Form 2800-15
(November 2007)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY NOTICE TO PROCEED

Right-of-Way or Temporary Use Permit (TUP) Serial Number	
CACA 049698	
Date: 09/17/2012	Issuing Office: El Centro Field Office
Right-of-Way or TUP name: Tule Wind Energy Project	

Certified/Registered Mail-Return Receipt Requested

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

Holder: TULE WIND, LLC a Subsidiary of Iberdrola Renewables, Inc.

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

Activity	Location
The holder is authorized to begin pre-construction activities as identified in the plan of development: 1) Performance of all required geotechnical studies within the Project site, except that geotechnical studies along the planned gen-tie would only be allowed at locations that are necessary for both over-head and underground design work. See Exhibit 2 - Terms and Conditions	See Exhibit 1 - Geotechnical Investigations Overview Map. Please see cover letter for the Project Legal Description.

Authorized officer is:

Margaret Goodro (Name)

Field Manager, El Centro Field Office (Title)

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

R. Brian Paul (Name of Authorized Officer's Representative)

El Centro Field Office, 1661 S 4th, Street, El Centro, CA 92243 (Office, Street Address, City, State, Zip)

760-337-4445 (Office Phone Number)

760-356-0527 (Cell Phone Number)

M. L. Goodro (Authorized Officer's or Representative's Signature)

9/17/2012 (Date)

Holders Acknowledgement when notice is delivered in person.

(Signature of Recipient)

(Firm Name)

(Name of Recipient)

(Date)

☐ **HOLDER** ☐ **CASE FILE**

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
(760) 337-4400

In Reply Refer To:
2800(P)
CACA-049698
LLCAD0670

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Jeffrey Durocher
Iberdrola Renewables Inc.
1125 NE Couch St. Suite 700
Portland, Oregon 97209

NOTICE TO PROCEED

Tule Wind, LLC (Tule) is hereby authorized to proceed with the activities for the Geotechnical Testing project as described below in the locations specified. The project shall be undertaken in conformance with the Bureau of Land Management's Record of Decision, dated December 20, 2011(DOI Control Number: FES 11-06) and Environmental Impact Statement 20110347, Biological Opinion, dated September 2, 2011 (FWS-SD-10B0136-11F0229) and Memorandum of Agreement, dated November 15, 2011, Grant Serial Number CACA-049698, and additional Terms and Conditions attached as Exhibit 2.

Description of Activities

Purpose and Need: The geotechnical testing activities are being completed to provide Tule Wind, LLC (Tule) with a further understanding of the geotechnical conditions onsite. The information collected from the geotechnical testing will be utilized to determine the design for the wind turbine foundations, MET tower foundations and onsite roadway design. The geotechnical testing is intended to be used by Tule to finalize the engineering design and meet the requirements of Mitigation Measure GEO-3 included in the Final Environmental Impact Statement (FEIS) for the Tule Wind Project. Mitigation Measure GEO-3 requires completion of design-level geotechnical investigations to evaluate the potential for liquefaction, lateral spreading, seismic slope instability, and ground-cracking hazards.

All geotechnical testing will be completed within the proposed limits of disturbance identified in the Tule Wind FEIS and more specifically at the turbine and MET tower geographic coordinates included in Appendix D to the Tule Wind Project Plan of Development (December 2011).

Geotechnical Testing Program Overview: The geotechnical testing activities will consist of one of the following testing programs:

- *Testing Program* 1 – 66 geotechnical borings (62 turbine borings and four MET tower borings) with soil test pit exactions at approximately 20 percent of the turbine locations.

- *Testing Program* 2 – 62 soil test pit excavations at each turbine location (62 turbines), and four MET tower borings, with geotechnical borings at approximately 12 turbine locations.

In addition to the test pits and geotechnical borings identified above, geotechnical testing activities will include visual examination, completion of Multichannel Analysis of Surface Waves (MASW) and seismic refraction testing at up to 15 percent of the turbine locations; thermal resistivity sample collection at approximately six locations and electrical resistivity testing at approximately six locations.

The geotechnical testing activities are further defined below:

Geotechnical Borings: Geotechnical borings will be performed using a drill rig. The drill rig will be either truck-mounted or mounted on an all-terrain carrier. Soil and rock samples from the geotechnical borings will be obtained with samplers. An engineer or geologist will log the borings and classify the materials encountered during boring activity to determine the subsurface geotechnical conditions.

Soil Test Pit Excavations: Test pit excavations are utilized to identify the vertical and horizontal limits of fill/debris; assess the extent of geotechnical features and evaluate possible remedial alternates. Test pits will be performed using a backhoe and materials encountered will be logged during the excavation process.

Visual Examinations: An engineer or geologist will perform visual inspection and field mapping in areas surrounding the investigation site to determine evidence of geomorphic fault features that may be located within the project area. The engineer or geologist will walk the area on foot to complete geotechnical visual examinations.

Seismic Refraction & Multichannel Analysis of Surface Waves (MASW): Seismic refraction and MASW are used to measure the shear wave and compression wave velocities within the ground. This information is used to compute the stiffness of the soil or rock profile. Seismic refraction equipment typically consists of a Geometrics Geode 24-channel signal enhancement seismograph, 4.5-Hz vertical geophones, a seismic cable with 10-foot takeouts, and a 16-lb sledge hammer with an aluminum plate.

Thermal Resistivity: Thermal resistivity testing activities will consist of inserting a cylindrical probe into the soils onsite, which contains a heater and temperature gauge. Constant power is applied to the heater to determine the thermal resistivity properties of the soils onsite.

Electrical Resistivity Testing: Electrical resistivity testing involves spreading an array of electrodes across the ground surface adjacent to the geotechnical investigation sites and measuring the resistivity of the soil. No disturbance to the soil will occur and no mechanized equipment is necessary to conduct the test.

Construction Equipment and Personnel: A geotechnical crew of approximately 11 to 18 geotechnical technicians will be required to complete the geotechnical testing activities. Geotechnical testing equipment required to complete borings and soil test pits will consist of the following; flat-bed support truck for backhoe, small rubber-tired backhoe, heavy duty pickup truck, drill rig support vehicle with tandem axle trailer, track mounted drill rig, track mounted support vehicle and a water truck. In order to complete electrical resistivity testing, crews will utilize electrode pins approximately 15 inches long. MASW & Seismic Refraction Testing will be performed through the use of geophones, sledge hammer and an aluminum plate.

The backhoe utilized for the soil test pits is anticipated to be approximately 8 feet wide and 13 feet long with front tires approximately 14 inches wide and rear tires approximately 20 inches wide. The track drill rigs utilized onsite will be approximately 8 feet wide and 18 feet long, with tracks approximately 30 inches in width.

Geotechnical testing will not occur at locations within the Tule Wind Project that are being considered under the BLM Determination of NEPA Adequacy (DNA) analysis and documentation process for the Tule Wind, LLC above-ground gen-tie proposal, unless testing at that location would occur regardless of whether the gen-tie is built above-ground or below-ground.

Access Routes and Temporary Work Space: Geotechnical crews will utilize existing dirt access roadways, trails, and proposed dirt roadways that have been identified in the Tule Wind Plan of Development to access geotechnical testing locations (see Exhibit 1). In areas where the use of existing access routes is not a viable option, the proposed Tule Wind Project roadway will be utilized to obtain access. Crews will access sites for geotechnical testing via use of 4-wheel drive vehicles. Geotechnical testing equipment will be transported to the Tule Wind Project site via McCain Valley Road. A temporary work space measuring approximately 40 x 60 feet will be required to complete geotechnical testing activities at each testing location. The total anticipated acreage of land disturbed for geotechnical investigations will be no more than 0.17 acres. There will be no more than 8.8 acres of temporary disturbance from overland travel to access testing locations.

Soil Test Pit Excavations: Prior to commencement of soil test pit excavations, an environmental monitor will instruct crews on the methods to salvage the topsoil onsite. Soil salvaged prior to geotechnical testing activities will be used to restore temporarily-disturbed locations to pre-disturbance conditions.

Schedule: The geotechnical testing activities are anticipated to begin in September or October 2012 and require a total of 4 to 6 weeks to complete. The BLM will be notified in writing one week prior to the commencement of geotechnical activities.

The Project Legal Description;

Location

The public lands are identified as follows:

San Bernardino Meridian

T. 15 S., R.6 E.,
sec. 34, all;
sec. 35, all;

T. 16 S., R.6 E.,
sec. 2, lots 3 and 4, S½NW¼, SW¼;
sec. 3, all;
sec. 4, all;
sec. 9, all;
sec. 10, all;
sec. 11, S½NE¼, W½, SE¼;
sec. 12, S½N½, S½;
sec. 13;
sec. 14;
sec. 15, W½NE¼, W½, S½SE¼;

T. 16 S., R.7 E.,
sec. 17, SW¼, SW¼SE¼;
sec. 18, lots 2 to 4, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 19, lots 1, 2 and 4, NE¼NE¼, W½E½, E½W½;
sec. 20, E½, E½NW¼, NW¼NW¼, SE¼SW¼;
sec. 21, SW¼SW¼;
sec. 28, W½SW¼,W½NW¼;
sec. 29, E½, E½NW¼, SW¼NW¼, NE¼SW¼;
sec. 30, lot 1, E½NW¼, NW¼NE¼;
sec. 32, E½, E½W½;
sec. 33, W½;

T. 17 S., R.7 E.,
sec. 3, lot 4, SW¼NW¼, W½SW¼;
sec. 4, lots 1, 2, 5 and 6, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
sec. 5, lots 5, 6 and 7, S½NE¼, S½NW¼, E½SW¼, SE¼;
sec. 8, E½NW¼, SW¼SE¼;
sec. 9, lots 4 to 6;
sec. 10, W½W½;
sec. 15, NE¼, E½NW¼, NW¼NW¼;
sec. 17, NW¼NE¼;
sec. 21, NE¼, NE¼NW¼.

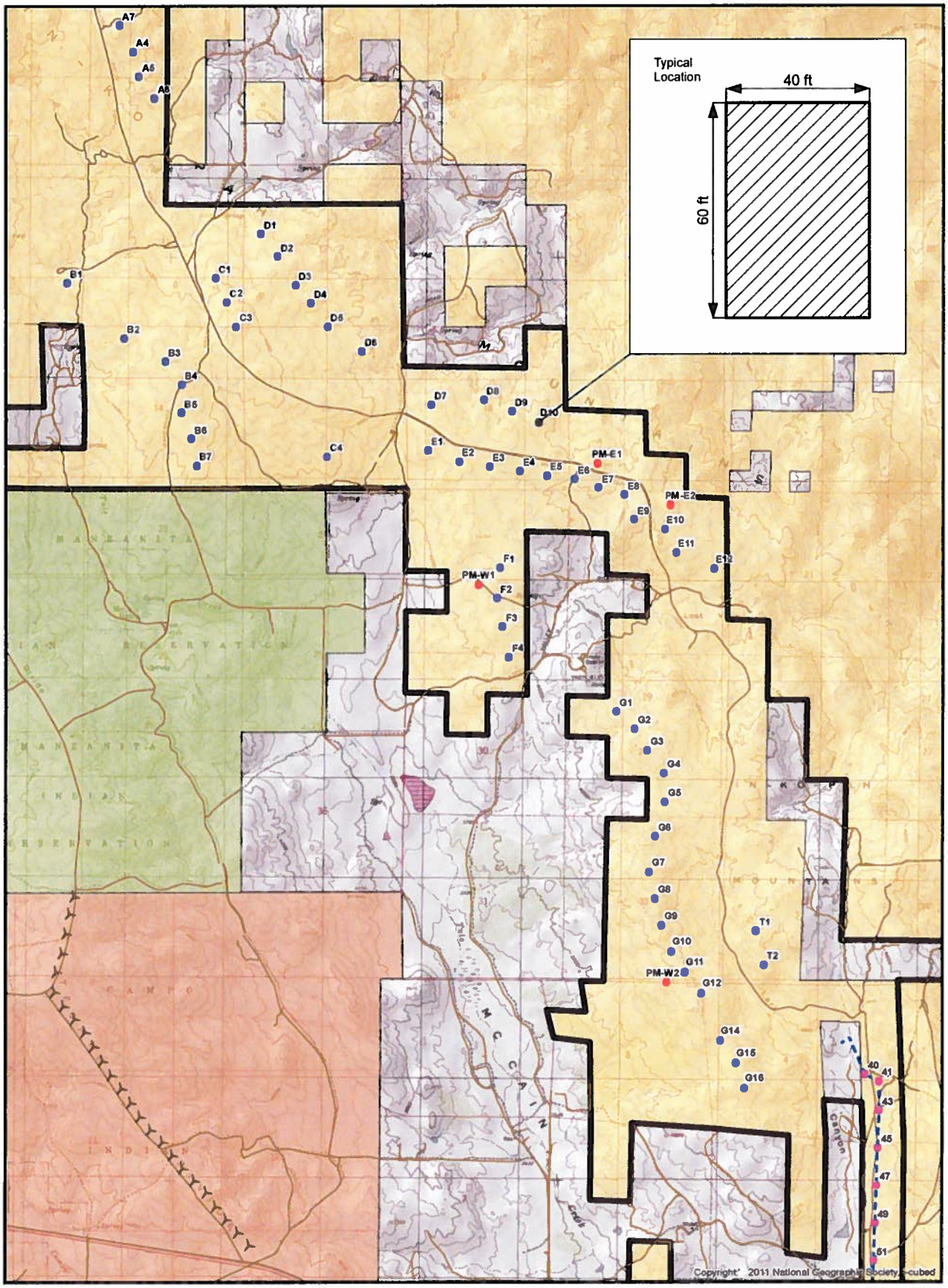
Totaling 12,239 acres of public land, more or less.

A copy of this notice, terms and conditions, and grant CACA 049698 shall be made available in the field during the project. Any questions should be directed to Brian Paul, Project Manager at 760 337-4445.

Sincerely,

Margaret L. Goodro
Field Manager

Enclosures:
Exhibit 1: Geotechnical Investigation Overview Map
Exhibit 2: Terms and Conditions



Legend

- Existing Kumeyaay Turbines
- Proposed 138-kV Transmission Line
- Proposed Turbine Geotech Boring Location/Work Area (40' x 60')
- Proposed Met Tower Geotech Boring Location/Work Area (40' x 60')
- Proposed Transmission Structure Geotech Boring Location/Work Area (40' x 60')
- Existing Road
- Tule Site Boundary
- BLM
- State of California
- Campo Reservation
- Ewiiaapaayp Reservation
- Manzanita Reservation

0 0.5 1 Miles

Exhibit 1

Geotechnical Investigation Sites

Tule Wind Project

IBERDROLA RENEWABLES

Path: Z:\Project\CA\TuleMapDocuments\Report Figures\Geotech POD\Exhibit 1 - Geotechnical Investigations Overview.mxd

Modified Date: 8/16/2012

Exhibit 2 – Terms and Conditions

Tule Wind Project CACA-049698

General Conditions:

- The Holder shall comply with all requirements included in the BLM approved plans applicable to geotechnical testing for the Tule Wind Project and in accordance with applicable federal, state and local laws and regulations:
    - Dust Control Plan – NTP 1 – Geotechnical Investigation (May 2012)
    - Construction Health and Safety Plan (July 2012)
    - Environmental Awareness Tailgate Training Program (April 2012)
    - Construction Notification Plan (June 2012)
- The Holder shall complete all geotechnical activities within the approved work limits identified in the right-of-way grant and obtain access via the routes identified in Exhibit 1.
- The Holder shall comply with all stipulations contained in the Right-of-Way Grant dated April 10, 2012. Non-compliance with the stipulations by the Holder or any of its agents may at the option of the Authorized Officer result in cancellation or suspension of the Right-of-Way Grant or adverse action against the Holder.
- The Holder shall construct, operate, maintain and decommission the boreholes within this right-of-way in strict conformity with the project description as described in the plan of development (POD).
- Upon completion of the geotechnical study, boreholes and all construction related materials shall be removed from each bore site will be backfilled in accordance with all state and local regulations. Any components deemed to be unrecoverable shall be disposed of in approved landfills.
- The Holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the Right-of-Way Grant.
- BLM reserves the right to approve of the post geotechnical restoration activities, if applicable, to ensure compliance with the terms of this NTP and the ROW.
- The BLM retains the right to occupy and use the right-of-way and to issue or grant rights-of-way or other land uses over, upon, under and through the lands within the work limits, and will not unreasonably interfere with the authorized activities, or rights granted herein or by the Right-of-Way Grant.
- The Holder shall confine all activities within the area specifically defined in the Right-of-Way Grant.

- The Holder or its agents shall follow only the prescribed route to enter and leave the project location. The monitors will lead the other members in to the site for borehole installation.

- The Holder or its agents shall define and respect work area limits.

- The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.

- In the event that the public land underlying the right-of-way encompassed in the grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way Holder.

- The Holder, contractor or anyone conducting activities authorized under the grant must have a copy of the grant/terms and conditions on site at the time the activity is being conducted pursuant to the authorization.

- The permit Holder, and its contractors are liable for damages related to its activities and is responsible for incidents on its construction sites, including but not limited to, hazmat, vandalism, and accidents with recreational visitors. Permit Holder shall take measures to ensure visitor safety such as signing, flagging, lighting, etc.

- The permit Holder will obtain any applicable state/local permits pertaining to any activity, prior to initiating that activity.

<u>Environmental and Fire Prevention Training</u>:

- All geotechnical crew members shall receive environmental and fire prevention training prior to performing geotechnical testing activities. The environmental training shall identify the sensitive environmental resources on-site, exclusion areas, and all other environmental issues. For fire prevention, the fire prevention measures set forth herein shall be discussed with crew members.

Fire Prevention:

- Holder shall be required to adhere to the pertinent provisions of the Tule Fire Prevention Plan ("Plan"). The sections of the Tule Fire Prevention Plan that are most applicable to the covered activities under NTP-1.

A. **Construction of Access Roads Prior to On Site Construction** – Holder shall observe fire safety guidance provided in Section A (Page 1).

D. **Tule Fire Safety Coordinator** - A trained and experienced Fire Safety Coordinator shall perform the roles and responsibilities as identified in Section D of the Fire Prevention Plan (Page 3).

E. **Road Widths and Roadside Fuel Modification** – Holder shall water down vegetation along access routes 20 minutes prior to geotechnical crews completing any activities per the discretion of the Fire Safety Coordinators determination (Page 4).

G. **Fire Patrols** - Fire patrols shall be onsite during geotechnical activities and Hot Work and for one hour following the completion of geotechnical activities and Hot Work. The Tule Fire Safety Coordinator shall operate one all-wheel drive, Type VI fire engine (all-wheel drive 1 ton pick-up equipped with a "Type 6" Skid Mounted unit (see Section H "Type 6 Skid Mounted Pump Units" (Page 6)) during all geotechnical activities (Page 5).

I. **Construction Water Tenders** – A construction water tender or water storage tank(s) will be made available during geotechnical activities to ensure the Type VI fire engine identified above under Section G is maintained at capacity at all times (Page 6).

J. **Portable Fire Extinguishers** - Each vehicle on site shall carry a Tri-Class (ABC) Dry Chemical Extinguisher, with a minimum rating of 3A, 40BC and a long-handle round-nose shovel. At each work location there shall be a back pack hand-pump containing 5 gallons of water, 3A 40BC extinguisher, and shovel. Fire suppression equipment shall be within vehicles used at the work site and designated for fire suppression use only (Page 6).

K. **Red Flag Warnings; High Fire Hazard Weather Conditions** - Holder shall monitor local weather reports for High Fire Hazard and Red Flag Warnings. No hot work will occur during High Fire Hazard and Red Flag events. If hot work is requested during such an event, the Holder shall contact Cal Fire at the number provided in this section in advance of performing the hot work for approval of the work at the location requested (Page 8).

O. **Mufflers and Spark Arrestors on Equipment Engines**: Vehicles shall not park in vegetative areas. Official requirements for spark arrestors shall be obtained from the Fire Agencies. All equipment on vehicles or otherwise portable equipment not on a vehicle shall be located so that exhaust does not discharge against combustible material (Page 12).

Q. **Clearing Crews** - Holder shall regularly monitor the area following overland travel across vegetation for 60 minutes following the completion of crews working in area to monitor for any signs of fire. Overland travel across vegetation shall not occur during Red Flag Warning periods (Page 13).

R. **Storage of Flammable and Combustible Liquids and Fueling of Vehicles and Equipment** - Fuel storage and handling provisions in the Plan shall be followed (Page 13).

T. **Storage Areas and Parking Areas** - No vehicles will be parked or sit at idle in areas of combustible fuels such as brush or grass (Page 15).

U. **Designated Smoking Areas** - Smoking restrictions in the Plan shall be followed (Page 15).

W. **Hot Work (Welding, Grinding, etc.)** - Hot work on the site should be avoided where possible. However, if hot work is necessary to repair equipment, the procedures in this section shall be followed. No hot work shall be completed during Red Flag Warning periods (Page 16).

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

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

Biological Resources:

- The project proponent shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for sensitive species and migratory bird pre-construction surveys and for coordination on compliance with the BLM. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the stipulations. The FCR shall have a copy of all relevant stipulations when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the project proponent, or a contracted biologist. The FCR shall have knowledge of all the sensitive species and migratory birds that may be found within the project area. The FCR shall also be approved by BLM.

- Only biologists approved by the BLM shall serve as biological monitors. The project proponent shall submit the name(s) and resumes of proposed biologist(s) to the BLM for review and approval at least 15 days prior to the onset of activities. No activities shall begin until a biologist is approved.

- To prevent the introduction of new invasive weedy plant species into the project area, Holder shall require the designated contractor to ensure that vehicles and equipment that have been used on sites outside of the project area have been cleaned prior to starting work on the project.

- Biological monitoring shall be conducted throughout geotechnical testing disturbance activities in order to avoid and minimize impacts to sensitive biological resources. The biological monitoring shall at a minimum include the following components: 1) presence of a qualified biological monitor during all geotechnical activities that disturb environmental resources; 2) avoidance and minimization of impacts to sensitive biological resources to the maximum extent feasible; 3) avoidance of special-status plant and animal species; 4) avoidance of wetlands and drainage features; 5) identification and quantification of any habitats if they are to be removed; and 6) specific measures for the protection of sensitive habitats as necessary, including but not limited to, erosion and siltation control measures, dust control measures, and defining geotechnical testing work area limits.

- A biological monitor shall accompany Geotechnical drill rigs, back hoes, or other vehicles which may travel overland on approved project access or on existing roads. Monitors shall be equipped with GPS units capable of identifying the authorized extent of disturbance.

- Prior to accessing a geotechnical testing location, a biological monitor, in coordination with the archaeological monitor, shall identify an appropriate route, within the access routes identified in the ROW, for gaining access to the required work areas. The route will avoid sensitive resources as much as possible. The biological monitor shall survey the geotechnical testing sites and surrounding areas for compliance with all environmental specifications. A biological monitor will assist with avoidance/minimization of impacts to native vegetation, document impacts using a GPS unit and flush birds and any other detected wildlife from the work zones prior to and during disturbances. The on-site monitor will take photographs, record notes of the monitoring activities and coordinate with the FCR regarding compliance issues.

- For the protection of migratory birds, if site disturbance is to occur during the migratory bird breeding season (January 15 through August 15), at least 48 hours in advance of, and again immediately prior to any construction or maintenance activity, a BLM approved biologist with a minimum of three years of experience conducting migratory bird surveys, shall conduct a preconstruction nest survey to include a 500 foot buffer from the edge of the ROW. If any active nest is located, the nest area shall be flagged or otherwise marked for avoidance, and a 200-foot buffer zone shall be flagged, a 300-foot buffer shall be established for Federally listed bird nests and a 500-foot buffer will be established for nesting raptors. No work activity shall occur within these avoidance buffer areas until an approved biologist determines that the fledglings are independent of the nest or has verified nest failure.

- If geotechnical activities occur during the BUOW nesting season (February 1 to August 31) and BUOW burrows are discovered in the testing area, the qualified biologist shall establish and mark a 250 foot non-disturbance Environmentally Sensitive Area (ESA) radius around the burrow. If an active, non-breeding BUOW burrow is detected the geotechnical boring should be located at least at a 160-foot radius as determined by a qualified biologist. The ESAs shall be staked and roped-off prior to initiating any geotechnical activity onsite. No activity shall take place within the avoidance ESA. Any disturbance to nesting BUOW would require prior consultation, approval from California Fish and Game.

- All kit fox and badger burrows will be marked and flagged for avoidance. All project activity will take place outside breeding season or the qualified biologist shall establish and flag a 200 foot non-disturbance ESA during breeding season or a 100 foot ESA outside breeding season radius from the burrow.

- No grading and/or road construction shall be permitted in order to complete the geotechnical testing activities. In addition, no jurisdictional wetlands or waters of the U.S./State shall be impacted during geotechnical activities.

- Geotechnical activities shall follow the Conservation Measures of the U.S. Fish and Wildlife Service Biological Opinion for the Tule Wind Project (September 2011). For Example, all construction clearing and grubbing in occupied Quino habitat will be conducted in one continuous time period. Clearing and grubbing will not be conducted during the Quino flight season, which generally includes 4 to 6 weeks between January and May, depending on weather conditions (Service 2003). (for additional information on Quino monitoring see http://www.fws.gov/carlsbad/TEspecies/Quino_Monitor.htm)

- Temporary impacts to sensitive vegetation communities shall be restored sufficient to compensate for the impact to the satisfaction of the BLM. If restoration of temporary impact areas to sensitive vegetation is not possible to the satisfaction of the BLM, the temporary impact shall be considered a permanent impact and compensated accordingly.

- A biological monitor shall conduct a final site visit after the completion of geotechnical activities to GPS the final limits of disturbance that resulted from geotechnical testing activities. A summary report shall be prepared to quantify areas that were disturbed during geotechnical testing and a graphic shall be provided depicting the location of disturbance. The report shall be provided to BLM within three weeks of completing all geotechnical testing activities.

- All potential pitfalls to wildlife including test pits will be covered or backfilled when not attended. Topsoil shall be conserved during excavation activities and reused as backfill following geotechnical testing activities. Topsoil located in developed or disturbed areas is excluded from this requirement.

- Some minor trimming of the larger shrubs may be necessary to ensure safe passage of personnel and geotechnical equipment and will be permitted for trimming per the discretion of the biological monitor onsite.

Archeological Resources:

- As per the Section 106 Final Memorandum of Agreement, the Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects (hereafter, MMP; Hale 2011a), and the Tribal Participation Plan (TPP) (Hale 2011b), an archaeological monitor and a Native American observer will be present during all ground disturbing activities associated with the Tule Wind project, including geotechnical investigations. Archaeological monitors shall work with the biological monitors to identify appropriate routes for gaining access to the required work areas and ensure that all known resources are avoided by the geotechnical investigations. Archaeological monitors will meet the Secretary of Interior standards for cultural resources and must be approved by the BLM prior to initiation of field investigations.

- Archaeological Monitoring and Native American observation activities must adhere to all of the requirements set forth in the MMP and TPP, including notification by the project proponent of construction scheduling, and notification of Tribal members of the TPP rotation schedule within the timeframes specified in these documents. Should post-review discoveries of archaeological resources occur during geotechnical activities, the archaeological monitors present shall ensure that the procedures outlined in the MMP are followed.