, and NDOW.
- All active nests and disturbance or harm to active nests shall be reported within 24 hours of detection to the USFWS, BLM, and NDOW. Work shall be halted if it is determined by the biological monitor that active nests are being disturbed by construction activities, until further direction or approval to work is obtained from the appropriate agencies.
- All measures should be tailored for the local environment, and actions specific to ravens and other potential avian predators of desert tortoise and wildlife shall be addressed as well.

MM BIO-9. Bird and Bat Conservation Strategy. Due to the presence of golden eagles, other migratory birds, and bat species within the Project area, a Bird and Bat Conservation Strategy shall be developed with the goal of reducing the potential risks for avian and bat mortality resulting from construction and operation of the Project. The objectives of this Strategy would be to:

- Identify baseline conditions for avian and bat species currently present at the Project site;
- Identify construction and operational activities that may increase the potential of adverse effects to these species on and adjacent to the Project site, including bird mortality associated with potential attraction to PV panels;
- Specify steps that should be taken to avoid, minimize, and mitigate any potential adverse effects on these species, including necessary permits to collect bird carcasses for data collection and research; and
- Detail long-term monitoring and reporting goals, including collection and reporting of bird carcasses. Applicable approved protocols would be used for any surveys and/or monitoring conducted. Golden eagle surveys would be conducted where necessary, according to methods specified in the Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols (Pagel et al. 2010).

MM BIO-10. Avian Protection. All transmission and subtransmission towers and poles will be designed to be avian-safe in accordance with the “Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006” (Avian Power Line Interaction Committee 2006) and “Reducing Avian Collisions with Power Lines: State of the Art in 2012” (APLIC 2012). Additionally, a post-construction bird study shall be conducted by the Applicant with review by BLM to monitor for incidents of bird strikes and electrocutions during the operation of the proposed Project. The scope and protocol of post-construction monitoring and reporting of bird mortality will be determined from future consultation with the USFWS.

MM BIO-11. Western Burrowing Owl Measures. To reduce impacts on the western burrowing owl, the following will be done:

- A qualified biologist will conduct preconstruction surveys for western burrowing owl not more than 30 days prior to construction within suitable habitat, and prior to breeding season (February 1 through August 31). All areas within 250 feet of the proposed Project area will be surveyed per Arizona Burrowing Owl Working Group 2009 burrowing owl guidance.
- If an active nest is identified, there will be no construction activities within 250 feet of the nest to prevent disturbance until the chicks have fledged, as determined by a qualified biologist.
- The occurrence and location of any western burrowing owl will be documented by biological monitors in daily reports and submitted to the authorized biologist on a daily basis. Within 24 hours of all incidents of disturbance or harm to burrowing owls, the authorized biologist will report such incidents to the appropriate resource agencies (USFWS, BLM, and NDOW).

MM BIO-12. Gila Monster and Chuckwalla Measures. The following measures are the current NDOW construction site protocols for the Gila monster (NDOW 2012), and are also applicable for the chuckwalla. Through the WEAP, works and other Project personnel should know how to: (1) identify and distinguish Gila monsters from other lizards such as chuckwallas and banded geckos; (2) report any sightings of Gila monsters (in Nevada) to the biological monitor for notification to NDOW; (3) be alerted to the consequences of a bite resulting from carelessness or unnecessary harassment; and (4) be aware of protective measures provided under state law.

- Live Gila monsters found in harm’s way on the construction site shall be captured and then detained in a cool, shaded environment (<85 degrees Fahrenheit) by the proposed Project biologist or equivalent personnel until a NDOW biologist can arrive for documentation purposes. Despite the fact that a Gila monster is venomous and can deliver a serious bite, its relatively slow gait allows for it to be easily coaxed or lifted into an open bucket or box, carefully using

a long-handled instrument such as a shovel or snake hook. A clean 5-gallon plastic bucket with a secure, vented lid or something similar may be used for safe containment. Additionally, written information identifying the capture location, date, time, and circumstances (e.g., biological survey or construction) and habitat description (e.g., vegetation, slope, aspect, and substrate) will also be provided to NDOW.

- Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. If a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses are not covered by NDOW. However, NDOW shall be immediately notified during normal business hours. If an animal is killed or found dead, the carcass shall be immediately frozen and transferred to NDOW with a completed written description of the discovery and circumstances, habitat, and mapped location.
- Should NDOW's assistance be delayed, biological or equivalent acting personnel on the site may be requested to remove and release the Gila monster out of harm's way. Should NDOW not be immediately available to respond for photo-documentation, a digital camera shall be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The images shall be provided to NDOW and include the following information: (1) encounter location (landscape with Gila monster in clear view); (2) a clear overhead shot of the entire body with a ruler next to it for scale; and (3) a clear, overhead close-up of the head.

MM BIO-13. Reduced Night Lighting. The Applicant and its contractors shall reduce night lighting in the proposed Project area and the surrounding non-developed areas to avoid unnecessary visual disturbance to wildlife. Night lighting during construction, operations, and maintenance shall be reduced in the proposed Project area and the surrounding non-developed areas using directed lighting, shielding methods, and or/reduced lumen intensity. The Applicant shall indicate anticipated measures to resource agencies for approval prior to construction.

MM BIO-14. Cover Steep-Walled Trenches or Excavations during Construction. To prevent entrapment of wildlife, all steep-walled trenches, auger holes, or other excavations shall be covered at the end of each day. Fencing shall be maintained around the covered excavations at night. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 miles. An Applicant-funded biological monitor shall inspect all trenches, auger holes, or other excavations a minimum of twice per day and also immediately prior to back-filling. Any wildlife found shall be safely removed and relocated out of harm's way. For safety reasons, biological monitors will, under no circumstance, enter open excavations. Tools such as a pool net may be used to retrieve wildlife, as necessary.

MM BIO-15. American Badger and Desert Kit Fox Impacts Reduction Measures. To reduce impacts to American badger and desert kit fox, the following shall be done:

- The qualified biological monitor shall be notified if badgers or foxes are observed within the proposed Project area during construction activities. Work shall be immediately stopped in the area if the biologists find occupied burrows within 100 feet of construction activities during preconstruction surveys. Notification of these sightings shall be provided within 24 hours to appropriate agencies (BLM, USFWS, and NDOW).
- Use of passive and active relocation techniques (if necessary) shall be developed, implemented and reviewed in coordination with NDOW.

MM BIO-16. Desert Bighorn Sheep Measures. Although not anticipated, if desert bighorn sheep are identified on or immediately adjacent to the Project site, the Applicant shall consult with the BLM, USFWS, and NDOW regarding conservation measures to avoid impacts on desert bighorn sheep during construction. Avoidance and minimization measures could include such elements as preconstruction surveys, biological monitoring, and timing construction activities to avoid bighorn sheep active seasons.

MM BIO-17. Desert Tortoise Measures. The BLM and USFWS completed Section 7 Consultation under the ESA. The Biological Opinion (BO) includes information such as the translocation location(s) and stipulations associated with that activity. The measures provided in the BO are provided below.

- ***Monitoring Program.*** The Applicant shall fund monitoring studies analyzing demographic and genetic connectivity home range and distribution of tortoises in the area surrounding the Project area encompassing a 13,000-acre research area in the Ivanpah Valley in both California and Nevada (\$3,500,000.00).
- ***Exclusion Fencing.*** Prior to initiation of clearance surveys, desert tortoise exclusion fencing shall be constructed in accordance with the provisions of the Biological Opinion and BLM and USFWS guidelines.
- ***Effects of Dust Palliatives.*** The Applicant shall fund a study to understand the effects of dust palliatives on the

health of desert tortoises (\$100,000).

- *Desert Tortoise Monitoring.* During construction of linear features (transmission lines, fencing, and access roads) or until the desert tortoise exclusion fencing is complete, all construction activities shall be conducted under the observation of Applicant-funded USFWS-approved desert tortoise biologists. These biologists shall meet all requirements of the USFWS and shall monitor all ground-disturbing activities associated with fence installation or that are conducted prior to completion of the tortoise exclusion fencing. In addition, after initial fencing and clearance, an Applicant-funded biological monitor shall be available during all ground-disturbing activities. The biologist shall be available to ensure the conditions of the Biological Opinion are being met, including worker education guidelines, avoidance and minimization measures, and construction monitoring requirements.
- *ACEC Restoration and Protection.* The Applicant shall contribute funds for restoration of 400 acres of roads and disturbed area within the proposed ACEC (\$400,000), and funding for BLM law enforcement within the proposed ACEC (\$350,000).
- *Pre-construction Clearance Surveys.* It is anticipated that the Project area would be fenced in segments of approximately 700 acres to facilitate efficient and thorough clearance surveys. Clearance surveys shall be conducted per the USFWS Desert Tortoise Field Manual and current translocation guidance (USFWS 2009 and 2011). All tortoise burrows shall be excavated and eggs and tortoises translocated to the translocation area to be determined through agency consultation. Two complete passes in the fenced segment shall be completed without a desert tortoise being found before construction may commence within that area.
- *Translocation Plan.* A Desert Tortoise Translocation Plan shall be prepared for the Project. The purpose of the Plan is to describe the process of translocation and minimize mortality of desert tortoises. Injured tortoises shall be transported to a rehabilitation facility approved by the USFWS and NDOW. Recently killed tortoises found shall be salvaged and transported to a veterinary pathologist familiar with desert tortoise and approved by the USFWS and NDOW. Procedures for salvaging and transport shall follow the Guidelines for the Field Evaluation of Desert Tortoise Health and Disease (Berry and Christopher 2001). Detailed health assessment on all live tortoises shall be conducted prior to translocation per current USFWS guidance by individuals approved and permitted by the USFWS to conduct such assessments. Any individual tortoise that exhibits clinical signs of upper respiratory tract disease (URTD) shall be transported to the Desert Tortoise Conservation Center near Las Vegas, Nevada for further evaluation. The Applicant shall fund a study to determine the suitability (health and genetics) of the tortoise population in the LSTS site to determine if restoring connectivity would meet USFWS recovery objectives (\$200,000).
- *Avoidance during Operation and Maintenance.* During the operation phase of the Project, all applicable desert tortoise protection measures identified under construction shall be implemented. This may include the need for a biological monitor outside the fenced facility during activities involving ground disturbance, annual WEAP refresher, and actions to take if a tortoise is encountered. The monitor shall be on site during all Project maintenance activities to ensure compliance with the desert tortoise measures included in the Biological Opinion. The monitor would have the authority to halt all non-emergency activities that are in violation of the measures. Work shall proceed only after hazards to desert tortoise are removed, the species is no longer at risk, or the individual has been moved from harm's way by an USFWS-authorized biologist. A compliance report would be submitted to the BLM annually.
- *Compensatory Mitigation.* To compensate for desert tortoise habitat loss, the Applicant and SCE shall pay the standard remuneration fees of \$824 per acre of disturbance for their respective disturbances to the BLM to partially offset the potential adverse effects of the Project. The exact acreage amounts and corresponding payment will be based on final design of the Project components as approved by BLM. Fees would be collected following guidance in BLM's August 17, 2010, instruction memorandum (NV-2011-079) as listed in the Biological Opinion for the Silver State Solar Project and a separate Work Breakdown Structure (WBS) code would be established for these funds to accomplish on-site mitigation. Initial on-site mitigation would be to evaluate the health and genetics of the desert tortoises located within the LSTS to determine if the LSTS fence can be partially removed to allow the tortoises to move throughout the Ivanpah Valley. This evaluation would be coordinated with the USFWS and the Desert Tortoise Recovery Office. If the analysis proves feasible, the BLM in consultation with the Clark County Department of Aviation, the Nevada Department of Transportation, and the Union Pacific Railroad, will initiate separate NEPA analysis to evaluate the impacts to reconfiguring the current LSTS. LSTS reconfiguration could include installation of additional fencing on highways, culverts under Hwy 161 and eventually removing parts of the existing tortoise fence, removing cattle guards and working with the Railroad to repair underpasses to allow for tortoise movement. This would remove an identified linkage corridor pinch point on the west side of the Ivanpah Valley. If initial testing results or subsequent adaptive management strategies

indicate that removal or reconfiguration of the LSTS perimeter fence is feasible, the Applicant will fund removal or reconfiguration of the perimeter fence as appropriate in consultation with the USFWS (\$700,000.00). If testing indicates that improving connectivity through the LSTS is not feasible for genetic, disease, or other reasons, the Applicant shall fund BLM efforts to fence portions of Highway 93 to reduce the mortality of desert tortoises. Additional mitigation would be used for restoration and law enforcement for three years to help protect the newly restored areas. Any remaining funds would be used for management actions expected to provide a benefit to the desert tortoise over time. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species current status and trend, and preserving distinct population attributes (USFWS 2010).

Cultural Resources (Section 4.7)

MM CULT-1. Protection of Cultural Resources. In the event that cultural materials, including human remains, are discovered during Project activities, they shall be protected by all Project personnel and construction crew members. The Proponent shall 1) notify the BLM authorized contracting officer and archaeologist immediately; 2) cease all construction activities within a 100 meter radius buffer area; and 3) ensure protection of the discovery from further damage or vandalism until a BLM authorized archaeologist evaluates the nature of the materials. The BLM will develop mitigation procedures following consultations with the SHPO and culturally affiliated Indian tribes. The Applicant is responsible for all costs associated with consultations as well as the stabilization, treatment, reporting, curation, and/or reburial of discoveries.

Paleontological Resources (Section 4.8)

MM PALEO-1. Paleontological Mitigation. Results of the data inventory and impact assessment confirm that the sediments present within the boundaries of the proposed Project area have a low potential to contain significant paleontological resources. Mitigation measures shall be implemented if significant subsurface paleontological resources are identified during construction. The BLM requires the following stipulation:

The Proponent shall immediately notify the BLM authorized officer of any paleontological resources discovered as a result of operations under this authorization. The Proponent shall suspend all activities in the vicinity of such discovery until notified to proceed by the authorized officer, and shall protect the locality from damage or looting. The authorized officer will evaluate, or will have evaluated, such discoveries as soon as possible, but not later than 5 working days after being notified. Appropriate measures to mitigate adverse effects to significant paleontological resources will be determined by the authorized officer after consulting with the Proponent. The Proponent is responsible for the cost of any investigation necessary for the evaluation and for any mitigation measures, including museum curation. The Proponent may not be required to suspend operations if activities can avoid further impacts to a discovered locality or be continued elsewhere.

Lands and Realty (Section 4.9)

MM LANDS-1. Ensure Compatibility with Airport Projects. The Applicant shall work closely with the Clark County Department of Aviation to ensure that all planning, construction, and operation remains compatible with airport projects and future airport operations.

Special Management Areas (Section 4.10)

No mitigation required.

Recreation (Section 4.11)

MM REC-1 Signage Plan for Trail Identification. In order to reduce new, unauthorized OHV trails due to the restriction of existing trails on the Project footprint, informational signs shall be placed by the Applicant in the areas surrounding the Project. The sign locations and designs will be determined by BLM to direct the public to the appropriate access to the Lucy Gray Mountains and will be identified in the traffic management plan.

MM REC-2 Use of Project Access Road Outside of the Perimeter Fence. In order to maintain public access, the proponent shall allow access to the Lucy Gray Mountains through the use of their Project access road, located outside of

the Project fence. This road will be open to the general public for dispersed use and access to the Lucy Gray Mountains. This access would also be available to organized competitive OHV races, if the races have obtained necessary permits and are approved.

Visual Resources (Section 4.12)

MM VIS-1 Reduce Visual Contrast. The following selective mitigation measures shall be implemented by the Applicant to reduce visual contrast:

- Solar field access ways shall be offset at appropriate intervals to minimize the appearance of straight lines within the solar field.
- An experimental treatment with Permeon or a similar type of contrast-reducing product of the portions of the Project drainage control basins that are visible from Key Observation Points (KOPs). Treatment shall be conducted in test plots, with efficacy determined by the BLM. Depending on the outcome of the experimental treatment, Applicant shall treat the remaining portions of the drainage control basins visible from KOPs, according to BLM guidance.
- The exterior of the inverter boxes and the exterior of the O&M building, walls or fences surrounding switchyard/ substation facilities, PCS stations, and lighting fixtures and poles, will be factory treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green to minimize contrast with the existing landscape. If a fixed-tilt design is chosen, the PV panel mounting clips shall be treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green. Whatever finish is chosen shall be used consistently for all structures to be color treated, not including transmission towers and fencing. The fence and weather station towers will be a non-specular dull finish to be approved by BLM prior to procurement and installation. Steel transmission or distribution towers or poles will be color treated of the rust exterior type (Corten or similar) if feasible, or shall use a dull galvanized finish consistent with the existing Ivanpah Eldorado Transmission Project. Other panel support structures (i.e., posts, tables), temporary water tanks and other temporary construction support facilities, will not be color treated.
- A Revegetation Plan shall be prepared and implemented to revegetate areas temporarily disturbed by construction including access roads that are not needed for operation, with a focus on softening harsh lines associated with clearings.
- Where possible, use drive and crush access during construction and operation to avoid soil disturbance and need for revegetation.
- The perimeter road shall be located at a variable distance from the perimeter fence to allow for feathering of the footprint and selective vegetation removal, with the intent to result in an organic or irregular line but shall not result in more disturbance than the original engineered design. Revegetation shall be delayed until after the post-Project drainage is evident and revisions to the drainage design, if necessary, have been made. With BLM approval, Applicant may re-plant salvaged native vegetation in such a way as to screen Project structures.
- If a fire break is not required and topographic and vegetation conditions allow, till and roll techniques would not be used in the following locations:
 - Construction area for the perimeter fence
 - Construction area for the desert tortoise exclusion fence

Instead, vegetation would be cut to a height of 6 inches prior to fence construction.

Transportation/ Motorized Vehicle Access (Section 4.13)

MM TRAN-1. Traffic Management Plan. The Applicant shall produce a Traffic Management Plan that identifies BMPs to minimize construction-related traffic impacts. Specifically, the BMPs shall ensure an adequate flow of traffic in both directions by providing sufficient signage to alert drivers of construction zones, notifying emergency responders prior to construction, conducting community outreach, and control traffic around impacted intersections. The Traffic Management Plan shall include the following:

- Schedule deliveries of materials for off-peak hours to reduce effects during periods of peak traffic;
- Truck traffic shall be phased throughout construction;
- Truck traffic shall use designated truck routes when arriving to and departing from the proposed work sites;
- The Applicant shall encourage the construction workforce to carpool, rideshare or vanpool;
- Information on available local and regional programs shall be made available to the workforce through bulletin board postings and training programs;

- Signs and public notices regarding construction work shall be distributed before disruptions occur, identifying detours to maintain access, the use of flagmen or escort vehicles to control and direct traffic flow, and scheduling roadway work during periods of minimum traffic flow; Management Plan and will be open to the general public for dispersed use and access to the Lucy Gray Mountains. This access would also be available to organized competitive OHV races, if the races have obtained necessary permits and are approved.

MM TRAN-2. Repair Damaged Streets. Before construction, the Applicant, a BLM representative, and a local representative shall document the condition of the access route, noting any pre-construction damage. After construction, any damage to public roads shall be repaired to pre-construction condition as determined by the local representative.

Health and Safety/ Hazardous Materials (Section 4.14)

MM HAZ-1. Hazardous Materials Handling Management. The Applicant shall implement a Hazardous Materials Handling Management Program or incorporate within their other program the items outlined below. Hazardous materials used and stored onsite for the Proposed Action activities shall be managed according to the specifications outlined below, in accordance with Federal, State and local laws and regulations:

- **Hazardous Materials Handling Program.** A Project-specific hazardous materials management program shall be developed before beginning construction. The program shall outline proper hazardous materials use, storage, and disposal requirements. The program shall identify types of hazardous materials to be used during construction activities. All personnel shall be provided with Project-specific training. This program shall be developed to ensure that all hazardous materials are handled in a safe and environmentally sound manner. Employees handling hazardous materials will receive hazardous materials training and will be trained in: hazardous waste procedures; spill contingencies; waste minimization procedures; and treatment, storage, and disposal facility training in accordance with OSHA Hazard Communication.
- **Transport of Hazardous materials.** Hazardous materials that will be transported by truck include fuel (e.g., diesel fuel, propane and gasoline), and oils and lubricants for equipment. Containers used to store hazardous materials shall be properly labeled and kept in good condition. Written procedures for the transport of hazardous materials shall be established in accordance with U.S. Department of Transportation (USDOT), and NDOT regulations. A qualified transporter shall be selected to comply with federal and state transportation regulations.
- **Fueling and Maintenance of Construction Equipment:** Written procedures for fueling and maintenance of construction equipment shall be prepared prior to construction. Vehicles and equipment shall be refueled on site or by tanker trucks. Procedures shall include the use of drop cloths made of plastic, drip pans, and trays to be placed under refilling areas to ensure that chemicals do not come into contact with the ground. Refueling stations shall be located in designated areas where absorbent pads and trays will be available. The fuel tanks shall also contain a lined area to ensure that accidental spills do not occur. Drip pans or other collection devices shall be placed under the equipment at night to capture drips or spills. Fuel and tank transfer equipment shall be inspected daily for potential leakage or failures. Hazardous materials such as paints, adhesives and solvents, shall be kept in an approved locker or storage cabinet.

MM HAZ-2: Solar PV Cell Recycling. The Applicant shall either return solar panel products to the original manufacturer or send them to a certified recycling facility after the solar PV cells are decommissioned. Solar panel material recycling and end-of-life disposal shall be done in compliance with the federal, state, and local regulations.

MM HAZ-3: Characterize Potentially Contaminated Soil/Groundwater. To ensure that workers, the public, and wildlife are not exposed to potential contaminants, if soil is unearthed that is discolored or has an odor, work shall be stopped in that area. The soil shall then be sampled and characterized prior to further site excavation activities in the area with discolored or odorous soils. If the soil is found to be contaminated based on federal or state regulations, then the Applicant shall implement the appropriate and relevant procedures to properly characterize, contain, and dispose of the contaminated material. If groundwater is encountered that has an odor or is discolored, it shall be sampled, characterized, addressed, and disposed of according to state and federal regulations.

MM HAZ-4: Adherence of the Health and Safety Program with 29 CFR, Part 1910. The Applicant shall ensure that all health and safety and emergency plans to be required for employees and contractors during construction, operations, and decommissioning of the Proposed Action comply with the Occupational Safety and Health Standards provided in federal regulation 29 CFR, Part 1910, as well as with applicable state and local occupational health and safety

regulations.

MM HAZ-5. Construction Fire Prevention Measures. The following fire prevention measures shall be implemented by the Applicant or its contractor during Project construction.

- Maintain a list of all relevant fire fighting authorities near the Project site. The closest resources to respond to a wildland fire threatening the community of Primm would come from Clark County Fire Department Station 78 in Goodsprings;
- Have and maintain available fire suppression equipment in all construction areas, including but not limited to: water trucks, potable water pumps, and chemical fire extinguishers. Ensure an adequate supply of fire extinguishers for welding and brushing crews;
- Include mechanisms for fire suppression in all heavy equipment, including fire extinguishers and, as applicable, spark arresters or turbo-charging (which eliminates sparks in exhaust);
- Remove any flammable wastes generated during construction on a regular basis;
- Vegetation clearing shall be accomplished in a manner that reduces vegetation and does not create a fire hazard;
- Store all flammable materials used at the construction site;
- Allow smoking only in designated smoking areas; and
- Require all work crews to park vehicles away from flammable vegetation, such as dry grass and brush. At the end of each workday, heavy equipment should be parked over mineral soil, asphalt, or concrete, where available, to reduce the chance of fire.