

WATER SUPPLY AGREEMENT

This **WATER SUPPLY AGREEMENT** ("Agreement") is entered into and effective as of December 4, 2018 ("Effective Date"), by and between the **COUNTY OF RIVERSIDE**, a political subdivision of the State of California, ("Grantor") and **PALEN SOLAR HOLDINGS, LLC**, a Delaware limited liability company ("Grantee") (each a "Party" and collectively referred to herein as the "Parties"). All references to Grantee herein shall be understood to also mean Grantee's successors and assigns as provided herein. All references to Grantor herein shall be understood to also mean Grantor's successors and assigns as provided herein.

RECITALS

WHEREAS, County Service Areas ("CSAs") are established by the County of Riverside as a means of providing enhanced municipal services within unincorporated areas;

WHEREAS, CSAs are dependent special districts, governed by the Riverside County Board of Supervisors and administered by the Economic Development Agency ("EDA");

WHEREAS, County Service Area 51 (Desert Center/Lake Tamarisk/Eagle Mountain) was formed by the Grantor to provide street lighting, recreational, water and waste water services;

WHEREAS, within County Service Area 51 ("CSA 51"), Grantor owns and operates production and monitoring wells, pipes, pumps, meters, and water delivery facilities, serving portions of unincorporated Riverside County ("County"), including the communities of Desert Center and the Tamarisk Lake development ("Water System");

WHEREAS, the Water System is served by two primary production wells owned and operated by Grantor which pump groundwater sourced from the Chuckwalla Valley Groundwater Basin ("CVGB");

WHEREAS, the CVGB is an adjudicated groundwater basin, and Grantor has the right to pump groundwater for reasonable and beneficial use ("Production Rights");

WHEREAS, Grantee is currently seeking to permit and develop a 500 megawatt photovoltaic solar power plant known as the Palen Solar Photovoltaic Project (the "Solar Facility");

WHEREAS, the Solar Facility is proposed to be located within the CVGB, approximately 10 miles east of Desert Center, on federal public lands administered by the United States Bureau of Land Management;

WHEREAS, Grantee desires to obtain from Grantor, and Grantor desires to grant to Grantee, the right to take a limited amount of water from the CSA 51 Water System for use in connection with construction and decommissioning of the Solar Facility, subject to the obligation of Grantee to make payment for such water from Grantor on the terms and conditions set forth herein.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing promises and the mutual covenants contained herein and subject to the terms and conditions set forth below, Grantor and Grantee agree as follows:

1. **Sale of Water from Water System.** Grantor grants to Grantee the non-exclusive right to take and use water from the Water System and Grantee agrees to pay Grantor for such water in accordance with Section 3 and to carry out its other obligations to Grantor as set forth herein. The Grantee's right to take and use water from the Water System shall not exceed 210 acre feet per year of water during the construction and decommissioning phases of the Solar Facility ("Solar Project Water"). Grantee shall

assume sole and exclusive title to, and risk of loss of, all Solar Project Water obtained from the Water System at the point such water exits the Water System outflow pipe ("Delivery Point"). The Delivery Point is Grantor's metered connection off Oasis Road shown on the attached Exhibits A and B. Grantee shall not use Tamarisk Drive or Parkview Drive to access the Delivery Point. All water available to Grantee at the Delivery Point shall be lawfully produced by Grantor pursuant to the Production Rights, and Grantor agrees that it has and shall maintain sufficient Production Rights during the Term to fulfill its obligations under this Agreement. Grantee will give Grantor written notice of when the construction phase for the Solar Facility is complete and Grantor may thereafter restrict the amount of Production Rights set aside for Solar Project Water until Grantor receives written notice from Grantee of commencement of decommissioning activities. To the extent that Grantor's Water System supply of the Solar Project Water to Grantee results in a fee or charge by any local, state, or federal agency, then Grantee will be solely responsible for such costs. The Parties acknowledge this Agreement does not constitute a lease or transfer of the Production Rights from Grantor to Grantee.

2. Term. The term of this Agreement (the "Term") shall commence on the Effective Date and shall terminate upon the earlier of: (a) January 1, 2050, or (b) the date this Agreement is terminated as permitted herein. This Agreement shall not terminate solely because of abandonment or nonuse.

3. Payment.

(a) Quarterly water payments to Grantor. Grantee shall pay Grantor at a rate of \$10.00 per 1,000 gallons (\$.01 per gallon) which equates to three-thousand, two hundred and fifty-eight dollars and fifty-one cents (\$3,258.51) per acre-foot (325,851 U.S. gallons) of Solar Project Water from the Water System and delivered by Grantor to Grantee at the Delivery Point, with payments to be calculated and made by Grantee in quarterly installments (each, a "Quarterly Payment"). This rate equates to the "Irrigation Water (water trucks)" rate of \$10.00 per 1,000 gallons approved by the Board of Supervisors for CSA 51. The first Quarterly Payment shall become due and payable not later than thirty (30) days after the end of the first calendar quarter in which the Grantee begins taking Solar Project Water from the Water System; each successive Quarterly Payment (other than the last Quarterly Payment) shall become due and payable not later than thirty (30) days after the end of each applicable calendar quarter prior to the expiration of the Term; and the last Quarterly Payment shall become due and payable not less than thirty (30) days after the expiration or termination of this Agreement. The initial payment of \$10.00 per 1,000 gallons, and each subsequent payment shall be adjusted annually based on the Consumer Price Index, All Urban Consumers (Los Angeles - Anaheim). In no event shall Grantee pay more than the "Irrigation Water (water trucks)" rate being charged by CSA 51, as approved by the Board of Supervisors, at the time of delivery of the water. The Parties acknowledge that Grantor is responsible for payment of all applicable fees and assessments as owner of the Water System, including all production wells. There is no minimum volume requirement of Solar Project Water required to be taken or paid for by Grantee.

(b) Local Sales and Use Taxes to County. Grantee shall do the following to ensure allocation directly to County, to the maximum extent possible under the law, of the local one percent sales and use taxes imposed pursuant to and governed by the Bradley-Burns Uniform Local Sales and Use Tax Law, Revenue and Taxation Code Section 7200 et seq.:

- i. If Grantee meets the criteria set forth in applicable Board of Equalization ("BOE") regulations and policies, Grantee shall obtain a BOE permit for the Solar Facility jobsite and report and remit all such taxable sales or uses pertaining to construction of the Solar Facility using the permit or sub-permit for that jobsite to the maximum extent possible under the law.
- ii. Grantee shall contractually require that all contractors and subcontractors whose contract with respect to the Solar Facility exceeds \$100,000.00 who meet the criteria set forth in applicable BOE regulations and policies (the "Major Subcontractors") must obtain a BOE permit or sub-permit for the Solar Facility jobsite, if required by the applicable BOE regulations and policies, and report and remit all such taxable sales or uses pertaining to construction of the Solar Facility

- using the permit or sub-permit for that jobsite to the maximum extent possible under the law.
- iii. Grantee shall notify County of the contract on-line date of the Solar Facility, such date being the date of final completion under the engineering, procurement, and construction agreement for the Solar Facility.
 - iv. Prior to commencement of construction for any phase of the Solar Facility, Grantee shall deliver to County a list that includes, as applicable and without limitation, each Major Subcontractor's business name, value of contract, scope of work on the Solar Facility, procurement list for the Solar Facility, BOE account numbers and permits or sub-permits specific to the Solar Facility jobsite, contact information for the individuals most knowledgeable about the Solar Facility and the sales and use taxes for such Solar Facility, and, in addition, shall attach copies of each permit or sub-permit issued by the BOE specific to the Solar Facility jobsite. Said list shall include all the above information for the Solar Facility owner, its contractors, and all Major Subcontractors. Grantee shall provide updates to County of the information required under this section within thirty (30) days of any changes to the same, including the addition of any Major Subcontractor.
 - v. Grantee shall certify in writing that it understands the procedures for reporting and remitting sales and use taxes in the State of California and will follow all applicable state statutes and regulations with respect to such reporting and remitting.
 - vi. Grantee shall contractually require that each Major Subcontractor certify in writing that they understand the procedures for reporting and remitting sales and use taxes in the State of California and will follow all applicable state statutes and regulations with respect to such reporting and remitting.
 - vii. Grantee shall deliver to County or its designee (as provided in Section 3(b)(viii)), below) copies of all sales and use tax returns pertaining to the Solar Facility filed by Grantee and Major Subcontractors. Such returns shall be delivered to County or its designee within thirty (30) days of filing with the BOE. Such tax returns may be redacted to protect, among other things, proprietary information and may be supplemented by additional evidence that payments made complied with this policy.
 - viii. County may, at its sole discretion, select and retain the services of a private sales tax consultant with expertise in California sales and use taxes to assist in implementing and enforcing compliance with the provisions of Section 3(b) of this Agreement. Grantee shall be responsible for all reasonable costs incurred for the services of any such private sales tax consultant and shall reimburse County within thirty (30) days of written notice of the amount of such costs.

4. **Measurement and Reporting.** Grantee shall be responsible for measuring all quantities (in acre-feet or fractions thereof) of Solar Project Water from the Water System for which it has taken delivery using the existing water meter installed at the Delivery Point or such other location as is approved by Grantor. Grantee shall be responsible for computing the Quarterly Payments based on the amount of water taken from the Water System for the previous calendar quarter. If the water meter fails to properly register for any period, the amount of water delivered during such period shall be deemed to be the amount of water delivered in the period immediately prior to any such failure, unless Grantor and Grantee agree in writing upon a different quantity. Grantor shall operate, maintain, and test the meter in compliance with all local, state, and federal regulations. The Parties acknowledge that Grantor is responsible for compliance with any and all reporting requirements as the operator of the Water System and holder of the Production Rights.

5. **Road Impacts.** Grantor has advised Grantee that Kaiser Road, Tamarisk Drive, Parkview Drive, Oasis Road, and the other residential roads in the Lake Tamarisk community area are not engineered to handle heavy truck traffic. Grantee shall not use Tamarisk Drive or Parkview Drive while performing activities authorized under this Agreement. Grantee shall only use Interstate 10, Highway 177 (Rice Road, and Oasis Road as show on the "CSA Water Route" on Exhibit A. Grantee shall pay to Grantor the cost of all repairs to Grantor public property (or to other public property not belonging to the Grantor but which the Grantor is obligated to repair) made necessary by any damage demonstrably caused by Grantee while performing any activities authorized under this Agreement. The extent of any repairs subject to this provision shall be measured from baseline conditions as of the date Grantee starts activities authorized under this Agreement. In no event shall Grantee be obligated to pay for repairs attributable to deferred maintenance of the Grantor or to damage to public property caused by the activities of others, including incidental activities, such as third-party construction traffic. The cost of repairs attributable to Grantee shall be determined as follows:

(a). **Current Conditions Estimate.** Prior to the start of any activities authorized under this Agreement, Grantee shall hire an engineering firm to prepare a written determination of the then current status of Grantor public property (or other public property not belonging to the Grantor but which the Grantor is obligated to repair) to be used by Grantee to access the Delivery Point ("Grantee Engineering Report") and shall submit the Grantee Engineering Report to the Grantor. Not later than forty-five (45) days after submittal of the Grantee Engineering Report to the Grantor, Grantor shall either (i) accept the Grantee Engineering Report as an accurate representation of baseline conditions as of the date Grantee starts activities authorized under this Agreement; or (ii) notify Grantee in writing of Grantor's decision to hire a different engineering firm to prepare, within ninety (90) days of the Grantor's receipt of the Grantee Engineering Report, a separate written determination of the then current status of Grantor public property (or other public property not belonging to the Grantor but which the Grantor is obligated to repair) to be used by Grantee to access the Delivery Point ("Grantor Engineering Report"). Grantor shall be deemed to have accepted the determination of the Grantee Engineering Report if Grantor does not notify Grantee within forty-five (45) days of Grantor's receipt of the Grantee Engineering Report that Grantor has decided to request the Grantor Engineering Report. If Grantor elects to request a Grantor Engineering Report, and the current conditions estimate of the Grantee Engineering Report and Grantor Engineering Report differ by ten percent (10%) or less (e.g., by reference to the Pavement Conditions Index), then the average of the two determinations shall be deemed the baseline conditions as of the date Grantee starts activities authorized under this Agreement. If such not be the case, then Grantee shall accept the lower of the two estimates or, at the election of Grantee, the engineering firm that prepared the Grantee Engineering Report and the engineering firm that prepared the Grantor Engineering Report shall mutually select a third qualified and impartial engineering firm ("Third Engineering Firm") to issue a determination of baseline conditions as of the date Grantee starts activities authorized under this Agreement ("Third Engineering Report"). The determination of the Third Engineering Report shall be conclusive and binding on the Parties.

(b). Grantee shall designate an engineering firm, subject to the approval of the Grantor and the approval of which shall not be unreasonably withheld, to monitor performance of activities authorized under this Agreement for purposes of assessing Grantee's proportional contribution to any damage to Grantor public property (or other public property not belonging to the Grantor but which the Grantor is obligated to repair) made necessary by damages demonstrably caused by Grantee due to water deliveries under this Agreement. Grantor shall make reasonable efforts to assist Grantee in obtaining monitoring information regarding other activities that could reasonably be considered to cause damage to Grantor's public property within the Lake Tamarisk community area including the roads identified in Section 5, above.

(c). **Repair Estimate.** Upon completion of activities authorized under this Agreement in support of construction of the Solar Facility, the same process of subsection 5.a., above, shall be applied to determine, instead of then current conditions, the extent and cost of repairs to Grantor's public property (or to other public property not belonging to the Grantor but which the Grantor is obligated to repair) made necessary by any damage demonstrably caused by Grantee due to water

deliveries under this Agreement, including possible reconstruction. Grantee shall pay such costs within thirty (30) days after Grantor furnishes Grantee with an invoice to the sum of the determination of attributable cost developed pursuant to the procedure required by this paragraph. If Grantee fails to make such payment within thirty (30) days after the date of the invoice, Grantor may immediately draw upon a single \$1,500,000 irrevocable standby Letter of Credit in favor of the Grantor, the amount of which has been agreed upon by Grantee and Grantor. Said Letter of Credit, in a form acceptable to Grantor, shall be delivered to Grantor before Grantee may conduct any activities authorized under this Agreement. Any draw upon the Letter of Credit shall be in that amount necessary to cover the cost to the Grantor of undertaking the repairs to Grantor public property (or to other public property not belonging to the Grantor but which the Grantor is obligated to repair) made necessary by any damage demonstrably caused by Grantee. Any draws upon the Letter of Credit shall not limit the Grantor's right and ability to make further draws upon the Letter of Credit up to the aggregate limit of \$1,500,000. The Letter of Credit shall terminate upon satisfaction of all obligations of Grantee under this subsection.

(d). Grantee shall be responsible for all reasonable costs incurred for the services of any engineering firms regarding determinations under subsections 5.a, 5.b and 5.c above, except that Grantee shall not be responsible for any cost of a Grantor Engineering Report or Third Engineering Report to the extent it exceeds the cost of a Grantee Engineering Report by more than fifteen percent (15%).

(e). Decommissioning. The same process outlined in 5.a. through 5.d. above shall be followed and applied to determine the extent and cost of any repairs to Grantor's public property (or to other public property not belonging to the Grantor but which the Grantor is obligated to repair) made necessary by any damage demonstrably caused by Grantee due to water deliveries under this Agreement during decommissioning of the Solar Facility, including possible reconstruction. A separate irrevocable standby Letter of Credit, in an amount and form acceptable to Grantor, shall be required for activities under this Agreement relating to decommissioning of the Solar Facility.

6. Audit. At its option (but subject to the terms of this Section 6), Grantor may conduct, at its sole cost and expense, at any reasonable time during normal business hours of Grantee, but no more than once per year, upon ten (10) business days' advance written notice, an audit of Grantee's business records solely relating to the quantity of Solar Project Water taken by Grantee at the Delivery Point and the calculation of any corresponding Quarterly Payments paid to Grantor. Upon Grantee's verification of, and agreement with, the results of any such audit, and within thirty (30) days after Grantor's approval of the results of such audit, Grantor shall reimburse to Grantee the amount of any overpayment (without interest) made by Grantee as reflected in such audit; or, if such audit reflects an underpayment by Grantee, Grantee shall within said thirty (30) day period pay the amount of the underpayment (without interest) to Grantor. If Grantee disagrees with Grantor's audit, Grantee shall have the right to cause another review of that portion of Grantor's audit to be made by Grantee's accountant, at Grantee's sole cost and expense. In the event of a disagreement between Grantee's and Grantor's accountants, the review of Grantor's accountant shall be deemed to be correct and shall be conclusively binding on both Grantor and Grantee; provided, however, that Grantor's accountant must be a member of a firm of independent certified public accountants of national standing.

7. Ownership of Grantor Water System. Grantee acknowledges that Grantor shall retain all ownership and operations rights and responsibilities related to the Water System.

8. Maintenance and Repair of Pipelines and Facilities. Grantor will be responsible, at its sole cost and expense, for the operation, maintenance and repair of the wells, pumps, pipes, meters and all other equipment included in the Water System during the term of this Agreement. Grantor, at its sole cost and expense, will undertake all normal maintenance of the Water System in the ordinary course of operations and perform minor repairs that are not capital in nature to keep the Water System in working condition. Grantee will reasonably cooperate with Grantor in the performance of its obligations under this Section 8. Any capital repairs to the Water System will be subject to the terms of Section 11. Subject to

Section 15, Grantor will not have any liability to Grantee for the failure of the Water System to deliver the Solar Project Water and Grantee assumes all such risk.

9. Grantor Representations, Warranties and Covenants. Grantor hereby represents, warrants and/or covenants (as applicable) to Grantee as follows:

(a) Grantor represents and warrants that it owns the Production Rights and that such rights are sufficient to meet the needs of Grantor, the Water System, and the Solar Facility throughout the term of this Agreement.

(b) Grantor covenants that it has and shall maintain all necessary approvals, permits, or rights necessary to operate the Water System and deliver the Solar Project Water to the Delivery Point for Grantee's use at the Solar Facility.

(c) Grantor covenants that it shall not transfer, assign or lease any portion of the Water System or Production Rights, nor grant any other right to extract and use water from the Water System or pursuant to the Production Rights, to the extent that such transfer, assignment, lease or grant would interfere with the ability of Grantor to provide the Solar Project Water.

(e) No breach of this Agreement by Grantee shall entitle Grantor to cancel, rescind or otherwise terminate this Agreement; provided, however that this provision shall not limit or otherwise affect any other right or remedy which Grantor may have hereunder by reason of any breach of this Agreement.

10. Water Quality. Grantee's use of the Solar Project Water shall be limited to non-potable uses, including but not limited to construction uses, dust control, and other similar purposes. Grantor shall ensure that all Solar Project Water made available at the Delivery Point shall be fit for reasonably expected non-potable uses.

11. Non-operation of Water System. In the event that there is a material failure of any portion of the Water System, including without limitation, the production wells or delivery pipes, that results in the inability of Grantee to take the Solar Project Water from the Water System at the Delivery Point, then Grantee will have the option, in its sole discretion after sixty (60) days written notice to Grantor, to (i) undertake such repair or replacement of the Water System at its own expense as is necessary to restore the functionality of the Water System to a level sufficient to provide the Solar Project Water; or (ii) terminate this Agreement. To the extent that Grantee undertakes the capital repair or replacement of the Water System, Grantee will be responsible for obtaining any permits or approvals necessary from the State of California and the Grantor shall reimburse Grantee for the reasonable cost of such capital repair or replacement of the Water System, with payment due within sixty (60) days of receipt of notice from Grantee.

12. Nature of Rights. Grantee's non-exclusive right to take and use Solar Project Water under this Agreement shall take precedence over, and shall not be interfered with by (i) any subsequent grant of a right to Irrigation Water (water trucks) deliveries pursuant to the Production Rights; or (ii) any transfer, assignment or lease of the Production Rights. Notwithstanding the above, Grantee's non-exclusive right to take and use Solar Project water under this Agreement shall not take precedence over the rights residents living within the boundaries of CSA 51 to take and use water supplied by CSA 51.

13. Notices. All notices to a Party pursuant to this Agreement must be in writing and shall be sent only by personal delivery, an overnight courier service which keeps records of deliveries, or electronic mail transmission. A Party may change its address or e-mail address at any time by giving written notice of such change to the other Party in the manner provided herein. Notices sent by personal delivery or courier service shall be deemed given on the date of delivery or refusal to accept delivery. Notices sent by electronic mail transmission shall be deemed given when confirmed by a return electronic mail transmission from the recipient. For purposes of giving notice hereunder, the addresses and e-mail addresses of the Parties are as set forth below:

Grantor: Riverside County Service Area (CSA) 51
c/o Riverside County Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501
Telephone: (951) 955-6300
Fax: (951) 955-6363

Riverside County Service Area (CSA) 51
c/o Riverside County Economic Development Agency
3403 Tenth Street, Suite 400
Riverside, CA 92501
Telephone: (951) 955-6652

Grantee: Palen Solar Holdings, LLC
c/o EDF Renewable Development, Inc.
Attn: Land and Title Administration
15445 Innovation Drive
San Diego, CA 92128
Telephone: (858) 521-3300
Fax: (858) 521-3333

14. Successors and Assigns. These covenants and agreements set forth in this Agreement shall run with the land and shall be binding on, and shall inure to the benefit of, all Parties and their respective successors and assigns. Assignment of any of the rights or obligations of a party under this Agreement shall be subject to Section 23 hereof.

15. Indemnity. Grantor will retain all liability for the construction, operation, and maintenance of the Water System and all water delivery service to its customers. Grantee will retain all liability for the transport, use, and disposal of the Solar Project Water after being taken from the Delivery Point. Grantee, at its own expense, agrees to defend, indemnify and hold harmless Grantor and its agents, officers, and employees from and against any lawsuit, claim, action, or proceeding (collectively referred to as "litigation") brought against Grantor, its agents, officers, attorneys and employees to challenge, attack, set aside, void, or annul Grantor's decision to approve this Agreement, the Solar Facility, and associated environmental documents. This defense and indemnification obligation shall include, but not limited to, damages, fees and/or costs awarded against Grantor, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such litigation whether incurred by Grantee, Grantor, and/or the parties initiating or bringing such litigation. Grantor shall have the absolute right to approve any and all counsel retained to defend Grantor in the litigation. Grantee shall pay the attorneys' fees and costs of the legal firm retained by Grantee to represent the Grantor in the litigation. Failure by Grantee to pay such attorneys' fees and costs may be treated as a default of Grantee's obligations under this Agreement.

Payment for Grantor's costs related to the litigation shall be made on a deposit basis. Litigation costs include any associated costs, fees, damages, and expenses incurred by Grantor as a result of the litigation, including staff time. Within thirty (30) days of receipt of notice from Grantor that litigation has been initiated, Grantee shall initially deposit with the County's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Grantee shall deposit with Grantor such additional amounts as Grantor reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the Grantor, including but not limited to, the Office of County Counsel, Riverside County Planning Department, Riverside County Economic Development Agency, and the Riverside County Clerk of the Board associated with the litigation. Within ten (10) days of written notice from Grantor, Grantee shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

Grantor shall return to Grantee any funds remaining on deposit after ninety (90) days have passed since final adjudication of the litigation.

16. Defaults and Remedies. In the event of any alleged default or failure to perform any obligation under this Agreement, the nondefaulting Party shall give the alleged defaulting Party written notice thereof, which notice shall include the acts required to cure the same with reasonable specificity. The Party failing to make any monetary payment when due shall have a period of thirty (30) days after such notice is given within which to cure default. In the event of any other failure, the defaulting Party shall have a period of thirty (30) days to cure such default, which period shall be extended to the extent reasonably necessary to complete such cure so long as the cure was commenced within thirty (30) days after such notice is given and thereafter prosecuted with due diligence. Delinquent payments shall bear interest from their respective due dates until paid at the rate of the lesser of (i) ten percent (10%) per annum, or (ii) the maximum rate permitted by law. Each Party shall have the right to recover its actual damages as a result of any default under this Agreement which is not cured within the applicable cure period. Each Party waives its right to recover consequential damages as a result of any default under this Agreement. Any prohibited conduct under this Agreement may be enjoined and this Agreement shall be specifically enforceable.

17. California Environmental Quality Act - Compliance with Mitigation and Monitoring Plan. Grantee shall comply with any Mitigation Monitoring and Reporting Program (MMRP) adopted by the Riverside County Board of Supervisors, as well as any conditions imposed by the United States Department of Interior in the Record of Decision (ROD) for the Solar Facility. Failure to comply with the MMRP or ROD may be treated as a default of Grantee's obligations under this Agreement.

18. Termination. Grantee may terminate this Agreement at any time, with or without cause and without any termination payment or penalty, upon thirty (30) days' written notice to Grantor or upon the occurrence of a termination right pursuant to Section 10; provided that no such termination will excuse Grantee from any breach of this Agreement by Grantee or accrued payment liability to Grantor occurring or in existence prior to the date of termination of this Agreement. Grantor may terminate this Agreement for default after failure of Grantee to perform after notice provided under Section 16 above. Additionally, upon thirty (30) days' written notice to Grantee, Grantor may terminate this Agreement if Grantor no longer provides water services within the boundaries of CSA 51.

19. Amendment. This Agreement may not be changed, amended or modified except by instrument in writing signed by the Parties.

20. No Partnership. Neither this Agreement nor any acts of the Parties shall be deemed or construed by the Parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the Parties.

21. Severability. In the event any term, covenant, condition, provision, or agreement contained herein is held to be invalid, void, or otherwise unenforceable, by any court of competent jurisdiction, such holding shall in no way affect the validity of enforceability of any other term, covenant, condition, provision, or agreement contained herein.

22. Governing Law. Waiver of Jury Trial. This Agreement and the obligations of the Parties hereunder shall be interpreted, construed, governed and enforced in accordance with the laws of the State of California, without regard to any conflict of laws rules or principles that may refer the interpretation, construction, governance or enforcement to the laws of any other jurisdiction. Venue shall be the County of Riverside. To the maximum extent permitted by law, the Parties hereby irrevocably waive their right to trial by jury in connection with any proceeding arising out, or otherwise relating in any way to, this Agreement or the subject matter hereof.

23. Assignment. Grantee may assign this Agreement to an affiliate or a new owner or lessee of all or a portion of the Solar Facility, provided that the Grantee shall provide written notice of such assignment to Grantor. Grantor may assign this Agreement to an affiliate or a new owner of the Grantor Water System, provided that the Grantor shall provide written notice of such assignment to Grantee.

24. Entire Agreement. This Agreement and the attached Exhibits contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof. Any prior correspondence, memoranda or agreements are superseded in their entirety by this Agreement and its attached Exhibits. The provisions of this Agreement shall be construed as a whole according to their common meaning, and not strictly for or against any Party based upon the party that drafted such provision(s).

25. Counterparts. This Agreement may be executed in counterparts, and each counterpart shall for all purposes be an original, and all such counterparts shall together constitute one and the same Agreement.

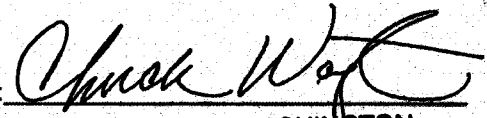
26. Further Assurances and Cooperation. Each Party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this Agreement and all transactions contemplated by this Agreement. Grantor agrees to fully support and cooperate with Grantee in giving full force and effect to the Agreement. Grantor shall, without demanding additional consideration therefor, (a) execute, and, if appropriate, cause to be acknowledged, any map, application, document or instrument (including any document or instrument intended to correct an error in this Agreement or to amend the legal description attached hereto) that is reasonably requested by Grantee in connection herewith or therewith and (b) return the same (as executed) to Grantee within thirty (30) days after Grantor's receipt thereof. Notwithstanding the above, Grantee will remain responsible for any fees, expenses or deposits required under County ordinances for the processing of any permits or entitlements.

[signature page follows]

IN WITNESS WHEREOF, Grantor and Grantee have caused this Agreement to be executed and delivered by their duly authorized representatives as of the Effective Date.

GRANTOR:

**RIVERSIDE COUNTY BOARD OF SUPERVISORS
FOR COUNTY SERVICE AREA 51**

By: 
Name: CHUCK WASHINGTON
Title: CHAIRMAN, BOARD OF SUPERVISORS
Date: December 4, 2018


ATTEST:
KECIA HARPER-IHEM, Clerk
By:  DEPUTY

GRANTEE:

PALEN SOLAR HOLDINGS, LLC

BY: MAVERICK SOLAR, LLC, ITS MANAGER

**BY: EDF RENEWABLE
DEVELOPMENT, INC.,
ITS MANAGER**

By: 
Name: Tristan Grimbart
Title: President & CEO
Date: _____, 2018

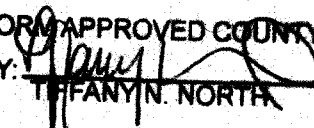
FORM APPROVED COUNTY COUNSEL
BY:  11/15/18
TIFFANY N. NORTH DATE

EXHIBIT A




DESCRIPTION AND LOCATION OF WATER DELIVERY POINT

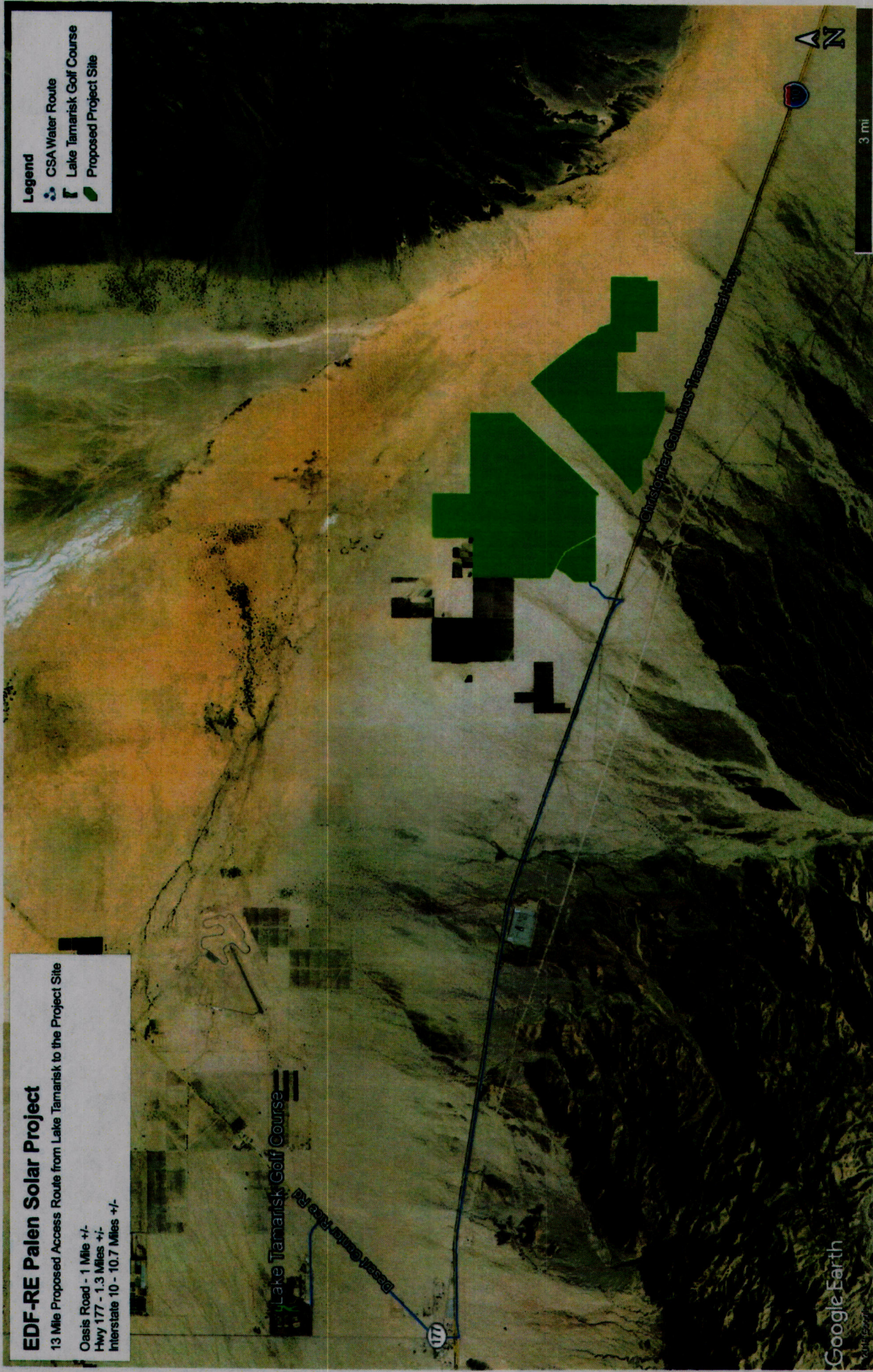
EDF-RE Palen Solar Project

13 Mile Proposed Access Route from Lake Tamarisk to the Project Site

- Oasis Road - 1 Mile +/-
- Hwy 177 - 1.3 Miles +/-
- Interstate 10 - 10.7 Miles +/-

Legend

-  CSA Water Route
-  Lake Tamarisk Golf Course
-  Proposed Project Site



EDF-RE Palen Solar Project

Road Right-of-Way Ownership

Legend

- CalTrans Right-Of-Way (Highway 177)
- County Right-of-Way (Oasis Road)
- Lake Tamarisk Golf Course
- Metered Connection



EXHIBIT B

PHOTOGRAPHS OF DELIVERY POINT AND METER

Exhibit A

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program (MMRP)

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Pub. Res. Code §21081.6) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the SEIS/SEIR are fully implemented.

This document describes the MMRP for ensuring the effective implementation of the mitigation measures and Applicant Proposed Measures (APMs) of the Palen Solar Project.

The MMRP is a working guide to facilitate not only the implementation of mitigation measures by the Applicant, but also the monitoring, compliance, and reporting activities of the County and any monitors it may designate. The MMRP will be made a condition of approval of any water supply agreement approved for the Project by the County.

The Applicant is responsible for implementation of any mitigation measures and other commitments governing the construction, operation, maintenance, and decommissioning of the Project. The County and the BLM act as the lead agencies for monitoring compliance with all mitigation measures required. All approvals and permits obtained by the Applicant will be submitted to the County and the BLM for mitigation compliance prior to commencing the activity for which the permits and approvals were obtained.

The MMRP describes implementation and monitoring procedural guidance, responsibilities, and timing for each mitigation measure and APM identified in the SEIS/SEIR, including:

- Environmental Impact
- APMs/Mitigation Measures
- Monitoring Method
- Responsible Monitoring Party
- Monitoring Phase
- Verification Approval Party
- Date Mitigation Measure Verified or Implemented
- Completion Requirement

The responsibilities of mitigation implementation, monitoring, and reporting extend to several County departments and the BLM. The manager or department lead of the identified unit or department will be directly responsible for ensuring the Applicant complies with the mitigation. The Planning Department and the BLM are responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities.

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Air Quality Impact AQ-2: The Project could violate any air quality standard or contribute substantially to an existing or projected air quality violation during construction.	<p>MM AQ-SC-1: Air Quality Construction Mitigation Manager (AQCM). The Project Owner shall designate and retain an on-site AQCM who shall be responsible for directing and documenting compliance with Conditions of Certification AQ SC3, AQ SC4 and AQ SC5 for the entire project site and linear facility construction. The on-site AQCM may delegate responsibilities to one or more AQCM Delegates. The AQCM and AQCM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCM and AQCM Delegates may have other responsibilities in addition to those described in this condition. Written consent of the Bureau of Land Management (BLM) Authorized Officer (AO) is required prior to termination of the AQCM.</p>	BLM shall verify that an AQCM is on-site.	BLM	During construction	BLM
	<p>MM AQ-SC-2: Air Quality Construction Mitigation Plan (AQCMP). The Project Owner shall provide an AQCMP, for approval, which details the various steps and the reporting requirements necessary to ensure compliance with Conditions of Certification AQ SC3, AQ SC4, and AQ SC5.</p>	BLM shall verify submittal and approval of the AQCMP.	BLM	Prior to grading and construction	BLM
	<p>MM AQ-SC-3: Construction Fugitive Dust Control. The AQCM shall submit documentation to the BLM's Authorized Officer in each Monthly Compliance Report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes from leaving the Project. Any deviation from the AQCMP mitigation measures shall require prior BLM AO notification and approval.</p> <p>a. The main access roads through the facility to the power block areas will be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction in the main power block area, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved or treated prior to taking initial deliveries.</p> <p>b. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be as efficient as or more efficient for fugitive dust control than Air Resources Board (ARB)-approved soil stabilizers, and shall not increase any other environmental impacts, including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the Project and linear construction sites shall be watered as frequently as necessary during grading (consistent with Biology Conditions of Certification that address the minimization of standing water), and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification AQ-SC4. Reduce or eliminate watering during periods of precipitation.</p>	BLM Authorized Officer shall verify submittal of Monthly Compliance Report from AQCM.	BLM	During construction	BLM

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	<p>c. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.</p> <p>d. Post visible speed limit signs at the construction site entrances.</p> <p>e. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.</p> <p>f. Provide gravel ramps of at least 20 feet in length at the tire washing/cleaning station.</p> <p>g. All unpaved exits from the construction site shall be graveled or treated to pre-vent track out onto public roadways.</p> <p>h. All construction vehicles shall enter the construction site through the treated entrance roadways. An alternative route will require prior approval by the BLM.</p> <p>i. Construction areas adjacent to any paved roadway below the grade of the sur-rounding construction area or otherwise directly impacted by sediment from site drainage shall be provided with sandbags or other equivalently effective measures to prevent runoff to roadways, or other similar runoff control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this Condition does not conflict with the requirements of the SWPPP.</p> <p>j. Sweep paved roads daily within the construction site or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.</p> <p>k. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads in route from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.</p> <p>l. Cover all soil storage piles and disturbed areas that remain inactive for longer than 10 days, or shall be treated with appropriate dust suppressant compounds.</p> <p>m. Cover all vehicles that transport solid bulk material on public roadways and that have potential to cause visible emissions, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</p> <p>n. Use wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) on all construction areas that may be disturbed. Any windbreaks installed to comply with this Condition shall remain in place until soil stabilization or permanently covered with vegetation.</p> <p>o. Grading and earthwork activities, including vegetation removal, cut and fill movement, and soil compacting, shall be phased across the site to minimize the amount of exposed or disturbed area on any single day.</p>				
	<p>MM AQ-SC-4. Dust Plume Response Requirement. The AQMMM or an AQMMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that</p>	<p>BLM shall verify that the AQMMM</p>	<p>BLM</p>	<p>During construction</p>	<p>BLM</p>

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	<p>have the potential to be transported (A) off the project site and within 400 feet upwind of any regularly occupied structures not owned by the Project Owner or (B) 200 feet beyond the centerline of the construction of linear facilities indicate that existing mitigation measures are not resulting in effective mitigation. If plumes are noted, the AQCMP will describe how the additional mitigation measures are accomplished and within the required time limits. If observed, the AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes:</p> <ul style="list-style-type: none"> ■ Step 1: The AQCMM or Delegate shall direct intensive application of the existing mitigation methods within 15 minutes of making such a determination. ■ Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1, specified above, fails to result in adequate mitigation within 30 minutes of the original determination. ■ Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2, specified above, fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The Project Owner/operator may appeal to the BLM Authorized Officer any directive from the AQCMM or Delegate to shut down an activity, if the shutdown shall go into effect within one hour of the original determination, unless overruled by the BLM Authorized Officer before that time. 	<p>or Delegate implements procedures for additional mitigation measures in the event that visible dust plumes are observed.</p>			
	<p>MM AQ-SC-5. Diesel-Fueled Engine Control. The AQCMM shall submit to the BLM AO, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior and CPMBLM AO notification and approval.</p> <p>a. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the Conditions set forth herein.</p> <p>b. Portable Equipment Registration Program, with a rating of 50 hp or higher shall meet, at a minimum, the Tier 3 or Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the BLM AO that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 3 or Tier 4 engine is not available for any off-road equipment larger than 100 hp, that equipment shall be equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 3 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this Condition, the use of such devices is "not practical" for the following, as well as other, reasons.</p>	<p>BLM shall verify that the Monthly Compliance Report includes a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions.</p>	BLM	During construction	BLM

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	<p>1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to Tier 3 equivalent emission levels and the engine in question either meets Tier 2 standards or uses the highest level of available retrofit controls; or</p> <p>2. The construction equipment is intended to be on site for 10 days or less.</p> <p>3. The BLM AO may grant relief from this requirement if the AQCMM can demonstrate a good faith effort to comply with this requirement and that compliance is not practical.</p> <p>c. The use of a retrofit control device may be terminated immediately, provided that the BLM AO is informed within 10 working days of the termination and that a replacement for the equipment item in question meeting the controls required in item "b" occurs within 10 days of termination of the use. If the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following Conditions exists:</p> <ol style="list-style-type: none"> 1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in back pressure. 2. The retrofit control device is causing, or expected to cause engine damage. 3. The retrofit control device is causing, or expected to cause a substantial risk to workers or the public. 4. Any other seriously detrimental cause, which has the approval of the BLM AO prior to implementation of the termination. <p>d.. Properly maintain all related trucks, with engines meeting the requirements of (b) above shall have the engines tuned to the engine manufacturer's specifications.</p> <p>e. Any diesel powered heavy construction equipment will not idle for more than five minutes. An exception would be; vehicles that need to idle as part of their normal operation (such as concrete trucks).</p> <p>f. Construction equipment will employ electric motors when feasible.</p> <p>MM AQ-SC-6. Emission Standards Vehicles. The Project Owner, when obtaining dedicated on-road or off-road vehicles for panel washing activities and other facility maintenance activities, shall obtain only new model year vehicles that meet California on-road vehicle emission standards or appropriate U.S. EPA/California off-road engine emission standards for the model year when obtained.</p>	BLM shall verify that only new model year vehicles that meet California on-road vehicle emission standards or appropriate are obtained.	BLM	During maintenance	BLM
	<p>AQ-SC-7 Operation Dust Control Plan. The Project Owner shall provide a site Operations Dust Control Plan, including all applicable fugitive dust control measures identified in the verification of</p>	BLM shall verify a site Operations	BLM	During operation and maintenance	BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>AQ-SC-3 that would be applicable to minimizing fugitive dust emission creation from operation and maintenance activities and preventing all fugitive dust plumes from leaving the project site that:</p> <ol style="list-style-type: none"> describes the active operations and wind erosion control techniques such as windbreaks and chemical dust suppressants, including their ongoing maintenance procedures, that shall be used on areas that could be disturbed by vehicles or wind anywhere within the project boundaries; and identifies the location of signs throughout the facility that will limit traveling on unpaved portion of roadways to solar equipment maintenance vehicles only. In addition, vehicle speed shall be limited to no more than 10 miles per hour on these unpaved roadways, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. <p>The site operations fugitive dust control plan shall include the use of durable non-toxic soil stabilizers on all regularly used unpaved roads and disturbed off-road areas, or alternative methods for stabilizing disturbed off-road areas, within the project boundaries, and shall include the inspection and maintenance procedures that will be undertaken to ensure that the unpaved roads remain stabilized. The soil stabilizer used shall be a non-toxic soil stabilizer or soil weighting agent that can be determined to be as efficient as or more efficient for fugitive dust control than ARB approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control.</p> <p>Measure against performance and application of the fugitive dust controls for site operations and meet the performance requirements of condition AQ-SC4. The measures and performance requirements of AQ-SC4 shall also be included in the operations dust control plan.</p>	Dust Control Plan is provided.			
	<p>MM AQ-SC-8, BLM AO Copies of Documents. The Project Owner shall provide the BLM AO copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility. The Project Owner shall submit to the BLM AO for review and approval any modification proposed by the Project Owner to any project air permit. The Project Owner shall submit to the BLM AO any modification to any permit proposed by the District or U.S. Environmental Protection Agency (U.S. EPA), and any revised permit issued by the District or U.S. EPA, for the Project.</p>	The project owner and BLM AO shall verify copies of all ATCs and PTOs are submitted and approved.	BLM	Prior to grading and construction	BLM
Impact AQ-4: The Project could expose sensitive receptors to substantial pollutant concentrations.	<p>MM AQ-SC-1 through MM AQ-SC-8. See Impact AQ-2 above.</p>	See MM AQ-SC-1 through MM AQ-SC-8 above.	See MM AQ-SC-1 through MM AQ-SC-8 above.	See MM AQ-SC-1 through MM AQ-SC-8 above.	See MM AQ-SC-1 through MM AQ-SC-8 above.

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area/ Environmental Impact Cultural Resources	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Cultural Resources	APM-21. Identify places of traditional cultural and religious importance to federally recognized Tribes and maintain access to these locations for traditional use.	The project owner shall verify that places of traditional cultural and religious importance are identified and access is maintained.	Project Owner	Prior to, during, and after construction	Project Owner
Cultural Resources	APM 22. Design activities to minimize impacts on cultural resources including places of traditional cultural and religious importance to federally recognized Tribes.	The project owner shall verify that activities minimize impacts.	Project Owner	Prior to, during, and after construction	Project Owner
Cultural Resources	APM 23. Develop partnerships to assist in the training of groups and individuals to participate in site stewardship programs.	The project owner shall verify that partnerships are developed.	Project Owner	Prior to, during, and after construction	Project Owner
Cultural Resources	APM 24. Promote desert vegetation types/communities by avoiding them where possible, then use required compensatory mitigation, off-site mitigation, and other means to ensure Native American vegetation collection areas and practices are maintained.	The project owner shall verify that collection area and practices are maintained.	Project Owner	Prior to grading and construction	Project Owner
Impact CR-1: The Project could cause substantial adverse change in significance of a historical resource	MM CUL-1. Cultural Resources Personnel. (Previously PSPP MM CUL-3) Prior to the issuance of a Notice to Proceed (NTP) by BLM, the Project Owner shall obtain the services of a Cultural Resources Specialist (CRS) and one or more alternate CRSs, as appropriate. The CRS shall manage all monitoring, mitigation, curation, and reporting activities for the Project. The CRS shall have a primary administrative and coordination role for the Project. The CRS may obtain the services of Cultural Resources Monitors (CRMs), if needed, to assist in monitoring, mitigation, and curation activities. The CRS shall have a BLM California cultural resource use permit, which will list the supervisory cultural resource field staff (Principal Investigators and Field Directors or Crew Chiefs) on that permit, and otherwise meet the requirements outlined in BLM Manual 8150. The Project Owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the NRHP and California Register of Historical Resources (CRHR) of any newly discovered cultural resources that the Project affects in an unanticipated manner.	BLM shall verify that the necessary CRSs are obtained.	BLM	Prior to issuance of NTP	BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>MM CUL-2. Project Documentation for Cultural Resources Personnel. (Previously PSPP MM CUL-4) Prior to the issuance of a NTP by BLM, the Project Owner shall provide the CRS with copies of the Supplemental EIS/EIR and confidential cultural resources documents, for the Project. The Project Owner shall also provide the CRS and the BLM AO with maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas. Maps shall include the appropriate USGS quadrangles and maps at an appropriate scale (e.g., 1:2400 or 1" = 200') for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the Project Owner shall provide copies to the CRS and BLM AO. The BLM AO shall review map submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No ground disturbance shall occur prior to BLM AO approval of maps and drawings, unless the BLM AO specifically approves such activities. Defined ground disturbance is any of the following activities: grading, disk and roll, pile or stake driving, mechanical excavation, drilling, digging, trenching, blasting, and using high-pressure water to cut into the ground. If construction of the Project would proceed in phases, provide maps and drawings to the CRS and BLM AO prior to the start of each phase. Provide written notice identifying the proposed schedule of each project phase to the CRS and BLM AO. Weekly, until ground disturbance is completed, the project construction manager shall provide to the CRS and BLM AO a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The Project Owner shall notify the CRS and BLM AO of any changes to the scheduling of the construction phases.</p>	BLM shall verify that copies of the Supplemental EIR/EIS and confidential cultural resources documents are provided to the CRS(s).	BLM	Prior to issuance of NTP	BLM
	<p>MM CUL-3. Monitoring and Discovery Plan. (Previously PSPP MM CUL-5) Prior to the issuance of a Notice to Proceed by BLM, the Project Owner shall submit to the BLM AO for review and approval the monitoring and discovery plan, as prepared by or under the direction of the CRS. The authors' names(s) shall appear on the title page of the monitoring and discovery plan. The monitoring and discovery plan shall specify the impact mitigation protocols for all known cultural resources and identify general and specific measures to minimize potential impacts to all other cultural resources, including those discovered during construction. Implementation of the monitoring and discovery plan shall be the responsibility of the CRS and the Project Owner. Copies of the Monitoring and Discovery Plan shall reside with the CRS, alternate CRS, and other supervisory cultural resource field staff and the Project Owner's onsite construction manager. No ground disturbance (as defined in CUL-2) shall occur prior to BLM AO approval of the monitoring and discovery plan, unless the BLM AO specifically approves such activities. Prior to issuance of a Notice to Proceed by BLM, the Project Owner may have the CRS, alternate CRS, complete and submit to BLM for review the monitoring and discovery plan. The monitoring and discovery plan shall include, but not be limited to, the elements and measures listed below.</p> <ol style="list-style-type: none"> The duties of the CRS shall be fully discussed, including oversight/management duties with respect to site evaluation, data collection, monitoring, and reporting at both known prehistoric and historic-period archaeological sites and any NHPA and CRHR-eligible (as determined by BLM) prehistoric and historic-period archaeological sites discovered during construction. A general research design shall be developed that: 	BLM PM shall verify that the Monitoring and Discovery Plan is submitted and approved.	BLM	Prior to issuance of NTP	BLM

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	<p>a. Charts a timeline of all research activities;</p> <p>b. Recapitulates the existing paleoenvironmental, prehistoric, ethnohistoric, ethnographic, and historic contexts and adds to these the additional context of the non-military, historic-period occupation and use of the Chuckwalla Valley, to create a comprehensive historic context for the project vicinity;</p> <p>c. Poses archaeological research questions and testable hypotheses specifically applicable to the archaeological resource types known for the Chuckwalla Valley, based on the research questions developed on the archaeological and historical literature pertinent to the Chuckwalla Valley; and</p> <p>d. Clearly articulates why it is in the public interest to address the research questions that it poses.</p> <p>3. Protocols, reflecting the guidance provided in CUL-9 through CUL- 12 shall be specified for the treatment of known and newly discovered prehistoric and historic-period archaeological resource types.</p> <p>4. Artifact collection, retention/disposal, and curation policies shall be discussed, as related to the research questions formulated in the research design. These policies shall apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any NRHP and CRHR-eligible (as determined by the BLM) prehistoric and historic-period archaeological sites discovered during construction. A prescriptive treatment plan may be included for limited data types.</p> <p>5. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground disturbance and post-ground-disturbance analysis phases of the Project shall be specified.</p> <p>6. Person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team shall be identified.</p> <p>7. All impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts.</p> <p>8. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age shall be stated. In addition, the commitment to curate all archaeological materials retained because of the archaeological investigations (survey, testing, data recovery), in accordance with 36 C.F.R. Part 79 and the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, are to be stored in a museum or other repository that meets DOI/BLM standards and policies.</p> <p>9. The commitment of the Project Owner is to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the</p>				

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	<p>Project. The Project Owner shall identify a curation facility that could accept cultural resources materials resulting from the project cultural resources investigations.</p> <p>10. The CRS shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource materials (that cannot be treated prescriptively) from known NRHR-eligible and CRHR-eligible archaeological resources and from NRHR-eligible and CRHR-eligible resources that are encountered during ground disturbance.</p> <p>11. The contents, format, and review and approval process of the final Cultural Resource Report (CRR) shall be described.</p> <p>12. Monitoring recommendations for different areas of the direct APE including the level of monitoring intensity based on subsurface sensitivity. However, monitoring shall take place during construction and decommissioning.</p> <p>13. Procedures for discoveries of human remains including a NAGPRA Plan of Action.</p> <p>14. Tribal Participation Plan shall be appended to the Monitoring and Discovery Plan if it can be completed by the Applicant prior to the submittal of the ROD to the BLM Washington DC Office for review. The Applicant is encouraged to develop the Tribal Participation Plan working with all affected tribes. The BLM will approve the final Monitoring and Discovery Plan whether or not the TPP has been completed by the Applicant.</p>	BLM PM shall verify that the CRR conforms to California BLM Cultural Resource Use Permit stipulations.	BLM	During construction	BLM
	<p>MM CUL-4. Cultural Resources Report (CRR). (Previously PSPP MM CUL-6) The CRR, if required as the result of a discovery during construction, shall conform to California BLM Cultural Resource Use Permit stipulations regarding reporting which include, but are not limited to, those listed in the California Office of Historic Preservation's Preservation Planning Bulletin Number 4(a) December 1989, Archaeological Resource Management Reports (ARMR); Recommended Contents and Format (ARMR Guidelines) for the Preparation and Review of Archaeological Reports.</p>				
	<p>MM CUL-5. Environmental Awareness Program (WEAP). (Previously PSPP MM CUL-7) Prior to issuance of a NTP by BLM and for the duration of ground disturbance (as defined in CUL-2), the Project Owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas. The training shall be prepared by the CRS, may be conducted by any member of the archaeological team, and may be presented in the form of a video. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must be resumed when ground disturbance resumes. The training shall include:</p> <ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Samples or visuals of artifacts that might be found in the project vicinity; 3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed; 	BLM shall verify that a WEAP is provided to all new workers.	BLM	Prior to issuance of NTP and during duration of ground disturbance	BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits;</p> <p>5. Instruction that the CRS, alternate CRS, and supervisory cultural resource field staff have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS;</p> <p>6. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or supervisory cultural resource field staff, and that redirection of work would be determined by the construction supervisor and the CRS;</p> <p>7. An informational brochure that identifies reporting procedures in the event of a discovery;</p> <p>8. An acknowledgement form signed by each worker indicating that they have received the training; and</p> <p>9. A sticker that shall be placed on hard hats indicating that environmental training has been completed.</p> <p>15. No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the BLM project manager.</p>				
	<p>MM CUL-6. Construction Monitoring Program. (Previously PSPP MM CUL-8) The Project Owner shall ensure that the CRS, alternate CRS, or other supervisory cultural resource field staff implement the Monitoring and Discovery Plan (CUL-3) to avoid, minimize, or mitigate construction and decommissioning impacts to undiscovered resources. As well as not affecting known resources in an unanticipated manner, the Project Owner shall ensure that the CRS, alternate CRS, or other supervisory cultural resource field staff monitor and take other steps in accordance with the Monitoring and Discovery Plan.</p> <p>Archaeological monitoring for this project shall be the archaeological monitoring of the earth-removing activities during construction and decommissioning as specified in the Monitoring and Discovery Plan.</p> <p>The research design in the monitoring and discovery plan shall govern the collection, treatment, and curation of any archaeological materials encountered. On forms provided by the BLM AO, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the mitigation measures. The CRS shall provide copies of the daily monitoring logs to the BLM, if requested by the BLM AO. From these logs, the CRS shall compile a monthly monitoring summary report to be submitted for BLM review monthly. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended. If requested, the CRS or alternate CRS shall report daily to the BLM AO on the status of the Project's cultural resources-related activities, unless the CRS requests reducing or ending daily reporting and the BLM AO approves this request. In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, the CRS shall provide a letter or e-mail detailing the justification for changing the level of monitoring to the BLM AO for review and approval prior to any change in the level of monitoring. The CRS, at his or her discretion, or at the request of the BLM AO, may informally discuss cultural resources monitoring and mitigation activities with County of Riverside staff.</p>	<p>BLM shall verify that the CRS or other supervisory cultural resource field staff monitor in accordance with the Monitoring and Discovery Plan.</p>	BLM	<p>During construction and decommissioning</p>	BLM

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	<p>Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Mitigation Measures. Upon becoming aware of any incidents of non-compliance with the Mitigation Measures, the CRS and/or the Project Owner shall notify the BLM AO by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Mitigation Measures. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. Provide this report shall be monthly for the review of the BLM AO.</p>				
	<p>MM CUL-7. Authority to Halt Construction and Treatment of Discoveries. (Previously PSPP MM CUL-9) The Project Owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, and other supervisory cultural resource field staff (i.e., PI or Field Director listed on the BLM California cultural resource use permit) in the event of a discovery. Archaeological monitors (operating under the BLM California Cultural Resource Use Permit and associated Fieldwork Authorization) shall have authority to temporarily halt or divert construction until the CRS, alternate CRS, or supervisory archaeological monitor makes a determination that a post-review discovery has been made (or unanticipated effects to a historic property have occurred). Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS. In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the BLM), or impacts to such a resource can be anticipated, ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting, as provided in other Mitigation Measures, shall continue during the Project's ground-disturbing activities elsewhere. The halting or redirection of ground disturbance shall remain in effect until the CRS has visited the discovery, and all of the following have occurred:</p> <ol style="list-style-type: none"> 1. The CRS has notified the Project Owner and the BLM AO within 24 hours of the discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the discovery (or changes in character or attributes), the action taken (i.e., work stoppage or redirection), a recommendation of NRHP and CRHR eligibility, and recommendations for data recovery from any cultural resources discoveries, whether or not a determination of NRHP and CRHR eligibility has been made. 2. If the discovery would be of interest to Native Americans, the BLM AO will notify all Native American groups that expressed a desire to in the event of such a discovery. 3. The CRS has completed field notes, measurements, and photography for a DPR 523 "Primary" form. Unless the find can be treated prescriptively, as specified in the monitoring and discovery plan, the "Description" entry of the DPR 523 "Primary" form shall include a recommendation on the NRHP and CRHR eligibility of the discovery. The Project Owner shall submit completed forms to the BLM AO. 4. The CRS, the Project Owner, and the BLM AO have conferred, and the BLM AO has concurred with the recommended eligibility of the discovery and approved the CRS's proposed data 	<p>BLM shall verify that the CRS is given authority to halt ground disturbance during the event of a discovery.</p>	<p>BLM</p>	<p>During ground disturbance</p>	<p>BLM</p>

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	<p>recovery plan, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation is complete. The BLM may, in consultation with the SHPO, assume the NRHP eligibility (under Criterion D) for an archaeological property discovery. The BLM reserves the right to request that the Project Owner conduct studies pursuant to the MDP and consistent with current standard professional procedures to evaluate the NRHP eligibility of any cultural property discovery during construction.</p>				
	<p>MM CUL-8. Flag and Avoid. (Previously PSPP MM CUL-10) To ensure that the 18th Ordinance Battalion site (CA-RIV-9481) within the transmission line corridor is avoided during construction, the project owner shall:</p> <ol style="list-style-type: none"> 1. Ensure that a CRS, alternate CRS, or other supervisory cultural resource field staff re-establish the boundary of the site, add a 10-meter-wide buffer around the periphery of each site boundary, and flag the resulting space in a conspicuous manner; 2. Ensure that a CRM enforces avoidance of the flagged areas during construction; and 3. Ensure, after completion of construction, boundary markings around the site and buffer are removed so as not to attract vandals. 	BLM shall verify that new resources are flagged and avoided if discovered.	BLM	During construction	BLM
	<p>MM CUL-9. Data Recovery for Simple Prehistoric Sites: (Sparse Lithic Scatters, Cairns, and Pot Drops). (Previously PSPP MM CUL-11) The project owner shall ensure the monitoring and discovery plan required under CUL-3 includes a data recovery plan for the unanticipated discovery of resource type "simple prehistoric sites." The data recovery plan shall include the use of the CARIDAD protocol on sites that qualify, how to proceed if features or other buried deposits are encountered, and the materials analyses and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. If allowed by the BLM, prior to the start of ground disturbance (as defined in CUL-2) within 30 meters of the site boundaries of each of these sites, the project owner shall ensure that the CRS and/or archaeological team members implement the plan, which, for sites where CARIDAD does not apply, shall include, but is not limited to the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request a qualified prehistoric archaeologist and a qualified geoarchaeologist be hired by the project owner to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake; if a lakeshore is present within 100 meters of the site boundary, include it on the site map. The prehistoric archaeologist and geoarchaeologist directing and overseeing the fieldwork must be listed as Principal Investigator or Field Director on the BLM cultural resource use permit; 3. Map and field-record all lithic artifacts (numbers of flakes, the reduction sequence stage each represents, cores, tool blanks, finished tools, hammerstones, and concentrations, and the material types of each) and the other types of prehistoric artifacts present. 	BLM shall verify that the Monitoring and Discovery Plan includes a Data Recovery Plan for "simple prehistoric sites."	BLM	Prior to issuance of NTP	BLM

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	<p>4. Map any differential distribution of artifacts and suggest explanations for the distribution;</p> <p>5. Assess the integrity of the site and provide the evidence substantiating that assessment;</p> <p>6. Collect for dating and source analyses any obsidian artifacts;</p> <p>7. Field record the surface location of all other artifacts and collect all ceramic artifacts and botanical and faunal remains for laboratory analysis and curation;</p> <p>8. Surface scrape to a depth of 5 centimeters a 5-meter-by-5-meter area centered on the artifact concentration where such a method is warranted by surface conditions. If the CRS determines that a surface scrap is not useful in certain contexts, note why in the treatment plan for the resource. Field-record the lithic artifacts as to location, material type, and the reduction sequence stage each represents, record the location of all other artifacts, and retain the obsidian and ceramic artifacts and botanical and faunal remains for laboratory analysis and curation;</p> <p>9. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, placing the unit in the part of the site with the highest artifact density and recording its locations on the site map;</p> <p>10. Place one 1-meter-by-1-meter excavation unit, as described above, in the center of each concentration if multiple artifact concentrations have been identified;</p> <p>11. Notify the BLM AO by telephone or e-mail that subsurface deposits were or were not encountered and either make a recommendation on the site's NRHP and CRHR eligibility or the BLM may assume eligibility (under Criterion D) for the site, in consultation with the SHPO. The BLM reserves the right to request that the Project Owner conduct studies pursuant to the MDP and other standard professional procedures to evaluate the NRHP eligibility of any cultural property discovery during construction;</p> <p>12. If no subsurface deposits discovered and the BLM AO in consultation with the BLM archaeologist for the Project agrees the site is not eligible for the NRHP or CRHR, data recovery is complete;</p> <p>13. If subsurface deposits are encountered, test the horizontal limits of the site by excavating additional 1 meter-by 1 meter excavation units in 10 centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, using a shovel or hand auger, or other similar technique, at four spots equally spread around the exterior edge of each site, recording the locations of these units on the site map;</p> <p>14. Sample the encountered features or deposits, using the methods described in the monitoring and discovery plan, record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete;</p> <p>15. Present the results of the data recovery in a letter report which shall serve as a preliminary report. A BLM and County archaeologist shall each review the report for adequacy. Timelines for report delivery shall meet both BLM and County requirements. Letter reports may address one site, or multiple sites depending on the needs of the CRS in consultation with the BLM project manager and BLM archaeologist for the Project. The letter report shall be a concise document the provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range</p>				

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	<p>of error for that tally, a map showing the location of excavation units including topographic contours and the site landforms, and a discussion of the NRHP and CRHR eligibility of each site and the justification for that determination;</p> <p>16. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, the landform, and the eligibility determination;</p> <p>17. Present the final results of data recovery at these prehistoric sites in the CRR, as described in CUL-4.</p> <p>MM CUL-10. Data Recovery for Complex Prehistoric Sites. (Previously PSPP MM CUL-12) The project owner shall ensure the monitoring and discovery plan required under CUL-3 includes a data recovery plan for the unanticipated discovery of resource type "complex prehistoric sites." The data recovery plan shall include how to proceed if buried deposits are encountered and shall also include the materials analyses and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. Prior to the start of ground disturbance (as defined in CUL-2), within 30 meters of the site boundaries of each of these sites, the project owner shall then ensure that the CRS and/or archaeological team members implement the plan, which shall include, but is not limited to, the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request a qualified, BLM-permitted prehistoric archaeologist and a qualified geoarchaeologist be hired by the project owner to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake. If a lakeshore is present within 100 meters of the site boundary, include it on the site map. The prehistoric archaeologist and geoarchaeologist directing and overseeing the fieldwork must be listed as Principal Investigator or Field Director on the BLM cultural resource use permit; 3. Map any differential distribution of artifacts and suggest an explanation for this distribution; 4. Assess the integrity of the site and state the evidence substantiating that opinion; 5. Collect all artifacts after their locations are marked and submit them for laboratory analysis; 6. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until three sterile levels are encountered, or until the unit reaches maximum depth of planned impact, placing this unit in the part of the site with the highest artifact density; or, if multiple artifact concentrations were identified, place one 1-meter-by-1-meter excavation unit in the center of each concentration and excavate as just described; retain any artifacts for laboratory analysis; 7. Determine the vertical and horizontal limits of each site by placing test units at four locations equally spread around the surface exterior edge and excavating or probing down to the Holocene basement, using a shovel, hand auger, or similar technique; continue exploration in all directions until the horizontal limits of the site are reached; retain any artifacts for laboratory analysis; 	BLM shall verify that the Monitoring and Discovery Plan includes a Data Recovery Plan for "complex prehistoric sites."	BLM	Prior to issuance of NTP	BLM

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	<p>8. Excavate the surface feature or features, using the methods described in the monitoring and discovery plan; record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete;</p> <p>9. Notify the BLM AO by telephone or e-mail that subsurface deposits were or were not encountered and make either a recommendation on the site's NRHP and CRHR eligibility or the BLM may assume eligibility (under Criterion D) for the site, in consultation with the SHPO. The BLM reserves the right to request that the Project Owner conduct studies pursuant to the MDP and other standard professional procedures to evaluate the NRHP eligibility of any cultural property discovery during construction;</p> <p>10. If no subsurface deposits were encountered, and the BLM archaeologist for the Project agrees the site is not eligible for the NRHP or the CRHR, data recovery is complete;</p> <p>11. If subsurface deposits are found, develop a sampling design for additional data recovery in consultation with the CRS;</p> <p>12. Present the results of the data recovery in a letter report by the PPA or CRS that shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of excavation units including topographic contours and the site landforms;</p> <p>13. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, and the landform;</p> <p>14. Present the final results of data recovery for the complex prehistoric sites in the CRR, as described in CUL-4.</p>				
	<p>MM CUL-11. Data Recovery for Historic-Period Refuse Scatters. (Previously PSPP MM CUL-13) Prior to the issuance of a Notice to Proceed by BLM, the Project Owner shall ensure that a recovery plan is included in the monitoring and discovery plan required in CUL-3 for the recordation of historic-period refuse scatter sites discovered during construction to determine if these sites can be attributed to the DTC/C-AMA or other historic-era use of the region. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post processing of the data. The project owner shall then ensure that the CRS and/or archaeological team members implement the plan, which shall include, but is not limited to the following tasks:</p> <p>1. The project owner shall hire an historical archaeologist with the qualifications described in CUL-3 to supervise the field work. This historical archaeologist must be listed as either Principal Investigator or Field Director on the BLM cultural resource use permit.</p> <p>2. The project owner shall ensure that, prior to beginning the field work, the historical archaeologist and other supervisory cultural resources field crew are trained to identify the specific landform for each site; in the identification, analysis and interpretation of the artifacts, environmental</p>	BLM shall verify that the Monitoring and Discovery Plan includes a Data Recovery Plan for the recordation of historic-period refuse scatter sites discovered during construction.	BLM	Prior to issuance of NTP	BLM

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	<p>modifications, and trash disposal patterns associated with the early phases of WWII land-based U.S. army activities.</p> <p>3. The project owner shall ensure that, prior to beginning the field work, the non-supervisory field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early to mid-twentieth-century can, bottle, and ceramic diagnostic traits.</p> <p>4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features, using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers).</p> <p>5. The project owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, documenting the measurements and the types of seams and closures for each bottle, and the measurements, seams, closure, and opening method for all cans. Photographs shall be taken of maker's marks on bottles, any text or designs on bottles and cans, and of decorative patterns and maker's marks on ceramics. Artifacts shall not be collected.</p> <p>The project owner shall ensure that an adequate level of documentary and archival research is conducted to help interpret the site constituents.</p> <p>6. The project owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or specialist, which shall serve as a preliminary report, that details what was found at each site, as follows:</p> <p>a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and</p> <p>b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms.</p> <p>c. The letter report shall make a recommendation on whether each site is associated with the DTC/C-AMA use of the region.</p> <p>7. The project owner shall ensure that the specialist analyzes all recovered data and writes, or supervises the writing of a comprehensive final report. This report shall be included in the CRR (CUL-4).</p> <p>MM CUL-12. Data Recovery for Historic-Period Sites with Features. (Previously PSPP MM CUL-14) Prior to the issuance of a NTP by BLM, the Project Owner shall ensure that a data recovery plan is included in the monitoring and discovery plan for evaluation and data recovery from historic-period archaeological sites with features discovered during construction. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post processing of the data. The Project Owner shall then ensure that the CRS, the specialist, and/or archaeological team members implement the plan, which shall include, but is not limited to the following tasks:</p>	<p>BLM shall verify that the Monitoring and Discovery Plan includes a Data Recovery Plan for evaluation and data recovery from historic-period archaeological sites with features</p>	<p>BLM</p>	<p>Prior to issuance of NTP</p>	<p>BLM</p>

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	<ol style="list-style-type: none"> 1. The Project Owner shall hire a historical archaeologist with the qualifications described in CUL-3 to supervise the fieldwork related to data recovery of historic-era sites with features. This historical archaeologist must be listed as either Principal Investigator or Field Director on the BLM cultural resource use permit. 2. The project owner shall ensure that, prior to beginning the field work, the historical archaeologist and other supervisory cultural resources field staff are trained in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the early phases of WWII land-based U.S. army activities. 3. The Project Owner shall ensure that, prior to beginning the field work, the non-supervisory field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early to-mid-twentieth-century can, bottle, and ceramic diagnostic traits. 4. The Project Owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features (previously known and newly found in the metal detector survey), using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers). 5. The Project Owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, if not done previously. Types of seams and closures for each bottle and all cans shall be documented. Photographs shall be taken of any text or designs. Unusual or unidentifiable artifacts may be collected for further analysis, but otherwise artifacts shall not be collected. 6. The Project Owner may use a systematic metal detector survey at each site, and ensure that each "hit" is investigated. All artifacts and features thus found must be mapped, measured, photographed, and fully described in writing. 7. The Project Owner shall ensure that all features are recorded, and that any features having subsurface elements are excavated by a qualified historical archaeologist. All features and contents must be mapped, measured, photographed, and fully described in writing. The project owner shall ensure that an adequate level of documentary and archival research is conducted to help interpret the site constituents. 8. The Project Owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or specialist to the BLM project manager which shall serve as a preliminary report, that details what was found at each site, as follows: <ol style="list-style-type: none"> a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms. c. The letter report shall make a recommendation on whether each site is associated with the DTC/C-AMA use of the region. 	discovered during construction.			

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	<p>9. The Project Owner shall ensure that the data collected from the field work shall be used in the determination of which, if any, of the historic-period sites are associated with the DTC/C-AMA use of the region.</p> <p>10. The Project Owner shall ensure that the specialist analyzes all recovered data and writes or supervises the writing of a comprehensive final report. This report shall be included in the CRR (CUL-4).</p>				
	MM CUL-13. [deleted in Final SEIS/EIR]	N/A	N/A	N/A	N/A
	MM CUL-14. [deleted in Final SEIS/EIR]	N/A	N/A	N/A	N/A
	<p>MM CUL-15. Desert Training Camp/California-Arizona Maneuver Area (DTC). In order to address cumulative impacts to the DTC, the Project Owner must retain cultural resources specialists, including a historian (preferably a military historian), who are qualified to receive a California BLM Cultural Resources Use Permit and associated Fieldwork Authorization to prepare a desktop inventory, map, ArcGIS file geodatabase using existing aerial photography, digital surface models, and orthoimagery of WWII-era features at the 36th Evacuation Hospital near Desert Center, CA, not far from the Project area. The maps will be displayed on California Department of Parks and Recreation (DPR) 523K forms and include overview maps, facility boundaries, and all major cultural features (i.e., roads, trails, tent camps, etc.). A digital copy of all maps and the geodatabase will be submitted to the BLM. The geodatabase will comply with all GIS data standards established by BLM and will include historical maps, metadata and digitized features, and requirements of the National Register of Historic Places nomination process. The Project Owner must ensure that the details of this effort are provided to the BLM AO for BLM review and approval in advance of the implementation of CUL-15.</p>	BLM shall verify that CRSs are qualified to receive a California BLM Cultural Resources Use Permit and BLM Fieldwork Authorization prior to Palen Pass Historic District Recording.	BLM	Prior to ground disturbance and construction	Riverside County
	<p>MM CUL-16. Coordination with Interested Tribes. Prior to grading permit issuance for construction or decommissioning: if there are any changes to project site design and/or proposed grades, the Applicant shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the County, Applicant and consulting tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project.</p>	Riverside County shall verify that interested Tribes are contacted by the Applicant.	Riverside County	Prior to grading permit issuance for construction or decommissioning	Riverside County
	<p>MM CUL-17. Avoidance, Preservation and Relocation. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources and tribal cultural resources located on the project site if the site design and/or proposed grades should be revised in consultation with the County. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort, in full compliance with federal laws and regulations, to relocate resource to a nearby open space or designated location on the property that is not subject to future development, erosion or flooding. Those resources originating from BLM-administered land and considered archaeological resources under ARPA and/or items under NAGPRA will be treated in accordance with these laws and their implementing regulations. The BLM archaeologist for the</p>	Riverside County shall verify that the Applicant makes all attempts to avoid and/or preserve in place as many as possible of the cultural resources and tribal cultural	Riverside County	During ground disturbance and construction	Riverside County

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	Project will make these determinations for resources originating from BLM-administered land before any effort is made to relocate them.	resources located on the project site.			
	<p>MM CUL-18. Archaeological and Native American Tribal Monitoring. At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Since monitoring would potentially take place on BLM-administered lands, the Project Archaeologist will be required to hold a BLM cultural resource use permit.</p> <p>1. The Project Archaeologist, in consultation with consulting tribes, the Developer and the County, shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the Plan shall include:</p> <ol style="list-style-type: none"> a. Project grading and development scheduling; b. The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site; including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists; c. The protocols and stipulations that the Developer, County, Tribes, and Project archaeologist will follow in the event of inadvertent cultural resources and tribal cultural resources discoveries, including any newly discovered deposits that shall be subject to a resource evaluation; and d. Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts. <p>MM CUL-19. Monitoring Program for Decommissioning. Prior to Decommissioning Activities, the applicant/developer shall provide evidence to the County of Riverside Planning Department that a County certified professional archaeologist (Project Archaeologist) has been contracted to implement a Cultural Resource/Tribal Cultural Resource Monitoring Program. A Cultural Resource Monitoring Plan shall be developed that addresses the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. A fully executed copy of the contract and a wet-signed copy of the Monitoring Plan shall be provided to the County Archaeologist to ensure compliance with this condition of approval.</p> <p>Working directly under the Project Archaeologist, an adequate number of qualified Archaeological Monitors shall be present to ensure that all decommissioning activities are observed and shall be on-site during all decommissioning activities. The frequency and location of inspections will be determined by the Project Archaeologist.</p>	<p>Riverside County shall verify that a Secretary of Interior Standards qualified archaeological monitor is retained.</p> <p>Riverside County shall verify that a Secretary of Interior Standards qualified archaeological monitor is retained.</p>	Riverside County	At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities	Riverside County
				Prior to decommissioning activities	Riverside County

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>MM CUL-20. Native American Tribal Monitoring during Decommissioning. Prior to Decommissioning Activities, the developer/permit applicant shall enter into an agreement(s) with the consulting tribe(s) for Native American monitoring, if necessary, on a simultaneous or rotating schedule based on the scope of work. The Native American Monitor shall be on-site during all decommissioning activities. In conjunction with the Archaeological Monitor, the Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p> <p>The developer/permit applicant shall submit a fully executed copy of the agreement to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Archaeologist shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.</p>	Riverside County shall verify that the developer/permit applicant shall enter into an agreement(s) with the consulting tribe(s) for Native American monitoring.	Riverside County	Prior to decommissioning activities	Riverside County
	<p>MM CUL-21. Survey of Cultural Resources within the Palen Dry Lake ACEC. In order to address cumulative impacts to significant prehistoric cultural resources within the project's indirect APE, the Project Owner must retain cultural resources specialists who are qualified to receive a BLM California Cultural Resources Use Permit and Fieldwork Authorization. CA-RIV-1515 must be revisited and its site record updated to current standards using DRP 523 forms. The Project Owner's cultural resource specialists will conduct a field survey of the known boundaries of site CA-RIV-1515 (100 meters beyond the known current site boundaries) as well as a 5% sample inventory of the site area within these boundaries. The Project Owner's cultural resource specialists shall update boundaries for CA-RIV-1515. Results of the work must be reported in DPR 523 forms and other documents that conform to BLM California Cultural Resource Use Permit stipulations regarding reporting. The Project Owner must provide the details of this effort to the BLM AO for BLM review and approval in advance of the implementation of CUL-21.</p>	BLM shall verify that the CRSS are qualified to receive a California BLM Cultural Resources Use Permit and BLM Fieldwork Authorization.	BLM	Prior to ground disturbance and construction	BLM
	<p>MM CUL-22. Implement Protective Measures at Sensitive Areas. In order to reduce cumulative effects on sensitive areas within the Project's area of indirect effects, the project owner shall provide direct funding to non-profit groups approved by the BLM to implement one or more management actions, as prioritized by BLM, in an amount not to exceed a total of \$35 per acre of project disturbance. The actions that can be implemented may include the following:</p> <p>To preserve preconstruction experience of the project site for future generations, obtain and provide copyright-free videographic and photographic images of the project site before issuance of a Notice to Proceed, including long range, mid range, close range, and aerial views of the site depicting its relationship to the Chuckwalla Valley. The project owner shall establish a website where the general public can obtain copies of the images.</p> <ul style="list-style-type: none"> ■ In the area of the Palen Dry Lake Dune Site (CA-RIV-1515): <ul style="list-style-type: none"> - Develop baseline assessment of specific natural and man-made threats to cultural resources in the site area (i.e., erosion, looting and vandalism, grazing, OHV). - Provide on-going monitoring for cultural resources based on the threat assessment. - Identify, develop or incorporate standard protection measures and best management practices to address threats. 	BLM shall verify that direct funding to non-profit groups approved by the BLM is provided.	BLM	Prior to ground disturbance and construction	BLM

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Impact CR-2: The Project could cause a substantial adverse change in the significance of a (unique) archaeological resource pursuant to §15064.5	<ul style="list-style-type: none"> - Where specific threats are identified, implement protection measures consistent with agency Section 106 responsibilities. - Where appropriate and with consideration of site protection and confidentiality, develop and provide interpretation to the public about cultural resources, including signs, interpretive panels, web-based information. - Establish monitoring patrols. ▪ In the vicinity of the Alligator Rock, the North Chuckwalla Petroglyph District (CA-RIV-01383) and North Chuckwalla Prehistoric Quarry District (CA-RIV-01814): <ul style="list-style-type: none"> - Monitor to limit OHV use to designated routes per the local Travel Management Plan and limit recreation uses to interpretation of cultural values. ▪ In the area of the Corn Springs Petroglyph Site (CA-RIV-032): <ul style="list-style-type: none"> - Install low barrier and interpretative panel in front of petroglyphs adjacent to road. - Increase monitoring and informational signage. - Prepare a plan to address any potential vandalism acts through current literature, and cooperation and communications with other federal agencies, and specialized consultants, dealing with the use of aerosol spray paint removal products and methods. - Provide physical barriers to closed routes stemming from Corn Springs Road to deter OHV travel on non-designated routes, and along desert pavement areas where prehistoric trails are present. - Develop baseline assessment of specific natural and man-made threats to cultural resources in the region (e.g., erosion, looting and vandalism, grazing, OHV). - Provide on-going monitoring for cultural resources based on the threat assessment. - Identify, develop or incorporate standard protection measures and best management practices to address threats. - Maintain current regularly scheduled site monitoring as administered through the California Archaeological Site Stewardship Program (CASSP) by the MOU with the Society for California Archaeology and the BLM. - Where appropriate, develop and provide interpretation to the public about cultural resources, including signs, interpretive panels, web-based information. - Install rock barriers. 	See MM CUL-1 through MM CUL-22 above.	See MM CUL-1 through MM CUL-22 above.	See MM CUL-1 through MM CUL-22 above.	See MM CUL-1 through MM CUL-22 above.
	MM CUL-1 through MM CUL-22. See Impact CR-1 above.				

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Impact CR-3: The Project could disturb any human remains, including those interred outside of dedicated cemeteries.	MM CUL-1. See Impact CR-1 above.	See MM CUL-1 above.	See MM CUL-1 above.	See MM CUL-1 above.	See MM CUL-1 above.
	MM CUL-2. See Impact CR-1 above.	See MM CUL-2 above.	See MM CUL-2 above.	See MM CUL-2 above.	See MM CUL-2 above.
	MM CUL-3. See Impact CR-1 above.	See MM CUL-3 above.	See MM CUL-3 above.	See MM CUL-3 above.	See MM CUL-3 above.
	MM CUL-4. See Impact CR-1 above.	See MM CUL-4 above.	See MM CUL-4 above.	See MM CUL-4 above.	See MM CUL-4 above.
	MM CUL-5. See Impact CR-1 above.	See MM CUL-5 above.	See MM CUL-5 above.	See MM CUL-5 above.	See MM CUL-5 above.
	MM CUL-6. See Impact CR-1 above.	See MM CUL-6 above.	See MM CUL-6 above.	See MM CUL-6 above.	See MM CUL-6 above.
	MM CUL-7. See Impact CR-1 above.	See MM CUL-7 above.	See MM CUL-7 above.	See MM CUL-7 above.	See MM CUL-7 above.
	MM CUL-8. See Impact CR-1 above.	See MM CUL-8 above.	See MM CUL-8 above.	See MM CUL-8 above.	See MM CUL-8 above.
	MM CUL-9. See Impact CR-1 above.	See MM CUL-9 above.	See MM CUL-9 above.	See MM CUL-9 above.	See MM CUL-9 above.
	MM CUL-10. See Impact CR-1 above.	See MM CUL-10 above.	See MM CUL-10 above.	See MM CUL-10 above.	See MM CUL-10 above.
	MM CUL-11. See Impact CR-1 above.	See MM CUL-11 above.	See MM CUL-11 above.	See MM CUL-11 above.	See MM CUL-11 above.
	MM CUL-12. See Impact CR-1 above.	See MM CUL-12 above.	See MM CUL-12 above.	See MM CUL-12 above.	See MM CUL-12 above.
	MM CUL-13. See Impact CR-1 above.	See MM CUL-13 above.	See MM CUL-13 above.	See MM CUL-13 above.	See MM CUL-13 above.
	MM CUL-14. See Impact CR-1 above.	See MM CUL-14 above.	See MM CUL-14 above.	See MM CUL-14 above.	See MM CUL-14 above.
	MM CUL-15. See Impact CR-1 above.	See MM CUL-15 above.	See MM CUL-15 above.	See MM CUL-15 above.	See MM CUL-15 above.
	MM CUL-16. See Impact CR-1 above.	See MM CUL-16 above.	See MM CUL-16 above.	See MM CUL-16 above.	See MM CUL-16 above.

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	MM CUL-17. See Impact CR-1 above.	See MM CUL-17 above.	See MM CUL-17 above.	See MM CUL-17 above.	See MM CUL-17 above.
	MM CUL-18. See Impact CR-1 above.	See MM CUL-18 above.	See MM CUL-18 above.	See MM CUL-18 above.	See MM CUL-18 above.
	MM CUL-19. See Impact CR-1 above.	See MM CUL-19 above.	See MM CUL-19 above.	See MM CUL-19 above.	See MM CUL-19 above.
	MM CUL-20. See Impact CR-1 above.	See MM CUL-20 above.	See MM CUL-20 above.	See MM CUL-20 above.	See MM CUL-20 above.
Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource identified through consultation with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project (Public Resources Code Section 21084.2).	MM CUL-1 through MM CUL-20. See Impact CR-2 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.
Impact TCR-2: The Project could cause a substantial adverse change in the significance of a tribal cultural resource listed in, or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, and it is demolished or materially	MM CUL-1 through MM CUL-20. See Impact CR-2 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.	See MM CUL-1 through MM CUL-20 above.

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Impact CR-4: The Project would contribute to cumulative effects.	MM CUL-15. See Impact CR-1 above.	See CUL-15 above.	See CUL-15 above.	See CUL-15 above.	See CUL-15 above.
	MM CUL-21. See Impact CR-1 above.	See CUL-21 above.	See CUL-21 above.	See CUL-21 above.	See CUL-21 above.
	MM CUL-22. See Impact CR-1 above.	See CUL-22 above.	See CUL-22 above.	See CUL-22 above.	See CUL-22 above.

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Noise	<p>APM-6. For activities that may impact Focus or BLM Special Status Species, implement the following measures for noise:</p> <ul style="list-style-type: none"> ▪ To the extent feasible, and determined necessary by BLM to protect Focus and BLM sensitive wildlife species, locate stationary noise sources that exceed background ambient noise levels away from known or likely locations of and BLM sensitive wildlife species and their suitable habitat. ▪ Implement engineering controls on stationary equipment, buildings, and work areas including sound-insulation and noise enclosures to reduce the average noise level, if the activity will contribute to noise levels above existing background ambient levels. ▪ Use noise controls on standard construction equipment including mufflers to reduce noise 	The project owner and BLM shall verify that measures are taken to reduce noise impacts on Focus or BLM Special Species.	Project Owner and BLM	During construction	Project Owner and BLM
Impact NOI-1: The Project could result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during construction.	<p>MM NOISE 3. Employee Noise Control Program. The Project Owner shall submit to the BLM AO for review and approval a noise control program. The noise control program shall be used to reduce employee exposure to high (above permissible) noise levels during construction in accordance to the applicable Occupational Safety and Health Administration (OSHA) and Cal-OSHA standards.</p> <p>MM NOISE-4. Noise Restrictions. The project design and implementation must include appropriate noise mitigation measures adequate to ensure that the operation of the Project will not cause the noise levels due to plant operation alone, during the daytime hours of 7 a.m. to 10 p.m. to exceed an average of 42 dBA Leq measured at or near monitoring location LT1.</p> <p>No new pure-tone components by the power inverters or transformers associated with the Project. No single piece of equipment to stand out as a source of noise that draws legitimate complaints. If the final design of the Project includes any inverter or transformer within 180 feet of LT1, or if the Project Substation is within 1,535 feet of LT1, then the following adaptive management measures are required:</p> <p>A. When the Project first achieves a sustained output of 85% or greater of rated capacity, the Project Owner must conduct a 25-hour community noise survey at monitoring location LT1, or at a closer location acceptable to the BLM AO.</p> <p>The measurement of power plant noise for the purposes of demonstrating compliance with this mitigation measure to be at a location acceptable to the BLM AO, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence.</p> <p>B. If the results from the noise survey indicate that the power plant noise at the affected receptor site exceeds the above value during the above time period, mitigation measures must be implemented to reduce noise to a level of compliance with this limit.</p>	BLM APO shall verify that a noise control program is submitted and approved.	BLM	Prior to grading and construction	BLM
	<p>MM NOISE-6. Construction Restrictions. Heavy equipment operation and noisy construction work relating to any project features within one-quarter of a mile of an inhabited dwelling must be restricted to the times delineated below, unless the County of Riverside has issued a special permit:</p> <ul style="list-style-type: none"> ▪ June through September: 6 a.m. to 6 p.m. 	BLM shall verify that appropriate noise mitigation measures are adequate.	BLM	During operation	BLM
		Riverside County Planning Department and BLM shall verify	Riverside County Planning	During construction	Riverside County Planning Department

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>October through May: 7 a.m. to 6 p.m. Haul trucks and other engine-powered equipment must be equipped with adequate mufflers. Haul trucks must be operated in accordance with posted speed limits. Limit exhaust brake use to emergencies.</p>	that construction restrictions are followed.	Department and BLM		
Impact NOI-3: The Project could cause substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project.	MM NOISE-4. See Impact NOI-1 above.	See MM NOISE-4 above.	See MM NOISE-4 above.	See MM NOISE-4 above.	See MM NOISE-4 above.
Impact NOI-4: The Project could cause substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Project.	MM NOISE-1. Public Notification Process. At least 15 days prior to the start of ground disturbance, the Project Owner shall notify all residents within one mile of the project site and the linear facilities, by mail or by other effective means, of the commencement of project construction. At the same time, the Project Owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the Project. The Project Owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. Posting this telephone number at the project site during construction where it is visible to passersby. Maintaining this telephone number until the Project has been operational for at least one year.	BLM shall verify that all residents are notified and a telephone number is established.	BLM	Prior to ground disturbance	BLM
	MM NOISE-2. Noise Complaint Process. Throughout the construction and operation of the Project, the Project Owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The Project Owner or authorized agent shall: <ol style="list-style-type: none"> use the Noise Complaint Resolution Form (below), or a functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint; attempt to contact the person(s) making the noise complaint within 24 hours; conduct an investigation to determine the source of noise in the complaint; if the noise is project related, take all feasible measures to reduce the source of the noise; and submit a report documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction. 	The project owner and BLM shall verify that all project-related noise complaints are documented.	BLM	During construction and operation	BLM
	MM NOISE-4. See Impact NOI-1 above.	See MM NOISE-4 above.	See MM NOISE-4 above.	See MM NOISE-4 above.	See MM NOISE-4 above.

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	MM NOISE-6. See Impact NOI-1 above.	See MM NOISE-6 above.	See MM NOISE-6 above.	See MM NOISE-6 above.	See MM NOISE-6 above.
Paleontological Resources					
Paleontological Resources	APM-25. If not previously available, prepare paleontological sensitivity maps consistent with the Potential Fossil Yield Classification for activities prior to NEPA analysis.	The project owner and BLM shall verify that paleontological sensitivity maps are prepared.	Project Owner and BLM	Prior to NEPA analysis	Project Owner and BLM
Paleontological Resources	APM-26. Incorporate all guidance provided by the Paleontological Resources Protection Act and final DOI PRPA rules.	The project owner and BLM shall verify that all guidance is incorporated.	Project Owner and BLM	Prior to, during, and after construction	Project Owner and BLM
Paleontological Resources	APM-27. Ensure proper data recovery of significant paleontological resources where adverse impacts cannot be avoided or otherwise mitigated.	The project owner shall ensure proper data recovery.	Project Owner	Prior to, during, and after construction	Project Owner
Paleontological Resources	APM-28. Paleontological surveys in PFYC 3, 4, 5, and Unknown areas, and construction monitors in potential PFYC 4 and 5 areas, are required for ground disturbing activities that require an EIS.	The project owner and BLM shall verify completion of paleontological surveys and the presence of construction monitors.	Project Owner and BLM	Prior to and during ground disturbance	Project Owner and BLM
Impact P-1: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<p>MM PAL-1. Paleontological Resources Specialist (PRS). (Previously PSPP MM PAL-1) Prior to the issuance of a Notice to Proceed (NTP) by the BLM, the Project Owner shall retain a qualified paleontologist approved by the BLM to serve as Project Paleontologist. This individual shall retain a BLM paleontological resource use permit for the project and a paleontological permit from the County of Riverside. To do so, this individual shall have the following qualifications as stipulated in BLM Manual 8270-1 Chapter IV:</p> <p>2. Professional instruction in a field of paleontology relevant to the work proposed (vertebrate, invertebrate, trace, paleobotany, etc.), obtained through:</p>	The Riverside County Planning Department and BLM shall verify that paleontological permits are retained.	Riverside County Planning Department and BLM	Prior to the issuance of NTP	Riverside County Planning Department and BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>a. Formal education resulting in a graduate degree from an accredited institution in paleontology, or in geology, biology, botany, zoology or anthropology if the major emphasis is in paleontology; OR</p> <p>b. Equivalent paleontological training and experience including at least 24 months under the guidance of a professional paleontologist who meets qualification above that provided increased responsibility leading to professional duties similar to those in qualification above; and</p> <p>3. Demonstrated experience in collecting, analyzing, and reporting paleontological data, similar to the type and scope of work proposed in the application;</p> <p>4. Demonstrated experience in planning, equipping, staffing, organizing, and supervising crews performing the work proposed in the application;</p> <p>5. Demonstrated experience in carrying paleontological projects to completion as evidenced by timely completion and/or publication of theses, research reports, scientific papers and similar documents.</p>				
	<p>The Project Owner shall provide the BLM AO with the resume and qualifications of its paleontological resource specialist (PRS) for review and approval. The PRS resume shall include the names and phone numbers of references. The resume shall also demonstrate to the satisfaction of the BLM AO the appropriate education and experience to accomplish the required paleontological resource tasks. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the Project Owner shall obtain BLM AO approval of the replacement PRS.</p>				
	<p>As described in BLM IM 2009-011, the Project Paleontologist will serve as the Principal Investigator (PI) under the BLM permit and is responsible for all actions under the permit, for meeting all permit terms and conditions, and for the performance of all other personnel. This person is also the contact person for the project proponent and the BLM.</p>				
	<p>Additional Paleontological Staff – The Project Paleontologist may obtain the services of Paleontological Field Agents, Field Monitors, and Field Assistants, if needed, to assist in mitigation, monitoring, and curation activities. These individuals must meet the qualifications as stipulated in BLM Handbook 8270 Chapter IV and BLM IM 2009-011, and their resumes must be reviewed and approved by BLM as part of the BLM paleontological resource use permit process.</p>				
	<p>MM PAL-2. Materials for PRS and BLM Project Manager. (Previously PSCP MM PAL-2) The Project Owner shall provide to the PRS and the BLM AO for approval, maps and drawings showing the footprint of the power plant, construction lay-down areas, and all related facilities. Maps shall identify all areas of the Project where pending ground disturbance is located. If the PRS requests enlargements or strip maps for linear facility routes, the Project Owner shall provide copies to the PRS and BLM AO. The site grading plan, and plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch = 40 feet and 1 inch = 100 feet. If the footprint of the Project or its linear facilities changes, the Project Owner shall provide maps and drawings, reflecting those changes to the PRS and BLM AO.</p>	<p>PRS and BLM PM shall verify materials are submitted and approved.</p>	<p>BLM</p>	<p>Prior to ground disturbance</p>	<p>BLM</p>

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>If construction of the Project proceeds in phases, submit maps and drawings prior to the start of each phase. Provide a letter identifying the proposed schedule of each project phase to the PRS and BLM AO. Before work commences on affected phases, the Project Owner shall notify the PRS and BLM AO of any construction phase scheduling changes.</p> <p>At a minimum, the Project Owner shall ensure that the PRS or PRM consults weekly with the project superintendent or construction field manager to confirm area(s) for work and until ground disturbance work is finish.</p>				
	<p>MM PAL-3. Paleontological Resources Monitoring and Mitigation Plan (PRMMP). (Previously PSPP MM PAL-3) Prior to the issuance of an NTP by BLM, the PRS shall submit a Paleontological Resources Mitigation and Monitoring Plan (PRMMP) for the Project to the BLM for review and approval. The appropriate Paleontology Lead or Regional Paleontologist shall review the plan for sufficiency prior to acceptance. Approval of the PRMMP by the BLM AO shall occur prior to any ground disturbance.</p> <p>The PRMMP shall be prepared and implemented under the direction of the Project Paleontologist and shall address and incorporate MM PAL-1 through MM PAL-8. The PRMMP shall be prepared at the sole expense of the Project Owner, and meet all current BLM and Riverside County regulatory requirements, including BLM 8270 manual and handbook, BLM IM No. 2009-011 Assessment and Mitigation of Potential Impacts to Paleontological Resources, and BLM IM No. 2016-124 Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Lands. The PRMMP shall also comply with the Paleontological Resources Protection Act and final DOI PRPA rules.</p> <p>The PRMMP shall function as the formal guide for survey, monitoring, collecting, and sampling activities. The Project Owner may modify the PRMMP only with BLM AO approval. The PRMMP will serve as the basis of discussion when on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the Project Owner's on-site manager, and the BLM AO.</p> <p>A monitoring plan indicates the avoidance or treatments recommended for the area of the proposed disturbance and must minimally address the following:</p> <ol style="list-style-type: none"> 1. The design of a PFYC assessment and pedestrian paleontological survey (MM PAL-5) for any as-of-yet unsurveyed Project areas with PFYC 3, 4, 5, or unknown classification, the results of which will be used to map impact areas affecting geologic units with moderate to high sensitivity that will require monitoring or spot-checking during construction; 2. A coordination strategy to ensure that a qualified paleontologist (MM PAL-1) will conduct paleontological survey and monitoring at the appropriate locations at the appropriate intensity; data potential; 3. Use the significance criteria to determine which resources will be avoided or recovered for their data potential; 4. Procedures for the discovery, recovery, preparation, and analysis of paleontological resources encountered during construction, in accordance with standards for recovery established by the SVP and the BLM; 	BLM shall verify submittal and approval of PRMMP.	BLM	Prior to issuance of NTP	BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>5. Provisions for verification that the project proponent has an agreement with a recognized museum repository, for the disposition of recovered fossils and that the fossils shall be prepared prior to submittal to the repository as required by the repository (e.g., prepared, analyzed at a laboratory, curated, or cataloged);</p> <p>6. Specifications that all paleontological work undertaken by the project proponent on public land shall be carried out by qualified paleontologists with appropriate current permits (MM PAL-1), including but not limited to a Pale-ontological Resources Use Permit (for work on public lands administered by BLM) and a Riverside County permit (for work on lands administered by the County of Riverside);</p> <p>7. Description of monitoring reports that will be prepared which shall include daily logs, monthly reports, and a final monitoring report with an itemized list of specimens found to be submitted to the BLM, the Riverside County Planning Department, the project proponent and the designated repository within 90 days of the completion of monitoring;</p> <p>8. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground-disturbance and post-ground-disturbance analysis phases of the project shall be specified; and</p> <p>9. Identify person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team.</p> <p>10. All impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts.</p>				
	<p>MM PAL-4. Approved Weekly Training Pertaining to Ground Disturbance. (Previously PSPP MM PAL-4) Prior to ground disturbance and for the duration of construction activities involving ground disturbance, the Project Owner and the PRS shall prepare and conduct weekly BLM AO approved training for the following workers: project managers, construction supervisors, foreman, and general workers involved with or who operate ground-disturbing equipment or tools. Workers shall not excavate in sensitive units prior to receiving BLM AO-approved worker training. Worker training shall consist of an initial in-person PRS training or may utilize a BLM AO-approved video or other presentation format during the project kickoff for those mentioned above. Following initial training, a BLM AO approved video or other approved training presentation/materials, or in-person training used for new employees. Combine the training program with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. No ground disturbance shall occur prior to BLM AO-approval of the Worker Environmental Awareness Program (WEAP), unless specifically approved by the BLM AO. The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources.</p> <p>The training shall include:</p>	<p>BLM shall verify a BLM approved worker training program is prepared and conducted weekly.</p>	BLM	Prior to and during construction	BLM

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	<ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Good quality photographs or physical examples of vertebrate fossils for project sites containing units of high paleontologic sensitivity; 3. Information that the PRS or PRM has the authority to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource; 4. Instruction that employees are to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM; 5. An informational brochure that identifies reporting procedures in the event of a discovery; 6. A WEAP certification of completion form signed by each worker indicating that he/she has received the training; and 7. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 	BLM shall verify completion of PPS.	BLM	Prior to issuance of NTP	BLM
	<p>MM PAL-5. Pedestrian Paleontological Survey. Prior to the issuance of a Notice to Proceed by the BLM, the Project Owner shall ensure completion of a pedestrian paleontological survey (PPS), as described in the PRMMP prepared by the PRS and approved by the BLM AO (MM PAL-3) for any as-of-yet unsurveyed Project areas with PFYC 3, 4, 5, or unknown classifications. The PPS shall be completed at the sole expense of the Project Owner, and meet all current BLM and Riverside County regulatory requirements, including BLM 8270 manual and handbook, BLM IM No. 2009-011 Assessment and Mitigation of Potential Impacts to Paleontological Resources, and BLM IM No. 2016-124 Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Lands. The PPS shall also comply with the Paleontological Resources Protection Act and final DOI PRPA rules. The PRS shall oversee and implement the BLM-approved PPS, which shall include a PFYC assessment and survey for any as-of-yet unsurveyed Project areas with PFYC 3, 4, 5, or unknown classifications. Use the results of the PPS to map impact areas affecting geologic units with moderate to high sensitivity that will require monitoring or spot-checking during construction. Results of the PPS shall be included in the PRR (MM PAL-8).</p>				
	<p>MM PAL-6. Paleontological Monitoring Activities. The Project Owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP in all construction-related grading, excavation, trenching, and auguring in areas where potential fossil-bearing materials are present, both at the site and along any constructed linear facilities associated with the Project. In the event that the PRS determines full-time monitoring is not necessary in certain locations as potentially fossil bearing in the PRMMP, the Project Owner shall notify and seek the concurrence of the BLM AO. If paleontological resources are encountered, the Project Owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction. The Project Owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Conduct monitoring activities as follows:</p> <ol style="list-style-type: none"> 1. Any change to the monitoring from the accepted schedule in the PRMMP in a letter or email from the PRS and the Project Owner to the BLM AO prior to the change in monitoring and will be included in the monthly compliance report. The letter or email shall include the justification for the change in monitoring and be submitted to the BLM AO for review and approval. 	BLM shall verify that the PRS and PRM(s) monitor consistent with the PRMMP.	BLM	During grading and construction	BLM

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	<p>2. The Project Owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the BLM AO at any time.</p> <p>3. The Project Owner shall ensure that the PRS notifies the BLM AO within 24 hours of the occurrence of any incidents of non-compliance. The PRS shall recommend corrective action to resolve the issues.</p> <p>4. For any significant paleontological resources encountered, either the Project Owner or the PRS shall notify the BLM AO within 24 hours, or Monday morning in the case of a weekend event because of a paleontological find. The Project Owner shall ensure that the PRS prepares a summary of monitoring and other paleontological activities placed in the monthly compliance reports. The summary will include the name(s) of PRS or PRM(s) active during the month; general descriptions of training and monitored construction activities; and general locations of excavations, grading, and other activities. A section of the report shall include the geologic units or subunits encountered descriptions of samplings within each unit, and a list of identified fossils. A final section of the report will address any issues or concerns about the Project relating to paleontological monitoring, including any incidents of non-compliance or any changes to the monitoring plan that have been approved by the BLM AO. If no monitoring took place during the month, the report shall include an explanation in the summary as to why.</p>				
	<p>MM PAL-7. Implementation of PRMMP. (Previously PSPP MM PAL-6) The Project Owner, through the designated PRS, shall ensure completion of all components of the PRMMP. This will include completion of the PPS, collection of fossil materials, preparation of fossil materials for analysis, analysis of fossils, identification and inventory of fossils, the preparation of fossils for curation, and the delivery for curation of all significant paleontological resource materials encountered and collected during PPS and project construction.</p>	BLM shall verify that all components of the PRMMP are adequately performed.	BLM	During PPS and construction	BLM
	<p>MM PAL-8. Paleontological Resources Report (PRR). (Previously PSPP MM PAL-7) The Project Owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of pedestrian survey and ground-disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and submit it to the BLM AO for review and approval. The report shall include, but is not limited to determinations of sensitivity and significance; a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; and a statement by the PRS that mitigation for Project impacts to paleontological resources are below the level of significance. At a minimum, the final report must include the following details as specified by BLM IM 2009-011:</p> <ol style="list-style-type: none"> 1. Name, affiliation, address, date of report, and permit number (if consultant) of the paleontologist doing the survey. 2. Project name and number (if used), name of proponent, and general location of project. 3. Date(s) of the survey and names of any personnel assisting with the survey. 4. Brief description of project and expected impacts to paleontological resources. 	BLM shall verify that a PPR is prepared.	BLM	Following completion of PPS and ground disturbance	BLM

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	<p>5. A summary of mitigation performed.</p> <p>6. A summary of findings, including important discoveries.</p> <p>7. A description of potentially fossiliferous areas to allow for future assessment of sites, even if no fossils were located during the project monitoring.</p> <p>8. A completed BLM locality form 8270 3 or equivalent for each new locality using Universal Transverse Mercator (UTM) NAD 83 coordinates, and 1:24000 scale maps with new localities plotted using points or polygons as appropriate. Locality forms, maps, and any other information containing specific fossil locations should be bound separately or assembled as a separate section to allow for preservation of confidential locality data.</p> <p>9. List of specimen field numbers and field identifications of collected material, cross-referenced to the locality field number.</p>				
Public Health and Safety	<p>APM-29. In addition to the applicable required governmental safeguards, implement up-to-date standard industry construction practices to prevent toxic substances from leaching into the soil.</p>	The project owner and BLM shall verify that up-to-date standard industry construction practices are used.	Project Owner and BLM	During construction	Project Owner and BLM
Public Health and Safety	<p>APM-30. Prepare an emergency response plan, approved by the BLM contaminant remediation specialist, that ensures rapid response in the event of spills of toxic substances over soils.</p>	The project owner and BLM shall verify that an emergency response plan is prepared.	Project Owner and BLM	Prior to construction	Project Owner and BLM
Public Health and Safety	<p>APM-43. Implement the following standard practice for fire prevention/protection:</p> <ul style="list-style-type: none"> ▪ Implement site-specific fire prevention/protection actions particular to the construction and operation of the Project that include procedures for reducing fires while minimizing the necessary amount of vegetation clearing, fuel modification, and other construction-related activities. At a minimum these actions will include designating site fire coordinators, providing adequate fire suppression equipment (including in vehicles), and establishing emergency response information relevant to the construction site. 	The project owner shall verify that the standard practice for fire prevention / protection is implemented.	Project Owner	During construction and operation	Project Owner
Public Health and Safety	<p>MM HAZ-4. Use Licensed Herbicide Applicator. During the construction and operational phases of the project, the contractor or personnel applying herbicides shall have all the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use, including the BLM's 2007 Vegetation Treatments Using Herbicide Programmatic Final</p>	BLM shall verify that a licensed herbicide	BLM	During construction and operation	BLM

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	<p>Environmental Impact Statement. Herbicides shall be mixed and applied in conformance with the product manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets (MSDSs) for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water-bodies, herbicides shall not be applied directly to wildlife, products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed, and herbicides shall not be applied within 50 feet of any surface waterbody when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. Prior to any herbicide application, the herbicide applicator shall contact the Environmental Monitor to show where work will be done and to receive information/training about potentially sensitive biological resources that may be within the area to be sprayed and methods to apply to minimize those impacts. A Worker's Training Manual shall be prepared and include a provision on herbicide application. Once facility operation commences, this Manual shall be given to any herbicide applicator to be reviewed prior to spraying.</p>	<p>applicator is used.</p>			
Public Health and Safety	<p>MM WASTE-1. Training and Reporting Plan. The Project Owner shall prepare an Unexploded Ordnance (UXO) Identification, Training and Reporting Plan to train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The Project Owner shall submit the plan to the BLM AO for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. A description of the training program outline and materials, and the qualifications of the trainers; and 2. Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and 3. Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas. 	<p>BLM AO shall verify that a UXO Identification, Training and Reporting Plan is submitted and approved.</p>	BLM	Prior to construction	BLM
Public Health and Safety	<p>MM WASTE-4. Construction Waste Management Plan. The Project Owner shall submit a Construction Waste Management Plan to the BLM AO and Riverside County for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a description of all construction waste streams, including projections of frequency, amounts generated and hazard classifications; 2. a survey of structures to be demolished that identifies the types of waste to be managed; 3. a reuse/recycling plan for construction and demolition materials that meets or exceeds the 50 percent waste diversion goal established by the Integrated Waste Management Compliance Act; and, 4. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods, and 	<p>BLM AO and Riverside County shall verify that a Construction Waste Management Plan is submitted and approved.</p>	Riverside County and BLM	Prior to construction	Riverside County and BLM

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	companies providing treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.				
Public Health and Safety	MM WASTE-9. Accidental Spill Remediation. The Project Owner ensures that all accidental spills or unauthorized releases of hazardous substances, hazardous materials, and hazardous waste are documented and remediated. Manage and dispose of wastes generated from accidental spills and unauthorized releases in accordance with applicable federal, state, and local laws, ordinances, and regulations and requirements. For the purpose of this measure, "release" shall have the definition in Title 40 of the Code of Federal Regulations, Part 302.3.	BLM shall verify that accidental spills are adequately remediated.	BLM	During construction	BLM
Public Health and Safety	MM WORKER SAFETY-3. Construction Safety Supervisor. The Project Owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards; is capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall: <ol style="list-style-type: none"> 1. have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs; 2. assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects; 3. assure that all construction and commissioning workers and supervisors receive adequate safety training; 4. complete accident and safety-related incident investigations and emergency response reports for injuries and inform the BLM safety-related incidents; and 5. assure that all the safety plans identified in are implemented. 	BLM shall verify that a site CSS is present.	BLM	During construction	BLM
Public Health and Safety	MM WORKER SAFETY-7. Fire Protection/Response Infrastructure. The Project Owner shall reach an agreement with the Riverside County Fire Department and BLM regarding funding of its project related share of capital costs to build fire protection/response infrastructure and services. To address project impacts, the agreement between the Project Owner and the Agencies shall address the following: <ol style="list-style-type: none"> A. Project related share of capital and operating costs to improve fire protection/emergency response infrastructure and provide appropriate equipment and training as mitigation of Project-related impacts on fire protection/emergency response services within the jurisdiction in an amount to be negotiated between the parties; B. At least 90 days prior to the start of construction, the Project Owner shall submit for review a copy of the Project Construction Safety Plan, Fire Protection Plan, Fire Protection Plan, Transportation Plan and a Hazardous Materials Business/Emergency Plan. C. Future construction and expansion of the Project will be subject to review by the BLM and other agencies, as required by law. If required, evaluation secondary emergency vehicle access. 	Riverside County Fire Department and BLM shall verify that an agreement was reached with the project owner regarding fire protection and response infrastructure.	Riverside County Fire Department and BLM	Prior to construction	Riverside County Fire Department and BLM

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	<p>D. Given the distance setbacks to the proposed buildings on the project site as currently designed and in lieu of providing secondary access to the project, the Project Owner shall provide a Federal Aviation Administration (FAA) approved helipad onsite or adjacent to the proposed development. The helipad will allow for emergency evacuation of injured SPP occupants and firefighters in the event the primary access point to the Project is inaccessible.</p>				
Public Health and Safety	MM AQ-SC-3. See Impact AQ-2 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.
Public Health and Safety	MM AQ-SC-4. See Impact AQ-2 above.	See MM AQ-SC-4 above.	See MM AQ-SC-4 above.	See MM AQ-SC-4 above.	See MM AQ-SC-4 above.
Impact HAZ-1: The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	<p>MM HAZ-1. Hazardous Material Requirements. The Project Owner shall provide the BLM with a list of the hazardous materials they are planning to use prior to the start of construction and will not use any hazardous material not listed unless approved in advance by the BLM AO. Use of Approved Hazardous Materials places a limitation on the use and storage of hazardous materials and their strength and volume.</p> <p>MM HAZ-2. Hazardous Materials Management Plan (HMMP). The Project Owner must concurrently provide: 1. A Hazardous Materials Management Plan (HMMP). The Project Owner must prepare the plan for approval by the BLM with review and comment by the County of Riverside; 2. A Spill Prevention, Control, and Countermeasure Plan (SPCC). Prior to construction permit issuance, the Project Owner must submit to BLM for review and approval; 3. An Environmental Health and Safety Plan must be prepared. The Project Owner must develop an Environmental Health and Safety Plan for the construction and operation of the project to ensure it includes all activities and complies with all local, state and federal regulatory requirements. Develop an illness and Injury Prevention Program for construction and operation. The Project Owner must prepare the plan for review and approval by the BLM and the Riverside County Environmental Health Department. The Project Owner will be responsible for implementing the approved plan. After receiving comments from the BLM, the project owner must reflect all recommendations in the final documents.</p> <p>MM HAZ-3. Safety Management Plan. The Project Owner shall develop and implement a Safety Management Plan for the delivery and handling of liquid and gaseous hazardous materials. The plan shall include procedures, protective equipment requirements, training and a checklist. It shall also include a section describing all measures to prevent mixing of incompatible hazardous materials. This plan shall be applicable during construction, commissioning, and operation of the power plant.</p>	<p>BLM shall verify that a list of hazardous materials is submitted and approved.</p> <p>The Riverside County Environmental Health Department and BLM AO shall verify that the hazardous materials and safety plans are submitted and approved.</p> <p>The Riverside County Environmental Health Department and BLM</p>	<p>Prior to construction</p> <p>Prior to construction</p>	<p>BLM</p> <p>The Riverside County Environmental Health Department and BLM</p>	
		BLM shall verify that a Safety Management Plan is developed and implemented.	BLM	Prior to construction	BLM

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	<p>MM WASTE-2. Resume of Professional Engineer or Geologist. Provide a resume for a Professional Engineer or Professional Geologist to the BLM AO for review and approval. The résumé shall show experience in remedial investigation and feasibility studies. This Professional Engineer or Professional Geologist shall be available during site characterization (if needed), excavation, grading, and demolition activities. The Professional Engineer or Professional Geologist will ensure oversight for any earth-moving activities that have the potential to disturb contaminated soil and impact public health, safety, and the environment.</p>	BLM AO shall verify that a the resume of a Professional Engineer or Professional Geologist is submitted and approved.	BLM	Prior to construction	BLM
	<p>MM WASTE-3. Inspection and Reporting of Potentially Contaminated Soil. Should potentially contaminated soil be identified during site characterization, excavation, grading, or demolition at either the proposed site or linear facilities — as evidenced by discoloration, odor, detection by handheld instruments, or other signs — the Professional Engineer or Professional Geologist shall inspect the site; determine the need for sampling to confirm the nature and extent of contamination; and provide a written report to the Project Owner, representatives of Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and the BLM AO stating the recommended course of action.</p> <p>Depending on the nature and extent of contamination, the Professional Engineer or Professional Geologist shall have the authority to suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the Professional Engineer or Professional Geologist significant remediation may be required, the Project Owner shall contact the CPM, AO and representatives of the DTSC or RWQCB for guidance and possible oversight.</p>	BLM AO shall verify that potentially contaminated soil is inspected and reported.	BLM	During ground disturbance	BLM
	<p>MM WASTE-7. Operation Waste Management Plan The Project Owner shall submit the Operation Waste Management Plan to the BLM AO for review and approval. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a detailed description of all operation and maintenance waste streams, including projections of amounts to be generated, frequency of generation, and waste hazard classifications; 2. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to ensure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans; 3. information and summary records of contacts with the local Certified Unified Program Agency and the Department of Toxic Substances Control regarding any waste management requirements necessary for project activities. Copies of all required waste management permits, notices, and/or authorizations shall be included in the plan and updated as necessary; 4. a detailed description of how facility wastes will be managed and any contingency plans to be employed, in the event of an unplanned closure or planned temporary facility closure; and 	BLM AO shall verify that an Operation Waste Management Plan is submitted and approved.	BLM	Prior to operation	BLM

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	5. a detailed description of how facility wastes will be managed and disposed upon closure of the facility.				
Impact HAZ-2: The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	MM HAZ-1 through MM HAZ-3, MM WASTE-2, MM WASTE-3, and MM WASTE-7. See Impact HAZ-2 above.	See MM HAZ-1 through MM HAZ-3, MM WASTE-2, MM WASTE-3, and MM WASTE-7 above.	See MM HAZ-1 through MM HAZ-3, MM WASTE-2, MM WASTE-3, and MM WASTE-7 above.	See MM HAZ-1 through MM HAZ-3, MM WASTE-2, MM WASTE-3, and MM WASTE-7 above.	See MM HAZ-1 through MM HAZ-3, MM WASTE-2, MM WASTE-3, and MM WASTE-7 above.
Impact HAZ-4: The Project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	MM GEO-1. Soils Engineering Report. Performance of a subsurface investigation and preparation of a report for the site summarizing the results of the geotechnical investigation and presenting geotechnical recommendations regarding the proposed constructions. The report will include a discussion of the surface and subsurface conditions and groundwater conditions. Include geologic and earthquake-engineering assessment, identification of geologic hazards associated with the site such as faulting, liquefaction potential and dynamic settlement. The geotechnical report will also include recommendations for site preparation and earthwork, shrinkage-bulking factors, expansive potential of the on-site soils, parameters for the design and construction of proposed foundations, temporary excavations, seismic design parameters, soil corrosion potential, site drainage and other geotechnical parameters relevant to the proposed construction.	BLM shall verify that a Soils Engineering Report is provided.	BLM	Prior to construction	BLM
	MM WASTE-2. See Impact HAZ-1 above.	See MM WASTE-2 above.	See MM WASTE-2 above.	See MM WASTE-2 above.	See MM WASTE-2 above.
	MM WASTE-3. See Impact HAZ-1 above.	See MM WASTE-3 above.	See MM WASTE-3 above.	See MM WASTE-3 above.	See MM WASTE-3 above.
	MM WASTE-7. See Impact HAZ-1 above.	See MM WASTE-7 above.	See MM WASTE-7 above.	See MM WASTE-7 above.	See MM WASTE-7 above.
Impact GS-1: The Project could expose people or structures to potential substantial adverse effects, including the risk of	MM GEO-1. See Impact HAZ-4 above.	See MM GEO-1 above.	See MM GEO-1 above.	See MM GEO-1 above.	See MM GEO-1 above.

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loss, injury or death involving rupture of a known earthquake fault.					
Impact GS-2: The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic shaking.	MM GEO-1. See Impact HAZ-4 above.	See MM GEO-1 above.	See MM GEO-1 above.	See MM GEO-1 above.	See MM GEO-1 above.
Recreation					
Recreation	APM-44. Avoid Tier 1, Tier 2, Tier 3 roads/primitive roads/trails, Backcountry Byways, and other significant linear features. If avoidance is not practicable, relocate access to the same or higher standard and maintain the recreation setting characteristics and access to recreation activities, facilities, and destination.	The project owner shall verify that the specified roads are avoided.	Project Owner	During construction and operation	Project Owner
Recreation	APM-45. If residual impacts to Tier 1 and Tier 2 roads/primitive roads/trails, Backcountry Byways, or other significant linear features cannot be protected and maintained, commensurate compensation in the form of an enhanced recreation operations, recreation facilities or opportunities will be required.	The project owner shall verify that commensurate compensation is provided.	Project Owner	During construction and operation	Project Owner
Recreation	APM-46. For the designated vehicle routes directly impacted by activities (includes modification of existing route to accommodate industrial equipment, restricted access or full closure of designated route, pull outs, and staging areas to the public, etc.), mitigation will include the development of alternative routes to allow for continued vehicular access with proper signage, with a similar recreation experience. In addition, mitigation will also include the construction of an "OHV touring route" which circumvents the activity area and allows for interpretive signing materials to be placed at strategic locations along the new touring route, if determined to be appropriate by BLM.	The project owner shall verify that the proper mitigation actions are taken.	Project Owner	During construction and operation	Project Owner
Impact REC-1: The Project could increase the use of existing neighborhood and regional parks or other recreation facilities	MM RC-1. Prevent Blockage of Open Route DC952. The intent of this measure is to allow continuous recreational access to DC952 during project construction and operation. The Applicant shall revise the design of the project fence line so it does not cross DC952, and leaves at least 10 feet of undisturbed space between the edge of the road and the project fence. During construction, materials or vehicles, allowing access from the Corn Springs Road exit from I-10, shall not permanently block the road.	BLM shall verify that open route DC952 is not blocked.	BLM	During construction	BLM

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such that substantial physical deterioration of the facilities would occur or be accelerated.	MM RC-2. Provide Interpretive and Informational Signs. To compensate for Palen Solar Project blockage of existing open roads, the Applicant must not constrain access for OHV use on route DC502. The Project Owner must coordinate with BLM staff to provide funding for interpretive panels explaining the solar project and its benefits, and providing signs showing all open routes within a ten-mile radius of the Project. Open routes must be marked with carsonite route marker posts that are within sight of each other.	BLM shall verify that access to DC502 is maintained and interpretive and informational signs are provided.	BLM	Prior to grading and construction	BLM
Social and Economic Impacts					
The Project may contribute to a potentially significant cumulative impact on emergency services.	MM WORKER SAFETY-7. See Impact HAZ-4 above.	See MM WORKER SAFETY-7 above.	See MM WORKER SAFETY-7 above.	See MM WORKER SAFETY-7 above.	See MM WORKER SAFETY-7 above.
Soil Resources					
Soil Resources	APM-49. All facility components that alter site hydrology will be designed to maintain continued aeolian sediment sorting and transport to downwind deposition zones, with designs subject to approval by BLM.	The project owner and BLM shall verify that continued aeolian sediment sorting and transport are maintained.	Project Owner and BLM	During construction and operation	Project Owner and BLM
Impact S-1: The Project could result in substantial soil erosion or the loss of topsoil.	MM AQ-SC-3. See Impact AQ-2 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.	See MM AQ-SC-3 above.
	MM WR-1. Drainage Erosion and Sediment Control Plan (DESCP). At least 60 days prior to site mobilization, the Project Owner must submit to the BLM and the County of Riverside a Drainage Erosion and Sedimentation Control Plan (DESCP) for managing stormwater during project construction and operations as normally administered by the County of Riverside. No ground disturbance may occur on the project site until the BLM and the County have approved the DESC. The DESC must ensure proper protection of water quality and soil resources, demonstrate no flow diversions or increase in off-site flooding potential including by the proposed security fence, include provisions for sediment and stormwater retention to meet any Riverside County requirements, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. The plan must also cover all linear project features such as offsite transmission mains. The DESC must contain, at minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMP) to be implemented during site mobilization, excavation, construction, and post construction (operating) activities.	Riverside County and BLM shall verify that a DESC is submitted and approved.	Riverside County and BLM	At least 60 days prior to site mobilization	Riverside County and BLM

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>A. Vicinity Map. Provide a map(s), at a minimum scale 1 inch to 500 feet, indicating the location of all project elements (construction sites, laydown area, pipelines) with depictions of all significant geographic features including swales, storm drains, and sensitive areas.</p> <p>B. Site Delineation. Delineate all areas subject to soil disturbance for the Proposed Action (project phases, laydown area, all linear facilities, landscaping areas, and any other project elements) showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.</p> <p>C. Watercourses and Critical Areas. The DESC must show the location of all nearby water-courses including swales, storm drains, and drainage ditches. It must indicate the proximity of those features to the Proposed Action construction, laydown, and landscape areas and all transmission and pipeline construction corridors.</p> <p>D. Drainage Map. The DESC must provide a topographic site map(s), at a minimum scale of 1 inch to 200 feet, showing existing, interim, and proposed drainage swales and drainage systems and drainage-area boundaries. The map must show spot elevations where relatively flat conditions exist. The map must show spot elevations and contours extended off site for a minimum distance of 100 feet.</p> <p>E. Drainage of Project Site Narrative. The DESC must include a narrative of the drainage measures necessary to protect the site and potentially affected soil and water resources within the drainage downstream of the site. The narrative must include the summary pages from the hydraulic analysis prepared by a professional engineer and erosion control specialist. The narrative must state the watershed size(s) in acres that was used in the calculation of drainage features.</p> <p>F. Clearing and Grading Plans. The DESC must provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan must provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The DESC must show the locations of any disposal areas, fills, or other special features. It will illustrate existing and proposed topography by tying in proposed contours with existing topography.</p> <p>G. Clearing and Grading Narrative. The DESC must include a table with the estimated quantities of material excavated or filled for the site and all project elements (project site, laydown area, transmission and pipeline corridors, roadways, and bridges) whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported.</p> <p>H. Erosion Control. The plan must address exposed soil treatments to be used during construction and operation of the Proposed Action for both road and non-road surfaces including specifically identifying all chemical based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed project site that would not cause adverse effects to vegetation. BMP's must include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use.</p> <p>I. Best Management Practices Plan. The DESC must identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, project element excavation and construction, and final grading/stabilization). BMP's must</p>				

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport.				
	<p>J. Best Management Practices Narrative. The DESCP must show the location (as identified in (I) above), timing, and maintenance schedule of all erosion- and sediment-control BMPs that the Project Owner must use prior to initial grading, during all project element (site, pipelines) excavations and construction, final grading/stabilization, and operation. Provide separate BMP implementation schedules for each project element for each phase of construction. The maintenance schedule must include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.</p> <p>K. Project Schedule. The DESCP must identify on the topographic site map the location of the site-specific BMPs to be employed during each phase of construction (initial grading, project element construction, and final grading/stabilization). It must provide separate BMP implementation schedules for each project element for each phase of construction.</p> <p>L. Erosion Control Drawings. A professional engineer or erosion control specialist must design, stamp, and seal the erosion-control drawings and narrative.</p> <p>M. Agency Comments. The DESCP must include copies of recommendations, conditions, and provisions from the County of Riverside, California Department of Fish and Wildlife (CDFW), and Colorado River Basin Regional Water Quality Control Board (CRBRWQCB).</p> <p>N. Monitoring Plan. Monitoring activities must include routine measurement of the volume of accumulated sediment in the onsite drainage ditches, and stormwater diversions.</p> <p>O. Adaptive Management Plan. Include an adaptive management plan to monitor system performance and make adjustments to the design if the system is determined to be inadequate.</p>				
	Transportation and Public Access				
Transportation and Public Access	APM 44. See Recreation above.	See APM-44 above.	See APM-44 above.	See APM-44 above.	See APM-44 above.
Transportation and Public Access	APM 45. See Recreation above.	See APM-45 above.	See APM-45 above.	See APM-45 above.	See APM-45 above.
Transportation and Public Access	APM 48. See Recreation above.	See APM-48 above.	See APM-48 above.	See APM-48 above.	See APM-48 above.
Impact TRA-1: The Project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the	<p>MM TRA-1. Construction Traffic Control Plan. (Previously PSPP MM TRANS-4) Prior to the start of construction, the Project Owner must prepare and submit a Construction Traffic Control Plan for review and/or approval to Caltrans, the BLM, and the County of Riverside for I-10, Corn Springs Road, and any other public roadway affected by construction of the necessary transmission tie-in. The Construction Traffic Control Plan must include, but not be limited to:</p> <ul style="list-style-type: none"> ▪ Methods to reduce project-generated trips during peak travel hours. ▪ Methods to ensure site ingress/egress has minimum disruption to local roadways and motorists. 	Caltrans, Riverside County, and BLM shall verify that a Construction Traffic Control Plan is submitted and approved.	Caltrans, Riverside County, and BLM	Prior to construction	Caltrans, Riverside County, and BLM

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>APMs / Mitigation Measures</p> <ul style="list-style-type: none"> ■ A work schedule and end-of-shift departure plan designed to ensure that stacking does not occur at intersections necessary to enter and exit the project sites. The Project Owner shall consider using one or more of the following measures designed to prevent stacking: staggered work shifts, off-peak work schedules, and/or restricting travel to and departures from each project site to ten or fewer vehicles every three minutes during peak travel hours on I-10. ■ Provisions for an incentive program, such as employer-sponsored commuter checks, to encourage construction workers to carpool and/or use van or bus service. ■ The locations and durations of any temporary lane closures or disruptions. ■ The locations and use of flaggers, warning signs, lights, barricades, delineators, cones, arrow boards, etc., according to standard guidelines outlined in the Manual on Uniform Traffic Control Devices, the Standard Specifications for Public Works Construction, and/or the California Joint Utility Traffic Control Manual. ■ Defining methods to obtain and adhere to encroachment or oversize vehicle permits (as needed) throughout construction to minimize impacts to circulation. ■ Methods and agreements to ensure repair of damage to local roadways because of project activities to pre-project or better conditions in coordination with Caltrans and/or Riverside County. Pre-project roadway conditions must be documented by video prior to use of the local roadways. Repair and restoration of access roads may be required at any time during the construction phase of the Project to assure public safety. 	Riverside County and BLM shall verify that a Construction Traffic Control Plan is submitted and approved.	Riverside County and BLM	During the public review process of SEIS/SEIR or prior to project approval	Riverside County and BLM
Impact TRA-3: The Project could result in a change in air traffic patterns, including either an increase in traffic levels or change in location that results in substantial safety risks.	<p>MM TRA-3. FAA and Military Notification. During the public review process of this EIS/SEIR, or at a minimum prior to project approval, the lead agencies and Applicant shall notify the FAA and military facility nearest the site of the Project, providing a detailed project description. Any recommendations provided by the FAA and/or military to reduce potential impacts to air navigation should be incorporated into the Project to the maximum extent feasible.</p>	See MM TRA-1 above.	See MM TRA-1 above.	See MM TRA-1 above.	See MM TRA-1 above.
Impact TRA-4: The Project could substantially increase roadway hazards due to a design feature or incompatible uses.	<p>MM TRA-1. See Impact TRA-1 above.</p> <p>MM TRA-2. Panel Glare Reduction. (Previously PSPP MM TRANS-6) To respond to concerns about potentially hazardous glare from the Project that may affect roadway or aviation safety, the Project Owner shall establish a toll-free number for the public to report complaints related to glare from solar panels, and shall post such number in prominent locations. If the Project Owner receives a complaint regarding glare from panels, it shall investigate to determine whether the complaint is legitimate and if the Project is the source of the glare. If it is determined that the Project is the source of glare and it is causing human health or safety hazards, the Project Owner shall take all feasible measures to reduce the glare. Such measures may include localized screening.</p>	Riverside County and BLM AO shall verify that panel glare reductions are made and that the lead agencies are notified of glare complaints.	Riverside County and BLM	During construction	Riverside County and BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>The Project Owner shall notify the BLM AO and Riverside County within 3 days of receiving a glare complaint. As soon as the complaint has been resolved, the Project Owner shall submit documentation to the BLM AO and Riverside County a report in which the complaint as well as the actions taken to resolve the complaint. The report shall include (a) a complaint summary, including the name and address of the complainant; and (b) a discussion of the steps taken to investigate the complaint, the reasons supporting a determination of whether or not the complaint is legitimate, and the steps taken to address the complaint and the results of these efforts. In the monthly compliance report, the Project Owner shall describe any complaints it received that month that it determined not to be legitimate and shall explain the basis of its determination.</p>				
<p>Impact TRA-5: The Project could result in inadequate emergency access.</p>	<p>MM TRA-1. See Impact TRA-1 above.</p>	<p>See MM TRA-1 above.</p>	<p>See MM TRA-1 above.</p>	<p>See MM TRA-1 above.</p>	<p>See MM TRA-1 above.</p>
<p>Vegetation Resources</p>					
<p>Vegetation Resources</p>	<p>APM-1. Designated biologist(s) will conduct, and oversee where appropriate, activity-specific required biological monitoring during pre-construction, construction, and decommissioning to ensure that avoidance and minimization measures are appropriately implemented and are effective. The appropriate required monitoring will be determined during the environmental analysis and BLM approval process. The designated biologist(s) will submit monitoring reports directly to BLM.</p>	<p>The project owner and BLM shall verify that the designated biologist(s) submits monitoring reports.</p>	<p>Project Owner and BLM</p>	<p>During construction</p>	<p>Project Owner and BLM</p>
<p>Vegetation Resources</p>	<p>APM-2. All activities, as determined appropriate on an activity-by-activity basis, will implement a worker education program that meets the approval of the BLM. The program will be carried out during all phases of the Project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning or project abandonment, and restoration/reclamation activities). The worker education program will provide interpretation for non-English speaking workers, and provide the same instruction for new workers prior to their working on site. As appropriate based on the activity, the program will contain information about:</p> <ul style="list-style-type: none"> ■ Site-specific biological and nonbiological resources. ■ Information on the legal protection for protected resources and penalties for violation of federal and state laws and administrative sanctions for failure to comply with project-specific requirements intended to protect site-specific biological and nonbiological resources. ■ The required project-specific measures for avoiding and minimizing effects during all project phases, including but not limited to resource setbacks, trash, speed limits, etc. ■ Reporting requirements and measures to follow if protected resources are encountered, including potential work stoppage and requirements for notification of the designated biologist. 	<p>The project owner and BLM shall verify that a worker education program is submitted and approved.</p>	<p>Project Owner and BLM</p>	<p>During all phases of the Project</p>	<p>Project Owner and BLM</p>

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Vegetation Resources	<ul style="list-style-type: none"> ■ Measures that personnel can take to promote the conservation of biological and nonbiological resources. 				
	<p>APM 3. All activities that are required to close and decommission the site (e.g., renewable energy activities) will specify and implement project-specific closure and decommissioning actions that meet the approval of BLM, and that at a minimum address the following:</p> <ul style="list-style-type: none"> ■ Specifying and implementing the methods, timing (e.g., criteria for triggering closure and decommissioning actions), and criteria for success (including quantifiable and measurable criteria). ■ Recontouring of areas that were substantially altered from their original contour or gradient and installing erosion control measures in disturbed areas where potential for erosion exists. ■ Restoring vegetation as well as soil profiles and functions that will support and maintain native plant communities, associated carbon sequestration and nutrient cycling processes, and native wildlife species. ■ Vegetation restoration actions will identify and use native vegetation composition, native seed composition, and the diversity to values commensurate with the natural ecological setting and climate projections. 	The project owner and BLM shall verify that project-specific closure and decommissioning actions that meet the approval of BLM.	Project Owner and BLM	During closure and decommissioning	Project Owner and BLM
Vegetation Resources	<p>APM 4. Consistent with BLM state and national policies and guidance, integrated weed management actions, will be carried out during all phases of activities, as appropriate, and at a minimum will include the following:</p> <ul style="list-style-type: none"> ■ Thoroughly clean the tires and undercarriage of vehicles entering or reentering the project site to remove potential weeds. ■ Store project vehicles on site in designated areas to minimize the need for multiple washings whenever vehicles re-enter the project site. ■ Properly maintain vehicle wash and inspection stations to minimize the introduction of invasive weeds or subsidy of invasive weeds. ■ Closely monitor the types of materials brought onto the site to avoid the introduction of invasive weeds and non-native species. ■ Reestablish native vegetation quickly on disturbed sites. ■ Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions to avoid the spread of invasive weeds and non-native species on site and to adjacent off-site areas. ■ Use certified weed-free mulch, straw, hay bales, or equivalent fabricated materials for installing sediment barriers. 	The project owner and BLM shall verify that integrated weed management actions are carried out.	Project Owner and BLM	During all phases of the Project	Project Owner and BLM
	<p>APM 5. Implement the following measures for controlling nuisance animals and invasive species:</p> <ul style="list-style-type: none"> ■ No fumigant, treated bait, or other means of poisoning nuisance animals including rodenticides will be used in areas where Focus and BLM Special Status Species are known or suspected to occur. ■ Manage the use of widely spread herbicides and do not apply herbicides effective against dicotyledonous plants within 1,000 feet from the edge of a 100-year floodplain, stream and wash channels, and riparian vegetation or to soils less than 25 feet from the edge of drains. Exceptions 	The project owner shall verify that measures for controlling nuisance animals and invasive	Project Owner	During construction and operation	Project Owner

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Vegetation Resources	<p>will be made when targeting the base and roots of invasive riparian species such as tamarisk and Arundo donax (giant reed). Manage herbicides consistent with the most current national and California BLM policies.</p> <ul style="list-style-type: none"> ▪ Minimize herbicide, pesticide, and insecticide treatment in areas that have a high risk for groundwater contamination. ▪ Clean and dispose of pesticide containers and equipment following professional standards. Avoid use of pesticides and cleaning containers and equipment in or near surface or subsurface water. ▪ When near surface or subsurface water, restrict pesticide use to those products labeled safe for use in/near water and safe for aquatic species of animals and plants. 	species are implemented.			
	<p>APM 7. Implement the following general standard practices to protect Focus and BLM Special Status Species:</p> <ul style="list-style-type: none"> ▪ Feeding of wildlife, leaving of food or trash as an attractive nuisance to wildlife, collection of native plants, or harassing of wildlife on a site is prohibited. ▪ Any wildlife encountered during the course of an activity, including construction, operation, and decommissioning will be allowed to leave the area unharmed. ▪ Domestic pets are prohibited on sites. This prohibition does not apply to the use of domestic animals (e.g., dogs) that may be used to aid in official and approved monitoring procedures/protocols, or service animals (dogs) under Title II and Title III of the American with Disabilities Act. ▪ All construction materials will be visually checked for the presence of wildlife prior to their movement or use. Any wildlife encountered during the course of these inspections will be allowed to leave the construction area unharmed. ▪ All steep-walled trenches or excavations used during the Project will be covered, except when being actively used, to prevent entrapment of wildlife. If trenches cannot be covered, they will be constructed with escape ramps, following up-to-date design standards to facilitate and allow wildlife to exit, or wildlife exclusion fencing will be installed around the trench(s) or excavation(s). Open trenches or other excavations will be inspected by a designated biologist immediately before backfilling, excavation, or other earthwork. ▪ Minimize natural vegetation removal through implementation of crush and drive or cut or mow vegetation rather than removing entirely. 	The project owner shall verify that general standard practices to protect Focus and BLM Special Status Species are implemented.	Project Owner	During construction and operation	Project Owner
Vegetation Resources	<p>APM 8. Use state-of-the-art, as approved by BLM, construction and installation techniques, appropriate for the specific activity/project and site, that minimize new site disturbance, soil erosion and deposition, soil compaction, disturbance to topography, and removal of vegetation.</p>	The project owner and BLM shall verify that state-of-the-art construction and installation techniques are used.	Project Owner and BLM	During construction	Project Owner and BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
Vegetation Resources	<p>APM 24. Promote desert vegetation types/communities by avoiding them where possible, then use required compensatory mitigation, off-site mitigation, and other means to ensure Native American vegetation collection areas and practices are maintained.</p>	The project owner shall verify that desert vegetation types/communities are voided where possible.	Project Owner	During construction	Project Owner
Vegetation Resources	<p>APM 29. In addition to the applicable required governmental safeguards, implement up-to-date standard industry construction practices to prevent toxic substances from leaching into the soil.</p>	The project owner and BLM shall verify that an up-to-date standard industry construction practices are used.	Project Owner and BLM	During construction	Project Owner and BLM
Vegetation Resources	<p>APM 30. Prepare an emergency response plan, approved by the BLM contaminant remediation specialist, that ensures rapid response in the event of spills of toxic substances over soils.</p>	The project owner and BLM shall verify that an emergency response plan is submitted and approved.	Project Owner and BLM	Prior to construction	Project Owner and BLM
Vegetation Resources	<p>APM 37. Water-conservation measures shall be applied. These measures may include the use of specific technology, management practices, or both. Application of these measures shall be detailed in the Groundwater Water Monitoring and Mitigation Plan, which shall include a detailed discussion and analysis of the effectiveness of the specified water-conservation measures.</p>	The project owner shall verify that water conservation measures are applied.	Project Owner	During construction	Project Owner
Vegetation Resources	<p>APM 41. Environmental analysis for activities involving groundwater extraction that are in the vicinity of Joshua Tree National Park shall analyze and address any potential impacts of groundwater extraction on Joshua Tree National Park. The National Park Service shall be consulted on this process. The analysis or analyses shall include:</p> <ul style="list-style-type: none"> ▪ Potential impacts on the water balances of groundwater basins within these parks; ▪ A map identifying all potentially impacted surface water resources in the vicinity of the Project, including a narrative discussion of the delineation methods used to discern those surface waters in the field; ▪ Any project-related modifications to surface water resources, both temporary and permanent; ▪ Analysis of any potential impacts on perennial streams, intermittent streams, and ephemeral drainages that could negatively impact natural riparian buffers; 	The project owner and NPS shall verify that potential impacts of groundwater extraction on Joshua Tree National Park are analyzed and addressed.	Project Owner	Prior to grading and construction	Project Owner and NPS

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<ul style="list-style-type: none"> ▪ Impacts of any project proposed truncation, realignment, channelization, lining, or filling of surface water resources that could change drainage patterns, reduce available riparian habitat, decrease water storage capacity, or increase water flow velocity or sediment deposition, in particular where stormwater diverted around or through the project site is returned to natural drainage systems downslope of the Project; ▪ Any potential indirect project-related causes of hydrologic changes that could exacerbate flooding, erosion, scouring, or sedimentation in stream channels; and ▪ Alternatives and measures proposed to reduce or eliminate such impacts. 				
Vegetation Resources	<p>APM 43. Implement the following standard practice for fire prevention/protection:</p> <ul style="list-style-type: none"> ▪ Implement site-specific fire prevention/protection actions particular to the construction and operation of the Project that include procedures for reducing fires while minimizing the necessary amount of vegetation clearing, fuel modification, and other construction-related activities. At a minimum these actions will include designating site fire coordinators, providing adequate fire suppression equipment (including in vehicles), and establishing emergency response information relevant to the construction site. 	The project owner shall verify that standard practice for fire prevention/protection is implemented.	Project Owner	During construction and operation	Project Owner
Vegetation Resources	APM 49. See Soil Resources above.	See APM 49 above.	See APM 49 above.	See APM 49 above.	See APM 49 above.
Vegetation Resources	APM 50. In assessing potential compensatory mitigation lands, the applicant would (APM 51) utilize a filtering criterion to determine in GIS where potential creosote rings may exist, with the goal of providing lands that have an equal or greater likelihood of creosote ring occurrence than the Project site. Use of this data would inform acquisition choices for mitigation lands.	The project owner shall verify that a GIS filtering criterion is used to identify the location of creosote rings.	Project Owner	Prior to construction	Project Owner
Vegetation Resources	APM 51. All activities will follow applicable BLM state and national regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants.	The project owner and BLM shall verify that all activities follow policies for salvage and transplant of succulents and CLM Sensitive plants.	Project Owner and BLM	During grading and construction	Project Owner and BLM

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<p>Impact VEG-1: The Project could have a substantial adverse direct or indirect effect on any candidate, sensitive, or special-status species identified by local, state, or federal agencies.</p>	<p>MM VEG-1. Designated (Authorized) Biologist Selection and Qualifications. The Project Owner must assign at least one Designated Biologist to the Project. The Project Owner must submit the resume of the proposed Designated Biologist(s), with at least three references and contact information, to the BLM's Authorized Officer (BLM AO) for approval in consultation with CDFW and USFWS. The Designated Biologist must meet the following minimum qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field; 2. Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; 3. At least one year of field experience with biological resources found in or near the project area; 4. Meet the current USFWS Authorized Biologist qualifications criteria (https://www.fws.gov/carlsbad/PalmSprings/DesertTortoise.html), demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS; and 5. Possess a California ESA Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise. <p>In lieu of the above requirements, the resume can demonstrate to the satisfaction of the BLM AO, in consultation with CDFW and USFWS, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the mitigation measures.</p>	<p>BLM AO shall verify that at least one Designated Biologist is assigned to the Project.</p>	<p>BLM</p>	<p>Prior to construction</p>	<p>BLM</p>
	<p>MM VEG-2. Designated Biologist Duties. The Project Owner must ensure that the Designated Biologist performs the activities described below during any site mobilization activities, construction-related ground disturbance, grading, boring, or trenching activities. Selected Biological Monitor(s) can assist the Designated Biologist, who remains the contact for the Project Owner and BLM AO. The Designated Biologist Duties must include the following:</p> <ol style="list-style-type: none"> 1. Advise the Project Owner's Construction and Operation Managers on the implementation of the vegetation and wildlife resources mitigation measures and APMs; 2. Consult on the preparation of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP, see Mitigation Measure VEG-7) to be submitted by the Project Owner; 3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special status species or their habitat; 4. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions; 5. Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way; 6. Notify the Project Owner and BLM AO of any non-compliance with any biological resources condition of certification; 7. Respond directly to inquiries of BLM AO regarding biological resource issues; 	<p>BLM AO shall verify that the Designated Biologist performs their identified duties with respect to the Project.</p>	<p>BLM</p>	<p>During construction</p>	<p>BLM</p>

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	<p>8. Maintain written records of the tasks specified above and those included in the BRMIMP. Submit summaries of these records in the Monthly Compliance Report and the Annual Compliance Report (see Mitigation Measure VEG-7);</p> <p>9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and USFWS guidelines on desert tortoise surveys and handling procedures including that only authorized biologists are authorized to handle desert tortoise (https://www.fws.gov/catsbad/PalmSprings/DesertTortoise.html) and</p> <p>10. Maintain the ability to be in regular, direct communication with representatives of CDFW, USFWS, and BLM AQ, including notifying these agencies of dead or injured listed species and reporting special-status species observations to the California Natural Diversity Data Base.</p>				
	<p>MM VEG-3. Biological Monitor Selection and Qualifications. The Designated Biologist must submit the resume, at least three references, and contact information of the proposed Biological Monitors to BLM AQ. The resume must demonstrate, to the satisfaction of the BLM AQ, the appropriate education and experience to accomplish the assigned biological resource tasks. Biological Monitor(s) training by the Designated Biologist must include familiarity with the vegetation and wildlife resources mitigation measures or APMs, BRMIMP, WEAP, and USFWS guidelines on desert tortoise surveys (https://www.fws.gov/catsbad/PalmSprings/DesertTortoise.html).</p>	BLM AO shall verify that the Designated Biologist has the appropriate education and experience.	BLM	Prior to construction	BLM
	<p>MM VEG-4. Biological Monitor Duties. The Biological Monitors must assist the Designated Biologist in conducting surveys and in monitoring of site mobilization activities, construction-related ground disturbance, fencing, grading, boring, trenching, or reporting. The Designated Biologist must remain the contact for the Project Owner and the BLM AQ.</p>	BLM AO shall verify that Biological Monitors assist the Designated Biologist in conducting surveys and in monitoring construction activities.	BLM	During construction	BLM
	<p>MM VEG-5. Designated Biologist and Biological Monitor Authority. The Project Owner's construction/operation manager must act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources mitigation measures. The Designated Biologist will have the authority to immediately stop any activity that is not in compliance with vegetation and wildlife mitigation measures or APMs and/or order any reasonable measure to avoid take of an individual of a listed species. If required by the Designated Biologist and Biological Monitor(s), the Project Owner's construction/operation manager must halt all site mobilization, ground disturbance, grading, boring, trenching, and operation activities in areas specified by the Designated Biologist. The Designated Biologist must:</p> <ol style="list-style-type: none"> 1. Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued; 	BLM AO shall verify that the construction/operation manager acts on the advice of the Designated Biologist and Biological Monitor(s).	BLM	During construction and operation	BLM

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	<p>2. Inform the project owner and the construction/operation manager when to resume activities; and</p> <p>3. Notify the BLM AO if there is a halt of any activities and advise them of any corrective actions that have been taken or would be instituted as a result of the work stoppage.</p> <p>If the Designated Biologist is unavailable for direct consultation, the Biological Monitor must act on behalf of the Designated Biologist in notifying the BLM AO of non-compliance. Designated Biologist and Biological Monitors will not be held liable for any costs associated with work stoppage orders.</p>				
	<p>MM VEG-6. Worker Environmental Awareness Program (WEAP). The Project Owner must develop and implement a project-specific Worker Environmental Awareness Program (WEAP) and secure approval for the WEAP from the BLM AO. The Project Owner must administer the WEAP to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The Project Owner must implement the WEAP during site preconstruction, construction, operation, and closure. The WEAP must:</p> <ol style="list-style-type: none"> 1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants; 2. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants regarding no harm to snakes, reptiles, or other wildlife. 3. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures; 4. Include a discussion of fire prevention measures workers will implement during project activities; direct workers to dispose of cigarettes and cigars appropriately and not leave them on the ground or buried; 5. Describe the implementation of temporary and permanent habitat protection measures at the project site; 6. Review project guidelines regarding non-compliance issues and the consequences for non-compliance. 7. Identify whom to contact if there are further comments and questions about the material discussed in the program; and 8. Include a training acknowledgment form each worker must sign indicating that they received training and shall abide by the guidelines. <p>The specific program can be administered by the Designated Biologist or a competent individual(s) acceptable to the Designated Biologist.</p>	BLM AO shall verify that a WEAP is submitted and approved.	BLM	Prior to construction	BLM

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	<p>MM VEG-7. Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP). The Project Owner must develop a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and submit it to the BLM AO for review and approval. The Project Owner must implement the measures identified in the approved BRMIMP. The BRMIMP must incorporate avoidance and minimization measures described in final versions of the Desert Tortoise Relocation Translocation Plan, the Raven Management Plan, the Decommissioning and Reclamation Plan, Revegetation Plan, the Burrowing Owl Mitigation and Monitoring Plan, and the Integrated Weed Management Plan.</p> <p>The BRMIMP must be prepared in consultation with the Designated Biologist and must include accurate and up-to-date maps depicting the location of sensitive biological resources that require temporary or permanent protection during construction and operation. The BRMIMP must include complete and detailed descriptions of the following:</p> <ol style="list-style-type: none"> 1. All biological resources mitigation, monitoring, and compliance measures proposed and agreed to by the Project Owner; 2. All biological resources mitigation measures identified as necessary to avoid or mitigate impacts; 3. All biological resource mitigation, monitoring, and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion; 4. Avoidance or mitigation of all sensitive biological resources by project construction, operation, and closure; 5. All required mitigation measures for each sensitive biological resource; 6. All measures required to avoid or mitigate temporary disturbances from construction activities; 7. Duration for each type of monitoring and a description of monitoring methodologies and frequency; 8. Clear and concise project procedures for non-compliance issues. 9. Performance standards used to help decide if/when proposed mitigation is or is not successful; 10. Implementation of all performance standards and remedial measures if performance standards are not met; 11. Biological resources-related facility closure measures including a description of funding mechanism(s); 12. A process for proposing plan modifications to BLM AO and appropriate agencies for review and approval; and 13. A requirement to submit any sightings of any special status species observed on or in proximity to the project site, or during project surveys, to the California Natural Diversity Data Base (CNDDB) per CDFW and BLM requirements; and 14. Specify content and format for monthly and annual Compliance Reports to be submitted to the BLM AO. <p>The BLM may determine, in writing, that the Environmental and Construction Compliance Monitoring Plan (ECCMP) would meet the objectives of the BRMIMP, and therefore not require the project owner to prepare a separate BRMIMP.</p>	BLM AO shall verify that a BRMIMP is submitted and approved.	BLM	Prior to construction	BLM

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	<p>MM VEG-8. Impact Avoidance and Minimization Measures. The Project Owner must undertake the following measures to manage the project site and related facilities during construction, operation, and maintenance in a manner to avoid or minimize impacts to biological resources:</p> <ol style="list-style-type: none"> 1. Limit Disturbance Areas. Minimize soil disturbance by locating staging areas, laydowns, and temporary parking or storage for linear features (e.g., gen-tie and project access road) in existing disturbed areas. Do not conduct equipment maintenance and refueling within 100 feet of any sensitive resource (for example, waters of the state, desert dry wash woodland, dune habitats, and rare plant populations). Limit the width of the work area near sensitive resources. Avoid blading temporary access roads where feasible and instead drive over and crush the vegetation to preserve the shrub root systems, seed bank, and biological soil crusts. Delineate the boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) with stakes and flagging prior to construction activities in consultation with the Designated Biologist. Stockpile spoils and topsoil temporarily disturbed along the gen-tie, main access road routes, and within the solar facility where there is alluvial sand that would be graded, to the extent practicable, in disturbed areas lacking native vegetation and which do not provide habitat for special status species. Locate parking areas, staging and disposal site locations along the gen-tie and project access road in areas without native vegetation or special status species habitat, to the extent practicable. Confine all disturbances, project vehicles, and equipment to the flagged areas. <p>Construction Scheduling. Provide a detailed construction schedule, including a map showing ground disturbing activities anticipated for the upcoming quarter, to BLM prior to issuance of the NTP. Update the construction schedule by the first day of each quarter. If solar field construction would result in construction pauses of longer than 90 days, limit ground disturbing activities for each phase to the minimum area required for solar panel construction for that phase.</p> <ol style="list-style-type: none"> 2. Minimize Road Impacts. Do not extend new and existing roads that are planned for construction, widening, or other improvements beyond the flagged impact area as described above. All vehicles passing or turning around would do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, clearly mark the (i.e., flagged and/or staked) prior to the onset of construction. 3. Minimize Traffic Impacts. Confine vehicular traffic during project construction and operation to existing routes of travel to and from the project site, and prohibit cross-country vehicle and equipment use outside designated work areas. The speed limit must not exceed 25 miles per hour within the portions of the project area cleared of desert tortoise and surrounded by tortoise exclusion fence (e.g., solar facility). 4. Monitor During Construction. In areas that have not been fenced with desert tortoise exclusion fencing and cleared, the Designated Biologist or Biological Monitor must be present at the construction site during all project activities that have potential to disturb soil, vegetation, and wildlife. The Designated Biologist or Biological Monitor must walk ahead of equipment during brushing and grading activities to clear the area of biological resources. If desert tortoises are found during construction monitoring, implement the procedures outlined in Mitigation Measure WIL-1. 	BLM shall verify that biological impact avoidance and minimization measures are implemented.	BLM	During construction, operation, and maintenance	BLM

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>5. Minimize Impacts of Transmission/Pipeline Alignments, Roads, and Staging Areas. Staging areas for construction on the plant site must be within the area fenced with desert tortoise exclusion fencing and cleared. For construction activities outside of the plant site (transmission line alignments), design, install, and maintain access roads, pulling sites, and storage and parking areas with the goal of minimizing impacts to native plant communities and sensitive biological resources. Design, install, and maintain transmission lines and all electrical components in accordance with the Avian Power Line Interaction Committee's (APLIC's) <i>Reducing Avian Collisions with Power Lines</i> (APLIC, 2012), <i>Suggested Practices for Avian Protection on Power Lines</i> (APLIC, 2006) and <i>Mitigating Bird Collisions with Power Lines</i> (APLIC, 1994) or more current guidelines if available, to reduce the likelihood of large bird electrocutions and collisions. Where feasible, avoid impacts to desert washes and special-status plants by adjusting the locations of poles and laydown areas, and the alignment of the roads and pipelines. In construction drawings and grading plans, depict the locations of sensitive resources and demonstrate where temporary impacts to sensitive resources can be avoided and where they cannot.</p>				
	<p>6. Avoid Use of Toxic Substances. Soil bonding and weighting agents used to reduce dust emissions from unpaved surfaces must be non-toxic to wildlife and plants. Do not use fumigant, treated bait, or other means of poisoning nuisance animals, including rodenticides.</p>				
	<p>7. Minimize Lighting Impacts. Design, install, and maintain facility lighting to prevent side casting of light towards wildlife habitat.</p>				
	<p>8. Minimize Noise Impacts. Avoid loud construction activities (e.g., pile driving, or other) from February 15 to April 15, when it would result in noise levels over 65 dBA in nesting habitat (excluding noise from passing vehicles). Loud construction activities may be permitted from February 15 to April 15 only if:</p>				
	<p>a. The Designated Biologist provides documentation (i.e., nesting bird data collected using methods described in Mitigation Measure WIL-6 and maps depicting location of the nest survey area in relation to noisy construction) to the BLM AO indicating that no active nests would be subject to 65 dBA noise. OR</p>				
	<p>b. The Designated Biologist or Biological Monitor monitors active nests within the range of construction-related noise exceeding 65 dBA. The monitoring must be conducted in accordance with Nesting Bird Monitoring and Management Plan approved by the BLM AO. The Plan must include adaptive management measures to prevent disturbance to nesting birds from construction-related noise. Triggers for adaptive management must be evidence of project-related disturbance to nesting birds such as: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment.</p>				
	<p>The Nesting Bird Monitoring and Management Plan must include a description of adaptive management actions, which must include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of disturbance to the nesting bird.</p>				
	<p>9. Avoid Vehicle Impacts to Desert Tortoise. Locate parking and storage within the area enclosed by desert tortoise exclusion fencing to the extent feasible. Do not move vehicles or</p>				

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>construction equipment parked outside the fenced area prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed outside the areas fenced with desert tortoise exclusion fencing, it must be left to move on its own. If it does not move within 15 minutes, a Designated Biologist may move it out of harm's way as described in the USFWS Desert Tortoise Field Manual (USFWS, 2013).</p>				
	<p>10. Install Box Culvert. To provide for connectivity for desert tortoise and other wildlife, the Project Owner must install one or more box culverts (depending on the final location and the length of the access road, as determined by BLM) suitable for passage by desert tortoise and other wildlife under the project site access road. The box culvert must be a concrete structure no less than 4 feet high and 6 feet wide with 3:1 side slopes and must maintain a minimum of 18 inches of native material on the floor of the culvert at all times to facilitate tortoise movement.</p>				
	<p>11. Avoid Wildlife Pitfalls. To avoid trapping desert tortoise and other wildlife in trenches, pipes or culverts, implement the following measures:</p>				
	<p>a. Backfill Trenches. At the end of each work day, the Designated Biologist must ensure that all potential wildlife pitfalls (trenches, bays, and other excavations) outside the area fenced with desert tortoise exclusion fencing have been backfilled. If backfilling is not feasible, slope all trenches, bays, and other excavations at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise exclusion fencing. The Designated Biologist or a Biological Monitor must inspect all trenches, bays, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing periodically throughout the day, at the end of each workday, and at the beginning of each day. Should a tortoise or other wildlife become trapped, the Designated Biologist must move the tortoise out of harm's way as described in the USFWS Desert Tortoise Field Manual (USFWS, 2013). Allow any wildlife encountered during the course of construction to leave the construction area unharmed.</p>				
	<p>c. Avoid Entrapment of Desert Tortoise. Inspect any construction pipe, culvert, or similar structure stored for one or more nights for tortoises, birds, and other wildlife before the material is moved, buried or capped. As an alternative, cap all such structures before being stored.</p>				
	<p>12. Minimize Standing Water. Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement must use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor must patrol these areas to ensure water does not puddle and must take appropriate action to remediate water ponding and reduce water application where necessary.</p>				
	<p>13. Dispose of Road-killed Animals. Report road killed animals or other carcasses detected by personnel on roads associated with the project area immediately to a Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during project operations), who will promptly remove the roadkill. For special status species road-kill, the Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during project operations) must contact CDFW and USFWS within 1 working day of detection of the carcass for guidance on</p>				

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>disposal or storage of the carcass; dispose of all other road kill promptly. The Biological Monitor must provide the special status species record as described in Mitigation Measure WIL-3 below.</p> <p>14. Minimize Spills of Hazardous Materials. Maintain all vehicles and equipment in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Inform the Designated Biologist of any hazardous spills immediately as directed in the Project Hazardous Materials Plan. Immediately clean up hazardous spills and dispose the contaminated soil properly at a facility licensed by the California Department of Toxic Substances Control. Servicing of construction equipment must take place only at a designated area. Service/maintenance vehicles must carry a bucket and pads to absorb leaks or spills.</p> <p>15. Worker Guidelines. During construction, place all trash and food-related waste in self-closing containers and removed daily from the site. Workers must not feed wildlife or bring pets to the project site. Except for law enforcement personnel, no workers or visitors to the site must bring firearms or weapons. Confine vehicular traffic to existing routes of travel to and from the project site, and prohibit cross country vehicle and equipment use outside designated work areas. The speed limit when traveling on dirt access routes within desert tortoise habitat must not exceed 15 miles per hour.</p> <p>16. Implement Sediment Control Measures near Desert Washes. Implement standard erosion control measures for all phases of construction and operation where sediment runoff from exposed slopes threatens to enter waters of the State. Move sediment and other flow-restricting materials to a location where they cannot be washed into the wash channel. Contour and/or surface-stabilize areas of disturbed soils (access and staging areas) that slope toward drain-ages to reduce erosion potential.</p> <p>17. Monitor Ground Disturbing Activities Prior to Pre-construction Site Mobilization. If pre-construction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor must be present to monitor any actions that could disturb soil, vegetation, or wildlife.</p> <p>18. Control Unauthorized Use of the Project's Access Roads. The Project Owner must monitor and control any unauthorized use of the Project's roads with gates, signage, and fencing as necessary to minimize traffic-related roadkills and ORV disturbance off-roads.</p> <p>19. Implement Erosion Control Measures. Contour and/or surface-stabilize all disturbed soils and roads within the project site to reduce erosion potential, both during and following construction, consistent with the Drainage Erosion and Sedimentation Control Plan as required by Mitigation Measure WR-1. Restore all areas subject to temporary disturbance to pre-project grade and stabilize to prevent erosion and promote natural revegetation. Temporarily disturbed areas within the project area include, but are not limited to: linear facilities, temporary access roads, temporary lay-down and staging areas. If erosion control measures include the use of seed, use only locally native plant species from a local seed source. Local seed includes seeds from plants within the Chuckwalla Valley or Colorado River Hydrologic Units.</p> <p>20. Avoid Spreading Weeds. Prior to the start of construction, flag and avoid dense populations of highly invasive noxious weeds. If these areas cannot be avoided, pre-treat these areas by the</p>				

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	<p>methods described in Mitigation Measure VEG-9 (Weed Management Plan). Manage noxious weeds and other invasive non-native plants in the temporarily disturbed areas according to the requirements in Mitigation Measure VEG-9.</p>				
	<p>21. Salvage Topsoil. Salvage, preserve, and reuse topsoil from the project site for restoration of temporarily disturbed areas along the gen-tie and project access road, and within the solar facility where there is alluvial sand that would be graded. Collect, store and apply salvaged topsoil in a way that maintains the viability of seed and biological soil crusts. The Project Owner must excavate and collect the upper soil layer (the top 1 to 2 inches that includes the seed bank and biological soil crust) as well as the lower soil layer up to a depth of 6 to 8 inches. Stockpile the topmost and the underlying soil layers separately in areas that will not be impacted by other grading, flooding, erosion, or pollutants. If the soil is to be stored more than 2 weeks, spread the soil out to a depth of no more than 6 inches to maintain the seed and biological soil crust viability. The Project Owner must install temporary construction fencing around stockpiled topsoil, and signage that indicates whether the pile is the upper layer seed bank, or the lower layer, and clearly indicates that the piles are for use only in erosion control. After construction, the Project Owner must replace the topsoil in the temporarily disturbed areas in the reverse order of stockpiling, starting with the 6-8-inch layer of subsoil, and then the seed-containing upper layer using a harrow or similar equipment to thinly distribute the layer to depths no greater than 1 to 2 inches.</p>				
	<p>22. Decommission Temporary Access Roads with Vertical Mulching. Discourage ORV use of temporary construction roads by installing vertical mulching at the head of the road to a distance necessary to obscure the road from view. Do not use boulder barricades and gates unless the remainder of the site is fenced to prevent driving around the gate or barricade. Do not close designated ORV routes and roads.</p>				
	<p>23. Wildlife-friendly Fencing. To prevent potential entanglement of deer and other wildlife, all permanent project fencing, including perimeter security fencing, will be no less than 8 feet tall, constructed of chain link, and will not have barbed, razor, or other wire strung across the top. Submit project fence design(s) to the BLM AO, CDFW, and USFWS for review and approval prior to installation. If determined by the BLM AO that the installation of fencing is necessary to control recreational travel through the wash area post-construction, a non-barbed traditional four-wire ranch fence may be placed across the wash area, at the northern and southern ends of the wash, on-line with the perimeter fencing of the solar fields.</p>				

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	<p>MM VEG-9. Weed Management Plan. The Project Owner must prepare and implement an Integrated Weed Management Plan (IWMP, or Plan) that meets the approval of the BLM AO. The objective of the Plan must be to prevent the introduction of any new weeds and the spread of existing weeds as a result of project construction, operation, and decommissioning. The Draft Weed Management Plan, submitted by the Applicant (AECOM, 2010a, Attachment DR-BIO-100), must provide the basis for the final Plan, subject to review and revisions from the BLM. The Plan must include the following:</p> <ol style="list-style-type: none"> <p>IWMP Requirements. The Project Owner must provide a map to the BLM AO indicating the location of weed infestation areas on the project site. The Project Owner must provide a plan for the Weed Management Areas which includes, at a minimum, the following information: specific weed management objectives and measures for each target non-native weed species; baseline conditions; a map of the Weed Management Areas; map of existing populations of target weeds within 100 feet of the project disturbance area and access roads; weed risk assessment; measures to prevent the introduction and spread of weeds; measures to minimize the risk of unintended harm to wildlife and other plants from weed control activities; monitoring and surveying methods; and reporting requirements. Weed control measures described in the Plan must focus on prevention, early detection of new infestations, and early eradication for the life of the Project. Weed control along the project linears must be limited to the areas where soils were disturbed during construction. Weed monitoring must occur a minimum of once per year during the late winter or early spring months to detect seedlings before they set seed. The focus of the Plan must be on controlling onsite weeds and avoiding the introduction of new invasive weeds or the spread of highly invasive species, such as Sahara mustard. Note widespread non-native species with low ecological risk, such as Mediterranean grass. Control of these species is not required. When detected, immediately treat infestations of high priority species.</p> <p>Avoidance and Treatment of Dense Weed Populations. The Plan must include a requirement to identify dense populations of the most invasive non-native weeds and either: (a) in non-sandy soils, treat the infested areas in the season prior to construction by removing and properly disposing of seed heads by hand, prior to maturity, or spraying herbicide on the new crop of plants that emerge in early spring, the season prior to construction, to reduce the viable seed contained in the soil, or (b) in sandy soils, remove the upper 2 inches of soil and dispose of it offsite at a sanitary landfill or other site approved by the Riverside County Agricultural Commissioner, or bury the infested soil (e.g., under the solar facility or in a pit) and cover the infested soil with at least 3 feet of uncontaminated soil.</p> <p>Cleaning Vehicles and Equipment. The Plan must include specifications and requirements for the cleaning and removal of mud and dirt carrying weed seed and weed plant parts from vehicles and equipment involved in project-related construction and operation. Require vehicles and equipment working in weed-infested areas (including previous job sites) to clean the equipment tires, tracks, and undercarriage before entering the project area and before moving to infested areas of the project disturbance area to uninfested areas, and prior to leaving the project site. Conduct cleaning on all track and bucket/blade components to adequately remove all visible dirt</p> 	BLM AO shall verify that an IWMP is submitted and approved.	BLM	Prior to construction	BLM

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	<p>and plant debris. Cleaning using hand tools, such as brushes, brooms, rakes, or shovels, is preferred. If water must be used, contain the water/slurry to prevent seeds and plant parts from washing into adjacent habitat.</p> <p>4. Safe Use of Herbicides. The final Plan must include detailed specifications for avoiding herbicide and soil stabilizer drift a list of BLM-California approved herbicides and soil stabilizers that will be used on the Project with manufacturer's guidance on appropriate use. The Plan must indicate where the approved herbicides will be used and what techniques will be used to avoid chemical drift or residual toxicity to special-status species and their pollinators and be consistent with the Nature Conservancy guidelines and the criteria under #5, below. Based on the best available information from sources such as The Nature Conservancy's Global Invasive Species Team, California Invasive Plant Council (http://www.cal-ipc.org/tp/management/plant_profiles/index.php), and the California Department of Food & Agriculture (https://www.cdffa.ca.gov/plant/pc/encycloweedia/encycloweedia_hp.html), only use weed control measures for target weeds with a demonstrated record of success.</p>				
	<p>5. Weed Control. The methods for weed control described in the final Plan shall meet the following criteria:</p>				
	<p>a. Manual. Dispose of well-timed removal of plants or seed heads with hand tools; seed heads and plants in accordance with guidelines from the Riverside County Agricultural Commissioner.</p>				
	<p>b. Chemical. Do not use herbicides known to have residual toxicity, such as pre-emergents and pellets, in natural areas. Only use the following application methods: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack and squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with backpack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations (see Nature Conservancy guidelines described above);</p>				
	<p>c. Mechanical. Do not employ disking, tilling, and mechanical mowers or other heavy equipment in natural areas. However, hand weed trimmers (electric or gas-powered) may be used. Do not use mechanical trimmers during periods of high fire risk; only use them with implementation of fire prevention measures.</p>				
	<p>MM VEG-10. Special Status Plant Impact Avoidance, Minimization, and Compensation. This condition contains the following three sections:</p>		BLM	Prior to construction	BLM
	<p>Section A: Special-Status Plant Impact Avoidance and Minimization Measures contains the Best Management Practices and other measures designed to avoid accidental indirect impacts to plants during construction, operation, and closure. The measures are required for special-status plants located outside of the project disturbance area and within 100 feet of the project disturbance area. Implement the same measures for plants within the project area that are avoided pursuant to Section B of this condition.</p>	BLM shall verify that measures for special-status plant impact avoidance, minimization, and compensation are implemented.	BLM	Prior to construction	BLM
	<p>Section B: Avoidance Requirements for Special-Status Plants outlines the level of on-site avoidance required for any special status plants detected, and specifies when off-site mitigation is</p>				

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	<p>required. Consistent with this requirement, the proposed project would avoid 79 percent of the estimated acreage occupied by the local Harwood's eriastrum population.</p> <p>Section C: Off-Site Compensatory Mitigation for Special-Status Plants describes performance standards for off-site mitigation through acquisition or restoration/enhancement. Consistent with this requirement, the project would be required to offset impacts to occupied Harwood's eriastrum at a ratio of 3:1.</p> <p>"Project disturbance area" encompasses all areas to be temporarily and permanently disturbed by the Project, including the plant site, linear facilities, and areas disturbed by temporary access roads, fence installation, construction work lay-down and staging areas, parking, storage, or by any other activities resulting in disturbance to soil or vegetation. The term "permanent project disturbance area" refers only to the solar facility; "linears" includes transmission lines, laydown areas, pipelines, and access roads.</p> <p>The Project Owner must implement the following measures in Section A, B, and C to avoid, minimize, and compensate for direct, indirect, and cumulative impacts to special-status plant species:</p> <p>Section A: Special Status Plant Impact Avoidance and Minimization Measures</p> <p>To protect all special status plants located outside of the project disturbance area and within 100 feet of the permitted project area from accidental direct and indirect impacts during construction, operation, and closure, the Project Owner must implement the following measures:</p> <ol style="list-style-type: none"> Designated Botanist. An experienced botanist who meets the qualifications described below must oversee compliance with all special status plant avoidance, minimization, and compensation measures described in this condition throughout construction and closure. The Designated Botanist must oversee and train all other Biological Monitors tasked with conducting botanical survey and monitoring work. During operation of the Project, the Designated Botanist is responsible for protecting special status plant occurrences within 100 feet of the project boundaries. Surveyor Qualifications and Training. Surveys must be conducted by qualified botanists knowledgeable in the complex biology of the local flora and consistent with CDFW (2009) and BLM guidelines for surveyor qualifications. Equip each surveyor with a GPS unit and shall record a complete tracklog; these data shall be compiled and submitted. Prior to the start of surveys, all crew members must, at a minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2 taxa, and any new reported or documented taxa, to obtain a search image. Because the potential for range extensions is unknown, the list of potentially occurring special-status plants shall include all BLM Sensitive taxa known to occur within the Sonoran Desert region and the eastern portion of the Mojave in California. The list shall also include taxa with bloom seasons that begin in the fall and extend into the early spring as many of these are reported to be easier to detect in fall, following the start of the fall rains. Special-Status Plant Impact Avoidance and Minimization Measures. The Project Owner must incorporate all measures for protecting special status plants in close proximity to the site 				

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	<p>into the BRMIMP (Mitigation Measure VEG-7). These measures must include the following elements:</p> <p>a. Site Design Modifications: (1) Incorporate modifications to site design or construction techniques to minimize direct and indirect impacts to special status plants along the project linears to include: limiting the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to the alignment of the roads and pipelines within the constraints of the ROW; (2) These modifications must be clearly depicted on the grading and construction plans, and on report-sized maps in the BRMIMP.</p> <p>d. Establish Environmentally Sensitive Areas (ESAs). Prior to the start of any ground- or vegetation-disturbing activities, the Designated Botanist must establish ESAs to protect avoided special status plants located outside of the project disturbance areas and within 100 feet of the boundary of construction. Clearly depict the locations of ESAs on construction drawings, which must also include all avoidance and minimization measures on the margins of the construction plans. Place the boundaries of the ESAs a minimum of 20 feet from the uphill side of the occurrence and 10 feet from the downhill side. Where this is not possible due to construction constraints, employ other protection measures such as silt-fencing and sediment controls to protect the occurrences. Locate equipment and vehicle maintenance areas, and wash areas, 100 feet from the uphill side of any ESAs. Clearly delineate ESAs in the field with temporary construction fencing and signs prohibiting movement of the fencing or sediment controls under penalty of work stoppages and additional compensatory mitigation. Clearly identify ESAs (with signage or by map-ping on site plans) to ensure that avoided plants are not inadvertently harmed during construction, operation, or closure.</p> <p>e. Special Status Plant Worker Environmental Awareness Program (WEAP). The WEAP (VEG-6) must include training components specific to protection of special status plants as outlined in this condition.</p> <p>f. Herbicide and Soil Stabilizer Drift Control Measures. Protect special status plant occurrences within 100 feet of the project disturbance area, and any occurrences avoided from herbicide and soil stabilizer drift. The Integrated Weed Management Plan (VEG-9) must include measures to avoid chemical drift or residual toxicity to special status plants consistent with guidelines such as those provided by the Nature Conservancy's The Global Invasive Species Team, the U.S. Environmental Protection Agency, and the Pesticide Action Network Database.</p> <p>g. Erosion and Sediment Control Measures. Erosion and sediment control measures must not inadvertently impact special status plants by using invasive or non-native plants in seed mixes, introducing pest plants through contaminated seed or straw, accidental burial by mulches, etc. Incorporate these specifications in the Drainage, Erosion, and Sedimentation Control Plan required under Mitigation Measure WR-1.</p> <p>h. Locate Staging, Parking, Spoils, and Storage Areas Away from Special-Status Plant Occurrences. Place areas for spoils, equipment, vehicles, and materials storage areas;</p>				

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	<p>parking; equipment and vehicle maintenance areas, and wash areas at least 100 feet from any ESAs. Incorporate these specifications in the Drainage, Erosion, and Sedimentation Control Plan required under Mitigation Measure WR-1.</p> <p>i. Pre-Construction Seed Collection. For all impacts to BLM sensitive plants, mitigation must include seed collection from the affected plant population on the site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Seed collection must follow the guidelines described in Section C.III.3 of this condition.</p> <p>j. Monitoring and Reporting Requirements. The Designated Botanist, or Biological Monitor under supervision of the Designated Botanist, must conduct weekly monitoring of the ESAs that protect special-status plant occurrences during construction and decommissioning activities.</p> <p>k. Prior to construction, the Designated Botanist must revisit California ditaxis (<i>Ditaxis serrata</i> var. <i>californica</i>) reference populations recorded in 2009 and 2010 along the gen-tie to re-survey and collect specimens for identification. Identify specimens to determine if the species present is California ditaxis or common ditaxis (<i>D. neomexicana</i>). Consult a botanical expert, if needed, to obtain a determination..</p>				
	<p>Section B: Avoidance Requirements for BLM Sensitive Plants</p> <p>The Project Owner must immediately notify the CDFW, USFWS, and the BLM if any State or Federally listed species or BLM Sensitive species are detected within the project footprint, or if they would be affected by project-related hydrologic changes or changes to the local sand transport system, including downstream or downwind impacts from altered hydrology or geomorphic processes.</p> <p>1. Mitigation for CRPR Rank 1 Plants, including all BLM Sensitive Plants (Critically Imperiled). If species with a CRPR rank of 1 are detected within the project disturbance area, complete avoidance is mandatory along the gen-tie line, fence-line, and within construction laydown areas. The Project Owner must limit the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 1 plants detected.</p> <p>If Rank 1 plants are detected on the solar facility, the Project Owner must avoid all plants around the perimeter of the facility as necessary to achieve 75 percent avoidance of the local population of the affected species. Measure the local population by the number of individuals occurring on the project site and within the immediate watershed of the Project for wash dependent-species or species of unknown dispersal mechanism, or within the local sand transport corridor for wind dispersed species. Base the measurement of percent avoidance on the population for perennials and on habitat for annuals (habitat containing the species' micro-habitat preferences, such as "fine silts and moist depressions"). Avoidance within the central portion of the solar facility is not recommended because it would create fragmented conditions that would not sustain persistence of the affected species. For all portions of the local population not avoided, the Project Owner must implement off-site mitigation at a ratio of 3:1. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and must meet the performance standards described in Section C of this Condition. The Applicant must</p>				

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	<p>demonstrate, subject to review and approval by the BLM AO that the impacts, after mitigation, will not cause a loss of viability for that species. The Project Owner must prepare and implement a Special-Status Plant Mitigation Plan (Plan). The content of the Plan and definitions must be as described in subsection B.4, below.</p> <p>Preservation of the Germplasm of BLM Sensitive Plants. For all direct impacts to BLM Sensitive plants, mitigation must also include seed collection from the affected special status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Collect the seed under the supervision or guidance of a reputable seed storage facility such as the Rancho Santa Ana Botanical Garden Seed Conservation Program, San Diego Natural History Museum, or the Missouri Botanical Garden. The costs associated with the long-term storage of the seed is the responsibility of the Project Owner. Carry out any efforts to propagate and reintroduce special-status plants from seeds in the wild under the direct supervision of specialists such as those listed above and as part of a Habitat Restoration/Enhancement Plan approved by the BLM AO.</p>				
	<p>2. Mitigation for CRPR Rank 2 Plants (Imperiled). If CRPR 2 species are detected within the project disturbance area, avoidance is mandatory along the linears and construction laydown areas. The Project Owner must limit the width of the work area, adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 2 plants detected. If Rank 2 plants are detected on the solar facility, the Project Owner shall implement off-site mitigation, at a ratio of 2:1, for any impacts exceeding 25 percent of the local population. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and must meet the performance standards described in section C of this Condition. The Project Owner must demonstrate, subject to review and approval by the BLM AO, that the impacts, after mitigation, will not cause a loss of viability for that species. The Project Owner must prepare and implement a Special-Status Plant Mitigation Plan (Plan). Describe the content of the Plan and definitions as described in subsection B.4, below.</p>				
	<p>3. Mitigation for CRPR Rank 3 Plants (Vulnerable). If CRPR 3 plants are detected (which constitutes most CNPS List 4 plants), mitigation is not required unless the occurrence has local or regional significance, in which case the plant occurrence shall be treated as a CRPR 2 plant; avoidance and mitigation would be as described above under B.2. A plant occurrence would be considered to have local or regional significance if:</p> <ul style="list-style-type: none"> a. It occurs at the outermost periphery of its range in California; b. It occurs in an atypical habitat, region, or elevation for the taxon that suggests that the occurrence may have genetic significance (e.g., that may increase its ability to survive future threats), or; c. It exhibits any unusual morphology that is not clearly attributable to environmental factors that may indicate a potential new variety or subspecies. 				
	<p>4. Prepare Special-Status Plant Mitigation Plan. If the Project will impact any CRPR Rank 1 or Rank 2 plants, or Rank 3 plants of local or regional significance, or new taxa, the Project Owner</p>				

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	<p>must prepare and implement a Special-Status Plant Mitigation Plan (Plan). Compensatory mitigation, as described in Section C of this condition, and at a mitigation ratio of 3:1 for Rank 1 plants, and 2:1 for Rank 2 plants and Rank 1 plants of local or regional significance, and new taxa. The Plan will be subject to review and approval by BLM in coordination with USFWS and CDFW and must be finalized and approved prior to issuance of a Notification to Proceed. The Plan must include, at a minimum, the following components and definitions:</p> <p>a. A description of the occurrences of the affected special-status species, ecological characteristics such as soil, hydrology, and other micro-habitat requirements, ecosystem processes required for maintenance of the species or its habitat, reproduction and dispersal mechanisms, pollinators, local distribution, a description of the extent of the population off-site, the percentage of the local population affected, and a description of how these occurrences would be impacted by the Project, including direct and indirect effects. Consider occurrences impacted if they are within the project footprint, and if they would be affected by project-related hydrologic changes or changes to the local sand transport system.</p> <p>b. A description of the avoidance and minimization measures that would achieve complete avoidance of occurrences on the project linears and construction laydown areas. If avoidance is also required on the solar facility (Rank 1 species), provide a description of the measures that would be implemented to avoid or minimize impacts to occurrences on the solar facility. "Avoidance" must include protection of the ecosystem processes essential for maintenance of the protected plant occurrence, and protection of the seed bank. Isolated "islands" of protected plants disconnected by the Project from natural fluvial, aeolian (wind), or other processes essential for maintenance of the species, must not be considered avoidance.</p> <p>c. If off-site mitigation is also required, pursuant to B.1-B.3 above, the Plan must include a description of the proposed mitigation (acquisition or restoration/enhancement) and demonstrate how the mitigation will meet the performance standards described in Section C of this condition.</p> <p>For CRPR 1 plants that cannot be avoided (i.e., plants located in the central portion of the solar facility), the Plan must demonstrate that the impacts (after mitigation) will not cause a loss of viability for that species. The assessment of viability shall include: (i) current literature compilation and review on the affected species, it's documented and reported occurrences, range and distribution, habitat, and the ecological conditions needed to support it; (ii) consultation with scientists and others with expertise and local knowledge of the species to gather unpublished data and other information to supplement the literature review findings; and (if available) (iii) information on species' habitat relationships, demographics, genetics, and risk factors.</p> <p>Section C: Off-Site Compensatory Mitigation for Special Status Plants</p> <p>Where compensatory mitigation is required under the terms of Section B, above, the Project Owner must mitigate project impacts to special status plant occurrences as described in this section. Compensatory mitigation must consist of acquisition of habitat supporting the target species, or restoration/enhancement of degraded habitat and populations of the target species on BLM administered land, and must meet the performance standards for mitigation described below. In the event that no opportunities for acquisition or restoration/enhancement exist, the Project Owner can fund a species distribution study designed to promote the future preservation, protection or recovery</p>				

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	<p>of the species. Compensatory mitigation must be at a ratio of 3:1 for Rank 1 plants, with 3 acres of habitat acquired or restored/enhanced for every acre of habitat occupied by the special status plant that will be disturbed by the project disturbance area (for example if the area occupied by the special status plant collectively measured is 1/4 acre then the compensatory mitigation will be 3/4 of an acre). The mitigation ratio for Rank 2 plants must be 2:1. So, for the example above, the mitigation ratio would be one-half acre for the Rank 2 plants.</p> <p>The Project Owner must provide funding for the acquisition and/or restoration/enhancement, initial improvement, and long-term maintenance and management of the acquired or restored lands. The actual costs to comply with this condition will vary depending on the project disturbance area, the actual costs of acquiring compensation habitat, the actual costs of initially improving the habitat, the actual costs of long-term management as determined by a Property Analysis Record (PAR) report, and other transactional costs related to the use of compensatory mitigation. The Project Owner must comply with other related requirements in this condition:</p> <p>I. Compensatory Mitigation by Acquisition. The requirements for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of special status plant compensation lands include all of the following:</p> <ol style="list-style-type: none"> 1. Selection Criteria for Acquisition Lands. The compensation lands selected for acquisition may include any of the following three categories: <ol style="list-style-type: none"> a. Occupied Habitat, No Habitat Threats. The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction). b. Occupied Habitat, Habitat Threats. Occupied compensation lands characterized by habitat threats may also be acquired as long as the population could be reasonably expected to recover with habitat restoration efforts (e.g., OHV or grazing exclusion, or removal of invasive non-native plants) and is accompanied by a Habitat Enhancement/Restoration Plan as described in Section C.II, below. c. Unoccupied but Adjacent. The project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The project owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. This acquisition may include habitat restoration efforts where appropriate, particularly when these restoration efforts will benefit adjacent habitat that is occupied by the target species. 2. Review and Approval of Compensation Lands Prior to Acquisition. The Project Owner must submit a formal acquisition proposal to the BLM AO describing the parcel(s) intended for purchase. This acquisition proposal must discuss the suitability of the proposed parcel(s) as 				

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	<p>compensation lands for special-status plants in relation to the criteria listed above, and must be approved by the BLM AO.</p> <p>3. Management Plan. The Project Owner or approved third party must prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan is to support and enhance the long-term viability of the target special-status plant occurrences. Submit the Management Plan for review and approval by the BLM AO.</p> <p>4. Integrating Special Status Plant Mitigation with Other Mitigation Lands. If all or any portion of the acquired Desert Tortoise, Waters of the State, or other required compensation lands meets the criteria above for special status plant compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for special-status plant mitigation.</p> <p>5. Compensation Lands Acquisition Requirements. The Project Owner must comply with the following requirements relating to acquisition of the compensation lands after the BLM AO has approved the proposed compensation lands:</p> <p>a. Preliminary Report. The Project Owner, or an approved third party, must provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the BLM AO. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the BLM AO. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.</p> <p>b. Title/Conveyance. The Project Owner must acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the BLM. Any transfer of a conservation easement or fee title must be to CDFW, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or other public agency approved by the BLM AO. If an approved non-profit organization holds fee title to the compensation lands, record a conservation easement in favor of CDFW or another entity approved by the BLM AO. If an entity other than CDFW holds a conservation easement over the compensation lands, the BLM AO may require that CDFW or another entity approved by the BLM AO, in consultation with CDFW, be named a third-party beneficiary of the conservation easement. The Project Owner must obtain approval of the BLM AO of the terms of any transfer of fee title or conservation easement to the compensation lands.</p> <p>c. Initial Protection and Habitat Improvement. The Project Owner must fund activities that the BLM APO requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities would use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants,</p>				

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	<p>but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFW or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the BLM AO in consultation with CDFW, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.</p> <p>d. Property Analysis Record. Upon identification of the compensation lands, the Project Owner must conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The BLM must approve the PAR or PAR-like analysis before it can be used to establish funding levels or management activities for the compensation lands.</p> <p>e. Long-term Maintenance and Management Funding. The Project Owner must deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands. The BLM APO, in consultation with CDFW, may designate another organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFW takes fee title to the compensation lands, CDFW shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFW and with CDFW supervision.</p> <p>Interest, Principal, and Pooling of Funds. The Project Owner must ensure that an agreement is in place with the long-term maintenance and management fund (endowment) holder/manager to ensure the following requirements are met:</p> <p>i. Interest. Interest generated from the initial capital long-term maintenance and management fund must be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the BLM AO and is designed to protect or improve the habitat values of the compensation lands.</p> <p>ii. Withdrawal of Principal. The long-term maintenance and management fund principal must not be drawn upon unless such withdrawal is deemed necessary by the BLM or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands.</p> <p>iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar funds that it holds from other projects for long-term maintenance and management of compensation lands for special-status plants. However, for reporting purposes, track and</p>				

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	<p>report the long-term maintenance and management funds for the Project individually to the BLM AO.</p> <p>f. Other Expenses. In addition to the costs listed above, the Project Owner must be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFW or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.</p> <p>g. Mitigation Security. The Project Owner must provide financial assurances to the CDFW, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or other public agency approved by the BLM AO to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing project activities. Provide the entity financial assurances in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the BLM AO. The amount of the Security must use the estimated cost per acre for desert tortoise mitigation as a best available proxy, at a ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special status plant species which is significantly impacted by the Project. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security, the Project Owner must obtain the BLM's approval of the form of the Security. The designated entity may draw on the Security if the BLM AO determines the Project Owner has failed to comply with the requirements specified in this condition. The designated entity may use money from the Security solely for implementation of the requirements of this condition. The designated entity's use of the Security to implement measures in this condition may not fully satisfy the Project Owner's obligations under this condition, and the Project Owner remains responsible for satisfying the Project Owner in whole or in part upon successful completion of the associated requirements in this condition.</p> <p>h. NFWF REAT Account. The Project Owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project Owner must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this Mitigation Measure) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the</p>				

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	<p>Project Owner, the Project Owner must make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the Applicant, the remaining balance is returned to the Project Owner. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a nongovernmental organization supportive of desert habitat conservation. Such delegation is subject to approval by the BLM AO, in consultation with CDFW and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party or to manage compensation lands, shall be executed and implemented within 18 months of the start of ground disturbance.</p> <p>II. Mitigation by Habitat Enhancement/Restoration. As an alternative or adjunct to land acquisition for compensatory mitigation the Project Owner may undertake habitat enhancement or restoration for the target special status plant species on degraded BLM administered land. Habitat enhancement or restoration activities must achieve protection at a 3:1 ratio for Rank 1 plants and 2:1 for Rank 2 plants, with improvements applied to 3 acres, or 2 acres, respectively, of habitat for every acre special status plant habitat directly or indirectly disturbed by the project disturbance area (for example if the area occupied by the special status plant collectively measured is 1/4 acre than the improvements would be applied to an area equal to 3/4 of an acre at a 3:1 ratio, or one-half acre at a 2:1 ratio). Examples of suitable enhancement projects include but are not limited to the following: (i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly damaging to the species); (ii) control of invasive non-native plants that infest or pose an immediate threat to an occurrence; (iii) exclude grazing by wild burros from an occurrence; or (iv) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, removing obstructions to the wind sand transport corridor above an occurrence, or increasing groundwater availability for dependent species.</p> <p>If the Project Owner elects to undertake a habitat enhancement project for mitigation, the Project must meet the following performance standards: The proposed enhancement project shall achieve rescue of an off-site occurrence of the same species that is currently assessed, based on the NatureServe threat ranking system with one of the following threat ranks: (a) long-term decline >30%; (b) an immediate threat that affects >30% of the population, or (c) has an overall threat impact that is High to Very High. "Rescue" would be considered successful if it achieves an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").</p> <p>If the Project Owner elects to undertake a habitat enhancement project for mitigation, the Project Owner must submit a Habitat Enhancement/Restoration Plan to the BLM AO for review and approval, and must provide sufficient funding for implementation and monitoring of the Plan. The amount of the Security shall use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is directly or indirectly impacted by</p>				

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	<p>the Project. The amount of the security may be adjusted based on the actual costs of implementing the enhancement, restoration, and monitoring. An appropriate third party such as NFWF may undertake the implementation and monitoring of the enhancement/restoration, subject to approval by the BLM AO. The Habitat Enhancement/Restoration Plan must include each of the following:</p> <ol style="list-style-type: none"> 1. Goals and Objectives. Define the goals of the restoration or enhancement project and a measurable course of action developed to achieve those goals. The objective of the proposed habitat enhancement plan must include restoration of a target special status plant occurrence of the same species that is currently threatened with a long-term decline. The proposed enhancement plan must achieve an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High"). 2. Historical Conditions. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds, grazing, or ORV, etc.), and the desired conditions. 3. Site Characteristics. Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species). 4. Ecological Factors Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc. 5. Methods. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. Complete the implementation phase of the enhancement within five years. 6. Budget. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria. 7. Monitoring. Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan must include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement project, and until the performance standards for rescue of a threatened occurrence are met. At a minimum the progress reports must include: quantitative measurements of the projects progress in meeting the enhancement project success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties. 8. Reporting Program. The Plan must ensure accountability with a reporting program that includes progress toward goals and success criteria and include names of responsible parties. 9. Contingency Plan. Describe the contingency plan for failure to meet annual goals, which could include acquisition of an existing population(s). 10. Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservation easements or other deed restrictions; contain projects on public lands in an ACEC or California Desert National Conservation Lands as per the CDCA as amended by the DRECP LUPA, or other protected lands (e.g. Wilderness, NPS, etc.), Wildlife Allocations, or other designations, may be used as compensation lands if they can be shown to 				

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	<p>assure durability of conservation on public lands to a degree acceptable to the agencies with jurisdiction over the species in question.</p>				
	<p>III. Contingency Measures</p>				
	<p>1. Compensatory Mitigation by Conducting or Contributing to a Management Plan for the Affected Species. Subject to approval of the BLM AO, as a contingency measure in the event there are no opportunities for mitigation through acquisition or restoration/enhancement to meet the obligations for off-site mitigation as described in Section B.1-3 of this condition, a Management Plan for the affected special-status plant species may be conducted or funded. The goal of the Management Plan is to devise a science-based, strategy to ensure the long-term viability of the affected species in ACECs and California Desert National Conservation Lands or other protected lands (e.g. Wilderness, NPS, etc.) in the vicinity of impact, and to determine an effective means of restoring existing populations and the habitat that supports them. Use the information gathered to develop conservation approaches to address the identified risk factors. These approaches include restoration needs and techniques, identifying and restoring important refugia to facilitate species dispersal in the face of climate change. Use the results of the study to implement appropriate mitigation actions to offset residual impacts to the special-status plant(s). Under this contingency measure, the Project Owner must acquire all available information in order to meet the requirements above for the Management Plan, which may include distribution, status and health of known occurrences, ecological requirements, and ownership and management opportunities of the affected special-status plant species known to occur in the Chuckwalla Valley. At a minimum, the study shall include the following:</p>				
	<p>a. Occurrence and Life History Review. The Study must include an evaluation of all documented, historical and reported localities for the affected species, and a review of current information on the species life history. This would include a review of the CNDDDB database, records from regional and national herbaria, literature review, consultation with U.C. Riverside, San Diego Natural History Museum, and other educational institutions or natural heritage organizations in California, Arizona, and Nevada, etc.), other biotechnical survey reports from the region, and information from regional botanical experts.</p>				
	<p>b. Conduct Site Visits to Documented and Reported Localities. Evaluate documented and reported occurrences in the field during the appropriate time of the year for each late blooming species. If located, evaluate these occurrences for population size (area and quantity), population trend (based on available information), ecological characteristics, soils, habitat quality, potential threats, degree and immediacy of threats, ownership and management opportunities. Collect GPS location data during these site visits.</p>				
	<p>c. Survey Surrounding Areas. Survey areas surrounding the occurrences that contain habitat suitable to support the affected species to determine the full extent of its range and distribution. If additional populations are found, collect data (GPS and assessment) on these additional populations consistent with III.2 above and submit the results to the CNDDDB.</p>				
	<p>d. Prepare Report on Status, Distribution, and Management Needs. Prepare a report that contains the results of the surveys and assessment. The report must contain the following components: (a) Range and Distribution (including maps and GPS data); (b) Abundance and</p>				

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	<p>Population Trends; (c) Life History; (d) Habitat Necessary for Survival; (e) Factors Affecting Ability to Survive and Reproduce; (f) Degree and Immediacy of Threat; (g) Ownership and Management Opportunities for Protection or Recovery; (h) Sources of Information, and (i) Conclusions. The conclusions must contain an explanation of whether the species' survival is threatened by any of the following factors: (i) present or threatened modification or destruction of its habitat; (ii) competition; (iii) disease; (iv) other natural occurrences (such as climate change) or human-related activities. This valuable information will provide a better understanding of the ecological factors driving the distribution of these species, and will identify opportunities for mitigation and management opportunities for recovery. Submit all data from this study for incorporation into the CNDDDB system and make the study report available to resource agencies, and conservation groups, and other interested parties.</p> <p>e. The cost to implement or fund the study must be no greater than the cost for acquisition, enhancement, and long-term management of compensatory mitigation lands based on the specifications and standards for acquisition or restoration/enhancement described above under C.I and C.II.</p>				
	<p>MM VEG-11. Mitigation for Impacts to State Waters. The Project Owner must implement the following measures to avoid, minimize and mitigate for direct and indirect impacts to waters of the state and to satisfy requirements of California Fish and Game Code sections 1600 and 1607.</p> <p>1. Acquire Off-Site State Waters. The Project Owner must acquire, in fee or in easement, a parcel or parcels of land that includes state jurisdictional waters per the area of state waters directly or indirectly impacted by the final project footprint. Understand that, for purposes of calculating compensation area, state waters include channel beds and banks, as well as adjacent riparian vegetation. Riparian vegetation must include desert dry wash woodland as identified in Section 3.17. The project footprint means all lands disturbed by construction and operation of the Palen Solar Project, including all linears. The parcel or parcels comprising the ephemeral washes must include desert dry wash woodland per the acreage of desert dry wash woodland impacted by the final project footprint at a 3:1 ratio. The terms and conditions of this acquisition or easement must be as described in Mitigation Measure WIL-4. Compensation lands for mitigation for impacts to state waters must be located within the Chuckwalla-East Salton Sea, Hayfield, Rice, or portion of Whitewater within the NECO, Hydrologic Units (HUs) or the Palo Verde Watershed and be prioritized within the Chuckwalla HU in the Palen or adjacent watersheds.</p>	<p>BLM shall verify that impacts to State Waters are mitigated.</p>	<p>BLM and California Fish and Game</p>	<p>During construction, operation, and maintenance</p>	<p>BLM and California Fish and Game</p>
	<p>2. Security for Implementation of Mitigation. The Project Owner must provide financial assurances to the CDFW to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of state waters as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Provide financial assurance to the CDFW in the form of an irrevocable letter of credit, a pledged savings account, or Security prior to initiating ground-disturbing project activities. Prior to submittal to the CDFW, the Security must be approved by the BLM, in consultation with CDFW, to ensure funding. The final amount due is determined by updated appraisals and the PAR analysis conducted pursuant to Mitigation Measure WIL-4.</p>				

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	<p>3. Preparation of Management Plan. The Project Owner must submit to the BLM AO and CDFW a draft Management Plan that reflects site-specific enhancement measures for the drainages on the acquired compensation lands. The objective of the Management Plan is to enhance the wildlife value of the drainages, and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control.</p> <p>4. Code of Regulations. The Project Owner must provide a copy of this mitigation measure (Mitigation Measure VEG-11) to all contractors, subcontractors, and the Applicant's project supervisors. Copies must be readily available at work sites at all times during periods of active work and must be presented to any CDFW personnel upon demand. The BLM AO reserves the right to issue a stop work order or allow CDFW to issue a stop work order after giving notice to the Project Owner and the BLM AO if the BLM AO in consultation with CDFW, determines that the Project Owner has breached any of the terms or conditions or for other reasons, including but not limited to the following: The information provided by the Applicant regarding impacts to waters of the state is incomplete or inaccurate:</p> <ul style="list-style-type: none"> a. The information provided by the Applicant regarding impacts to waters of the state is incomplete or inaccurate; b. New information becomes available that was not known in preparing the terms and conditions; or c. The Project or project activities as described in the SEIS/EIR have changed. <p>5. Road Crossings at Streams. The Project Owner must preserve pre-development downstream flows and sediment transport in washes crossed by permanent roads by incorporating culverts and Arizona crossings at stream crossings. Employ Arizona crossings, the preferred option, wherever such crossings do not present a safety hazard and where the roadbed elevation allows the construction of such crossings. Restore drainages graded for temporary construction access to original contours and surface drainage patterns and revegetate according to specifications in Mitigation Measure VEG-8.</p> <p>6. The Project Owner must maintain pre-project flow patterns (location and volume of flows) downstream of the project boundaries. Flows must not be discharged indiscriminately as sheet flow, irrespective of the natural surface drainage patterns, but rather must be designed to discharge into existing natural washes downstream of the Project.</p> <p>7. Best Management Practices. The Project Owner must also comply with the following conditions to protect drainages near the project disturbance area:</p> <ul style="list-style-type: none"> a. The Project Owner must minimize road building, construction activities and vegetation clearing within ephemeral drainages to the extent feasible. b. The Project Owner must not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows. c. The Project Owner must comply with all litter and pollution laws. All contractors, subcontractors, and employees must also obey these laws, and it shall be the responsibility of the Project Owner to ensure compliance. 				

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	<p>d. Spoil sites must be located at least 50 feet from the boundaries and drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.</p> <p>e. Prevent raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, from contaminating the soil and/or entering waters of the state. Immediately remove these materials, placed within or where they may enter the soil or move into a drainage.</p> <p>f. Do not allow broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature to enter into, or placed where it may be washed by rainfall or runoff into, waters of the state.</p> <p>g. When operations are completed, remove any excess materials or debris from the work area. Do not deposit rubbish within 150 feet of the high-water mark of any drainage.</p> <p>h. Equipment maintenance must not occur within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow.</p> <p>8. Changes of Conditions. Provide the BLM and CDFW a notifying report if a change of conditions is identified. As used here, change of condition refers to the process, procedures, and methods of operation of a project; the biological and physical characteristics of a project area; or the laws or regulations pertinent to the Project as defined below. Include a copy of the notifying change of conditions report in the annual reports (see BRMIMP, Mitigation Measure VEG-7) or until it is deemed unnecessary by the BLM, in consultation with CDFW.</p> <p>a. Biological Conditions. A change in biological conditions includes, but is not limited to, the following: (1) the presence of biological resources within or adjacent to the project area, whether native or non-native, not previously known to occur in the area; or (2) the presence of biological resources within or adjacent to the project area, whether native or non-native, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.</p> <p>b. Physical Conditions. A change in physical conditions includes, but is not limited to, the following: (1) a change in the morphology of a river, stream, or lake, such as the lowering of a bed or scouring of a bank, or substantial changes in stream form and configuration caused by storm events; (2) the movement of a river or stream channel to a different location; (3) a reduction of or other change in vegetation on the bed, channel, or bank of a drainage, or (4) changes to the hydrologic regime such as fluctuations in the timing or volume of water flows in a river or stream.</p> <p>c. Legal Conditions. A change in legal conditions includes, but is not limited to, a change in Regulations, Statutory Law, a Judicial or Court decision, or the listing of a species, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.</p>				

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	<p>MM VEG-13. Revegetation of Temporarily Disturbed Areas. The Project Owner must contract a qualified Restoration Ecologist to prepare and implement a Vegetation Resources Management Plan. The BLM AO must review and approve the Plan in writing. Submit the plan to Riverside County for review and comment, and the Resource Agencies, if required. The plan must be approved prior to the initiation of any vegetation-disturbing activities. The Plan's goal will be to prevent further degradation of disturbed sites, but not necessarily to restore to pre-disturbance habitat values. The Vegetation Resources Management Plan must detail the methods for revegetation of temporarily impacted sites; and long-term management of vegetation within the solar facility during its operations. Supplement the Vegetation Resources Management Plan prior to decommissioning to provide a framework for vegetation management and post-decommissioning restoration/reclamation. The Vegetation Resources Management Plan must include the following components:</p> <ol style="list-style-type: none"> Reclamation, revegetation, or restoration of temporarily impacted sites. Temporary project disturbances to soils and vegetation (e.g., staging areas, materials and equipment, lay-down areas, temporary work areas and access routes along the gen-tie line) are not expected to recover from disturbance for many years, and therefore are mitigated by compensation and other measures. In order to avoid further degradation of these sites, the Project Owner must prepare and implement a plan to revegetate the sites. The objectives will be to prevent or minimize further site degradation; stabilize soils; maximize the likelihood of vegetation recovery over time; and minimize soil erosion, dust generation, and weed invasions. The nature of site reclamation, revegetation, or restoration at each site will differ according to its pre-disturbance condition and the nature of the construction disturbance (e.g., drive and crush vs. blading). Implementation: The Plan must include at minimum: (a) soil preparation measures, including locations of recontouring, decompacting, imprinting, or other treatments; (b) details for topsoil storage, as applicable; (c) plant material collection and acquisition guidelines, including guidelines for salvaging, storing, and handling plants from the project site, as well as obtaining replacement plants from outside the project area; (d) a plan view drawing or schematic depicting the temporary disturbance areas (drawing of "typical" gen-tie structure sites will be appropriate); (e) time of year that the planting or seeding will occur and the methodology of the planting; (f) a description of the irrigation, if used; (g) a statement that the Integrated Weed Management Plan (MM VEG 9) will be implemented, or alternate measures to control invasive weeds undertaken, as appropriate to site conditions; (h) quantitative success criteria; and (i) a detailed monitoring program to measure the success criteria, commensurate with the Plan goals. This Plan must also contain contingency measures for failed revegetation or restoration efforts (efforts not meeting success criteria). Seed and Nursery Stock. Only use seed or potted nursery stock of locally occurring native species from a genetically appropriate source for revegetation. Conduct seeding and planting as described in Chapter 5 of <i>Rehabilitation of Disturbed Lands in California</i> (Newton and Claassen, 2003), or more recent proven methods. Use the list of plants observed during botanical surveys of the project area as a guide to site-specific plant selection for revegetation. Monitoring Requirement and Success Criteria. The Plan must include objective, quantifiable success criteria, commensurate with the goals of the Plan. Monitoring of the reclamation, revegetation, or restoration sites will continue annually for 3 years or until the defined success 	<p>Riverside County, Resource Agencies, and BLM shall verify that a Vegetation Management Plan is submitted and approved.</p>	<p>Riverside County, Resource Agencies, and BLM</p>	<p>Prior to vegetation-disturbing activities</p>	<p>Riverside County, Resource Agencies, and BLM</p>

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	<p>criteria are achieved, whichever is later. The Project Owner will be responsible for implementing remediation measures as needed. Following remediation work, the site will be subject to the success criteria and monitoring period as required for the initial reclamation, revegetation, or restoration. If, after a period of five years the restoration has not met the success criteria, then the Project Owner must confer with CDFW and the BLM on another method to meet the compensation goals, including, but not limited to, acquisition of mitigation lands.</p> <p>5. Cactus Salvage. The Project Owner must include salvaged or yuccas (all species), and cacti in revegetation plans and implementation affecting BLM lands. The Plan must include methods to salvage and replant cacti, yucca, or other native species found on the site, prior to disturbance. It must include descriptions of pre-project field surveys to locate and identify specimens suitable for salvage; season for salvaging the plants; methods for salvage, storage, and re-planting them; locations for re-planting; and appropriate monitoring and success criteria for the salvage work. To the extent feasible, cholla species may be transported to revegetation sites as vertical mulch. Any vegetation to be salvaged and removed from the site (such as cactus or yucca) will be subject to sale to the Project Owner at appraised value, according to CFR 43.5420. Therefore, prior to site disturbance, the Project Owner must prepare an inventory of all native cacti and yucca species to be removed from the site, including shapefile locations. If material is moved to another BLM site, then BLM retains ownership of the material. No appraisal or sale is required.</p> <p>6. Operations Phase On-Site Vegetation Management. The Plan must include methods and scheduling for on-site vegetation management throughout the operations phase, describing mowing or other vegetation treatments to be implemented, disposal of mown material, and incorporating all applicable components of the Weed Management Plan, including any proposed herbicide usage.</p> <p>7. Decommissioning Phase Plan Supplement. Prior to closing and decommissioning the Project, the Project Owner must contract a qualified Restoration Ecologist to prepare a supplement to the Vegetation Resources Management Plan, to describe all proposed vegetation management activities, and to be consistent with the site's proposed reuse. The supplement must describe any proposed reclamation, revegetation, or restoration of the site, to be consistent with Section 1 of this measure, above, as well as weed management and post-decommissioning monitoring requirements and success criteria.</p> <p>8. Reporting. Within 90 days after completion of each year of project construction, the Project Owner must provide to the BLM and Riverside County verification of the total vegetation acreage subject to temporary and permanent disturbance and a written report identifying which items of the Vegetation Resources Management Plan have been completed, a summary of all modifications to mitigation measures made during the Project's construction and decommissioning phases, and which items are still outstanding. The annual reports must also include a summary of the reclamation, revegetation, or restoration activities for the year, a discussion of whether performance standards for the year were met, any remedial actions conducted and recommendations for remedial action, if warranted, that are planned for the upcoming year.</p>				

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	<p>MM WIL-10. Sand Dune Community/Mojave Fringe-toed Lizard Mitigation. To mitigate for habitat loss and direct impacts to Mojave fringe-toed lizards, the Project Owner must provide compensatory mitigation, which may include compensation lands purchased in fee or in easement in whole or in part, at the ratios below. The Project Owner may accomplish compensation through acquisition and management of off-site habitat (subsection I below) or, if suitable compensation habitat is not available, through off-site habitat enhancement and restoration (subsection II below).</p> <ul style="list-style-type: none"> ■ 3:1 mitigation for direct impacts to sand transport corridor Zone II (per final acreage impacted by the project footprint); ■ 1:1 mitigation for direct impacts non-dune (sand transport corridor Zones III and IV) Mojave fringe-toed lizard habitat as shown on Figure 3.21-5 (per final acreage impacted by the project footprint); and ■ 0.5:1 mitigation for indirect impacts to sand transport corridor Zone II (per final acreage impacted by the project footprint). <p>I. Compensation Habitat Acquisition. If compensation lands are acquired, the Project Owner must provide funding for the acquisition in fee title or in easement, initial habitat improvements, and long-term maintenance and management of the compensation lands. The Project Owner may evaluate compensation habitat evaluated for compliance with this mitigation measure for creosote ring occurrence as described in APM 50.</p> <p>1. Criteria for Compensation Lands. The compensation lands selected for acquisition must:</p> <ol style="list-style-type: none"> a. Provide suitable habitat for Mojave fringe-toed lizards, and, aside from the minimum amount of stabilized and partially stabilized sand dunes, may include stabilized and partially stabilized desert dunes, sand drifts over playas, or Sonoran creosote bush scrub; b. Be within the Palen or Chuckwalla valleys with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat; c. Prioritize being near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; d. Provide quality habitat for Mojave fringe-toed lizard that has the capacity to regenerate naturally when disturbances are removed; e. Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible; f. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. Not contain hazardous wastes that cannot be removed to the extent the site is suitable for habitat; h. Have water and mineral rights included as part of the acquisition, unless the BLM APO, in consultation with CDFW and USFWS, agrees in writing to the acceptability of the land; and i. Be on land for which long-term management is feasible. 	<p>BLM shall verify that a compensatory mitigation is provided for impacts to sand dune communities/Mojave fringe-toed lizards.</p>	<p>BLM</p>	<p>Prior to grading and construction</p>	<p>BLM</p>

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	<p>2. Security for Implementation of Mitigation. The Project Owner must provide financial assurances to the CDFW to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this condition. These funds must be used solely for implementation of the measures associated with the Project. The Project Owner can provide financial assurance to the CDFW according to the measures outlined in Mitigation Measure WIL 4. An updated appraisal and a PAR analysis conducted as described in Mitigation Measure WIL-4 will determine the final amount due.</p> <p>3. Preparation of Management Plan. The Project Owner must submit to the BLM and CDFW a draft Management Plan that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan must be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors.</p> <p>4. Long-term Protection. Include proof of long-term protection for the compensation site. For private lands this would include conservation easements or other deed restrictions; projects on public lands must be contained in an ACEC or California Desert National Conservation Lands as per the CDCA as amended by the DRECP LUPA, or other protected lands (e.g. Wilderness, NPS, etc.); the Project Owner may use Wildlife Allocations, or other designations as compensation lands, if they can assure durability of conservation on public lands to a degree acceptable to the agencies with jurisdiction over the species in question.</p>				
	<p>II. Compensatory Mitigation by Habitat Enhancement/Restoration. As an alternative or adjunct to land acquisition for compensatory mitigation the Project Owner may undertake habitat enhancement or restoration for MFTL in ACECs and/or California Desert National Conservation Lands, other protected lands (e.g., Wilderness, NPS, etc.); the Project Owner may use Wildlife Allocations, or other designations as compensation lands, if they can assure durability of conservation on public lands to a degree acceptable to the agencies with jurisdiction over the species in question. Habitat enhancement or restoration activities must achieve protection at the compensation ratios specified in the first paragraph of this measure (WIL 10), as follows: 3:1 mitigation for direct impacts to sand transport Zone II; 1:1 mitigation for direct impacts non-dune Mojave fringe-toed lizard habitat in sand transport Zones III and IV (Figure 3.21-5); and 0.5:1 mitigation for indirect impacts to sand transport corridor Zone II dunes. Examples of suitable enhancement projects include but are not limited to the following: (i) control unauthorized vehicle use into an MFTL occurrence; (ii) control of invasive non-native plants that infest or pose an immediate threat to an MFTL occurrence; (iii) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, or removing obstructions to the wind sand transport corridor.</p> <p>If the Project Owner elects to undertake a habitat enhancement project for mitigation, it must submit a Habitat Enhancement and Restoration Plan to the BLM AO for review and approval, and must provide sufficient funding for implementation and monitoring specified in the Plan. Due to the uncertainty whether off-site enhancement and restoration can feasibly and effectively restore natural sand transport function and aeolian sand habitat values, if the Applicant elects to meet any portion of</p>				

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	<p>the compensation obligation through enhancement and restoration, the Applicant must demonstrate that proposed enhancement and restoration methods are effective prior acceptance of the mitigation acreage (e.g., by providing documentation of similar restoration or enhancement at another site). The amount of the Security must use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy. The Project Owner may adjust the amount of the security based on the actual costs of implementing the enhancement, restoration and monitoring. An appropriate third party such as NFWF may undertake implementation and monitoring, subject to approval by the BLM AO. The Habitat Enhancement and Restoration Plan must include each of the following:</p>				
11.	<p>Goals and Objectives. Define the goals of the restoration or enhancement project and a measurable course of action developed to achieve those goals. The Habitat Enhancement and Restoration Plan must include restoration of MFTL habitat that is currently threatened with a long-term decline.</p>				
12.	<p>Historical Conditions. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds, ORV, etc.), and the desired conditions.</p>				
13.	<p>Site Characteristics. Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants; topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species).</p>				
14.	<p>Ecological Factors. Describe any other important ecological factors for MFTL at the site.</p>				
15.	<p>Methods. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, etc.) and the long-term maintenance required. The implementation phase of the enhancement must be completed within five years.</p>				
16.	<p>Budget. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria.</p>				
17.	<p>Monitoring. Specify clear, measurable monitoring methods to evaluate the effectiveness of the restoration and the benefit to MFTL. The Plan must include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement project, and until the performance standards are met. At a minimum the progress reports must include: quantitative measurements of progress in meeting the success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties.</p>				
18.	<p>Reporting Program. The Plan must ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties.</p>				
19.	<p>Contingency Plan. Describe the contingency plan for failure to meet annual goals.</p>				
20.	<p>Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservation easements or other deed restrictions; projects on public lands must be contained in a Desert Wildlife Management Area, Wildlife Habitat Management Area, or other land use protections that will protect the mitigation site and target species.</p>				
Impact VEG-2: The Project could have a	MM VEG-1. See Impact VEG-1 above.	See MM VEG-1 above.	See MM VEG-1 above.	See MM VEG-1 above.	See MM VEG-1 above.

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substantial adverse effect on any riparian habitat or other sensitive natural community identified by local, state, or federal agencies.	MM VEG-2. See Impact VEG-1 above.	See MM VEG-2 above.	See MM VEG-2 above.	See MM VEG-2 above.	See MM VEG-2 above.
	MM VEG-3. See Impact VEG-1 above.	See MM VEG-3 above.	See MM VEG-3 above.	See MM VEG-3 above.	See MM VEG-3 above.
	MM VEG-4. See Impact VEG-1 above.	See MM VEG-4 above.	See MM VEG-4 above.	See MM VEG-4 above.	See MM VEG-4 above.
	MM VEG-5. See Impact VEG-1 above.	See MM VEG-5 above.	See MM VEG-5 above.	See MM VEG-5 above.	See MM VEG-5 above.
	MM VEG-6. See Impact VEG-1 above.	See MM VEG-6 above.	See MM VEG-6 above.	See MM VEG-6 above.	See MM VEG-6 above.
	MM VEG-7. See Impact VEG-1 above.	See MM VEG-7 above.	See MM VEG-7 above.	See MM VEG-7 above.	See MM VEG-7 above.
	MM VEG-8. See Impact VEG-1 above.	See MM VEG-8 above.	See MM VEG-8 above.	See MM VEG-8 above.	See MM VEG-8 above.
	MM VEG-9. See Impact VEG-1 above.	See MM VEG-9 above.	See MM VEG-9 above.	See MM VEG-9 above.	See MM VEG-9 above.
	MM VEG-11. See Impact VEG-1 above.	See MM VEG-11 above.	See MM VEG-11 above.	See MM VEG-11 above.	See MM VEG-11 above.
	MM VEG-13. See Impact VEG-1 above.	See MM VEG-13 above.	See MM VEG-13 above.	See MM VEG-13 above.	See MM VEG-13 above.
	MM VEG-14. Groundwater-dependent Vegetation Monitoring. The Project Owner must prepare a Groundwater-Dependent Vegetation Monitoring Plan for monitoring the project effects of groundwater pumping on groundwater dependent vegetation. The monitoring must encompass an appropriate area to detect project-related effects, as determined by consultation with an expert in the field of groundwater and concurrence by BLM. Use the vegetation and groundwater data collected as part of the Plan to determine if remedial action is required, as described in VEG-15. The Project Owner may forgo development of a Groundwater Dependent Vegetation Monitoring Plan, or may cease implementation of such a plan, by providing evidence to the BLM AO that the source of water for the groundwater-dependent ecosystems (GDEs) is a shallow perched water-bearing zone rather than the regional groundwater system and that the shallow perched water-bearing zone is unrelated and not influenced by the regional groundwater system that the Project Owner proposes to use for water.	BLM AO shall verify that a Groundwater-Dependent Vegetation Monitoring Plan is submitted and approved.	BLM	Prior to grading and construction	BLM

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	<p>The Project Owner must develop and implement a Groundwater-Dependent Vegetation Monitoring Plan (Plan) that meets the performance standards described below and includes the following components:</p>				
	<ol style="list-style-type: none"> 1. Monitoring Objectives and Performance Standards. The objectives of the Plan must be to monitor the Project effects of groundwater pumping on vegetation and GDEs and, in conjunction with the remedial action described in VEG-15, to ensure that the Project groundwater pumping has a less than significant effect on biological resources. Conduct monitoring at a level of detail adequate for detecting adverse effects, as reflected in vegetation attributes and groundwater levels in the shallow (alluvial) aquifer. Use the lowest baseline water level as measured at the Project site prior to the start of groundwater pumping as the baseline for groundwater levels. 2. Location of Monitoring Plots. Establish the monitoring plots within an appropriate area to detect project-related effects, as determined by consultation with an expert in the field of groundwater and concurrence by BLM. The majority of the plots must be in the area north and east of the Project site, where GDEs and the intersection of the ground surface and shallow groundwater are located, in the topographic lows in the valley. 3. Monitoring Plots and Controls. Because of the variation in vegetation types and depth to groundwater within the predicted groundwater drawdown zone, the study design must treat the monitoring plot with a corresponding control plot as a pair (versus comparing the mean of all treatment plots to the mean of all control plots). The "control" plots must consist of the data collected at the same plot during the baseline (pre-disturbance) monitoring for a pre-disturbance vs. post-disturbance comparison. Use appropriate statistical methods to analyze the differences between the control and monitoring plots (for example, a one-tailed paired-sample statistical test). 4. Off-Site Reference Plots. Establish off-site monitoring plots as reference sites to distinguish changes in plant vigor seen at the site from the effects of a region-wide drought. The off-site reference plots can be located within Chuckwalla Valley but must be within areas that would not be affected hydrologically by groundwater pumping for the project or other projects or agricultural operations. Locate off-site monitoring reference plots in the same general hydrologic and geologic setting (i.e., playa margins), in the same climatic region (Sonoran Desert region of California), and contain the same natural communities or vegetation alliances as those to which they are being compared. Consider impacts from pests and diseases, if present, and exclude or adjust these impacts as part of the analysis. Collect data on climate and surface runoff in the study area to identify "drought" conditions and correlate groundwater changes and weather changes. 5. Sample Size and Design. Establish the number of monitoring sites using appropriate statistical methods (for example, by a "prior power analysis"). These sites are sufficient to achieve adequate (90 percent) statistical power. Following collection of the baseline data, conduct a statistical analysis to refine the power analysis and evaluate the adequacy of the sampling design. If the analysis of baseline data indicates that the sampling design is insufficient to achieve adequate statistical power, modify the design (for example, by adding additional monitoring sites). 6. Water Table Monitoring. The Project Owner must install piezometers at each of the dominant vegetation community types within or near the monitoring plots. The number, location, depth, and 				

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>monitoring frequency of the piezometers are sufficient to establish the effect of project groundwater pumping on the shallow aquifer water levels. At a minimum, monitor each piezometer twice per year, in early spring (March) and post-monsoon (September). Design the piezometers to monitor the maximum expected fluctuation in the water table and to last the duration of the project. Use data collected from the project wells and piezometers for Mitigation Measure WR-3 (Groundwater Level Monitoring, Mitigation, and Reporting) to refine the modeling of the predicted groundwater drawdown and zone of influence after two years of data collection following the start of groundwater production. The Project Owner must submit to the BLM, for review and approval, a report on the results of the refined modeling. The report must include all calculations and assumptions made in development of report data and interpretations, and all well monitoring data and piezometer data collected and used in the calculations. If the results indicate that the drawdown and zone of influence is greater than the effect predicted in the Groundwater Resources Investigation, and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the Project Owner must submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p>				
7.	<p>Soil Monitoring. Monitor soil salinity and pH annually at every monitoring plot. The Plan must describe the monitoring devices and protocols used to collect and interpret this data, relative to ecosystem function. Collect one soil core sample per community type as part of the baseline data to establish the approximate rooting depth of the phreatophytes, and thereafter repeat the collection every five years. The coring method must provide a continuous core that will provide visual examination of roots and root nodules, soil profile, and soil moisture.</p>				
8.	<p>Baseline and Long-term Data Collection. At a minimum, collect baseline data at all monitoring sites prior to the start of pumping; however, vegetation data collected from sites farther from the nearest wells will allow for the collection of multiple years of "pre-disturbance" data. The effects of pumping would not likely reach the areas supporting the GDEs or phreatophytic plants for several years. Do not use wells located in very close proximity to known phreatophytes in the northeast portion of the project until an adequate baseline is obtained. Subject to approval by the BLM, if ground-water pumping ceases or is replaced by other water sources, continue groundwater and vegetation monitoring for a period of 5 years or until refined modeling indicates that the groundwater levels have returned to baseline levels and that plant vigor has been restored to pre-disturbance conditions.</p>				
9.	<p>Target Vegetation Population. The monitoring sites must include GDEs and other vegetation potentially affected by the drawdown that occur within the zone of influence. The following phreatophytes have been documented to occur around Palen Lake: honey mesquite (<i>Prosopis glandulosa</i>); iodine bush (<i>Allenroffea occidentalis</i>), bush seep-weed (<i>Suaeda moquinii</i> [nigral]), jackass clover (<i>Wislizenia refracta</i>), four-wing saltbush (<i>Atriplex canescens</i>), allscale (<i>A. polycarpa</i>), spinescale (<i>A. spinifera</i>), Salton saltbush (Palen Lake saltbush, see Table 3.17-3), ironwood (<i>Oleaya tesota</i>), blue palo verde (<i>Parkinsonia florida</i>), cat's claw (<i>Acacia greggii</i>), and smoke tree (<i>Psoralea argyrea</i>). The final number of each community type sample needed must be based on the <i>priori</i> power test conducted after the first year of baseline data collection</p>				

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	<p>(http://rgs.usu.edu/irb/wp-content/uploads/sites/12/2015/08/A_Researchers_Guide_to_Power_Analysis_USU.pdf).</p>				
10.	<p>Fine-Scale Vegetation Mapping. Within the monitoring sites, map vegetation to the alliance level, consistent with classification protocol in the Manual of California, 2nd edition (Sawyer et al., 2009) and subsequent updates from the California Native Plant Society website, but also map any important associations. Mapping must be done using minimum 1 meter resolution color orthophotos or higher resolution infrared imagery. Also use the mapping to determine the acreages of GDEs and establish the amount of security to be deposited in the event that adverse effects are detected during the monitoring. Record the boundaries of the permanent plots and any off-site reference sites using GPS technology and depicted on the geo-referenced aerials. Submit GIS shapefiles and metadata along with the draft Plan and any subsequent revisions to the Plan (i.e., following the collection of baseline data and subsequent power analysis).</p>				
11.	<p>Guidelines for the Monitoring Plan. Prepare the Groundwater-Dependent Vegetation Monitoring Plan (Plan) with guidance from Measuring and Monitoring Plant Populations (Elzinga et al., 1998). The Plan must provide a detailed description of each of the following components:</p> <ol style="list-style-type: none"> a. Sampling Design. The sampling design must include a description of: (a) the populations (vegetation types) sampled; (b) number, size, and shape of the sampling units; (c) layout of the sampling units; (d) methods for permanently marking plots in the field; (e) monitoring schedule/frequency; (f) vegetation and other attributes sampled; and (g) sampling objectives (target/threshold, change/trend-based) for each attribute. b. Habitat Function and Values. The Plan must describe the hydrologic, geologic/geomorphic, geochemical, biological and ecological characteristics of the GDEs, and shall also describe whether species are obligate or facultative; root growth and water acquisition characteristics; morphological adaptations to the desert environment; reproduction and germination characteristics; general and micro-habitat preferences; obligate or facultative halophytes and phreatophytes; role in the morphology of dunes; and importance to wildlife, etc. c. Field Techniques for Measuring Vegetation. This must include the vegetation (or other) attributes selected based on a demonstrated knowledge of the biology and morphology of the species, and include a discussion of the limitations involved in each measurement. Examples of appropriate field techniques for measuring drought response include: percent dieback; live crown density; crown height and width, percent cover of live (versus dead or residual) vegetation, percent cover/frequency of associated species; percent composition of native versus non-native species; and percent cover based on wetland status codes (OBL, FACW, FAC, FACU, UPL) and status as phreatophytes or halophytes. Photo monitoring are not considered an acceptable monitoring method but may be useful to conduct periodically (e.g., every 3 to 5 years) d. Data Management. Include how the data will be recorded in the field (e.g., using a GPS data dictionary), processed and stored. e. Training of personnel. Describe minimum standards for training and monitoring personnel. 				

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>f. Statistical analysis. Describe statistical methods used to analyze the monitoring data (incorporating the minimum standards for statistical power and error rate described above). 12. Peer Review of the Plan. The draft Plan must undergo a peer review by recognized experts, which shall include one or more scientists with expertise in: the preparation of monitoring plans for plant populations; the physiological responses of desert phreatophytes to drought stress; assessing the effects of groundwater withdrawal on vegetation in the desert region; and biostatistics. The Project Owner must provide the resumes of suggested peer reviewers to the BLM for review and approval.</p> <p>13. Annual Monitoring Report. Submit Annual Monitoring Reports to the BLM and include, at a minimum: (a) names and contact information for the responsible parties and monitoring personnel; (b) summaries of the results of the monitoring as required in Mitigation Measure WR-3 (Groundwater Level Monitoring, Mitigation, and Reporting); (c) piezometer monitoring results, and a comparison of predicted versus actual water table declines; (d) summary of the results of vegetation, groundwater, and soil monitoring data compared to the baseline data for each plot (pre- versus post-disturbance comparison); (e) description of sampling and monitoring techniques used for each attribute; (f) description of the data management and statistical analysis; (g) photos; (h) conclusions and recommendations for remedial action, if the monitoring data indicates that the threshold described below has been met. The first Annual Monitoring Report must include an appropriate statistical analysis using the first year baseline monitoring data to assess whether the sampling design was adequate to provide statistically meaningful data, as described above. If warranted, the first year Annual Monitoring Report must include recommendations for revisions to the Plan based on this analysis.</p> <p>14. Threshold for Remedial Action: The Project Owner must implement remedial action, as described in Mitigation Measure VEG-15, if the monitoring described in VEG-14 detects a decline in plant vigor of 20 percent or more compared to the same plots pre-disturbance AND also detects a decline in the alluvial (shallow) aquifer confirmed by two consecutive annual water monitoring events in any amount greater than the lowest baseline water level as measured prior to groundwater pumping. If regional drought, off-site pumping or other activities unrelated to the project are also contributing to the decline in water table, the Project Owner is responsible only for the portion of the effect that can be statistically demonstrated to be the result of project pumping. To determine whether declines in plant vigor are related to project pumping as opposed to region-wide drought or offsite pumping conditions the Project Owner must install a network of background monitoring piezometers and incorporate these data in the assessment of Project-related effects on GDEs.</p> <p>15. To understand the source of the water for the GDEs, the Project Owner must prepare a groundwater investigation work plan for submittal to the BLM that will outline steps to determine if the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system, and that the shallow perched water-bearing zone is not hydraulically connected to the regional groundwater system. The groundwater investigation must be comprised of the following components:</p>				

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Resource Area / Environmental Impact	APMs / Mitigation Measures	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification Approval Party
	<p>a. A continuous soil coring program at five locations identified based on field mapping of GDEs in the sampling area. One of the five borings must be drilled adjacent to a GDE containing mesquite, and the other four located to provide an assessment of the range of plant communities within GDEs in the area of interest (i.e., to assess the variability of GDE plant type water requirements and root zone depth).</p> <p>b. The soil cores must extend a minimum of 20 feet below the deepest root zones of the GDEs investigated to demonstrate separation between the shallow and regional water zones. At a minimum the soil cores must show that 20 feet of unsaturated conditions are present below the deepest root zones. A professional geologist in the State of California must log the soil cores, and a qualified biologist with experience in the plant communities identified within each GDE must oversee the coring program.</p> <p>c. Conduct a sampling plan for selective analysis of soil moisture content and saturation for each soil core advanced adjacent to a GDE. Establish the number and frequency of soil samples to confirm field observations of soil moisture content in the shallow water-bearing zone, through the root zone and in the deeper sediments below the root zone above the regional water table. Analyze soil samples for moisture content after ASTM Method D2216.</p> <p>d. Depending on the results of the soil coring program, piezometers may be installed as monitoring points for the regional water table and to monitor changes in the shallow water-bearing zone from Project pumping. In the report of results from the soil coring program, propose a water-level monitoring program if it is shown that the regional water table is in direct hydraulic connection to the source of water to the GDEs. If the field data clearly shows an unsaturated zone of 20 feet or more below the deepest root zones of the GDEs, then piezometers will not be installed.</p> <p>If the results of the pre-construction field observations and soil sampling demonstrate 20 feet or more of unsaturated sediments between the deepest root zones of the GDEs and the regional water table, there will be no requirements to implement any of the underlying conditions as provided for in VEG-14 and VEG-15, as sufficient evidence will have been provided to demonstrate that the groundwater is not the source for the GDEs.</p> <p>If the refined modeling of the predicted groundwater drawdown and zone of influence after two years of data collection (following the start of groundwater production), as described in Subsection 6 of this measure and in Mitigation Measure WR-3 (Groundwater Level Monitoring, Mitigation, and Reporting), indicates the drawdown or zone of influence would be greater than predicted in the Project Owner's Groundwater Resources Investigation (GRI), and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the Project Owner must submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p>		BLM	During construction	BLM
	<p>MM VEG 15. Remedial Action and Compensation for Adverse Effects to Groundwater-dependent Biological Resources. If monitoring detects project-related adverse impacts to groundwater dependent ecosystems (GDEs), as described in VEG-14 and the impacts are shown to be the result of a decline in the regional groundwater table due to project pumping, the Project Owner must determine which well(s) are the source of the adverse impacts and implement remedial measures as</p>	BLM shall verify that remedial action and compensation for impacts to	BLM		

Table 1. Mitigation Measures Proposed in This Final SEIS/SEIR

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	<p>outlined below. If regional drought, off-site pumping, or other activities unrelated to the project are also contributing to the decline in water table, the Project Owner is responsible only for the portion of the effect that can be demonstrated to be the result of project pumping. Implement the remedial measures with the objective of restoring the groundwater levels to the baseline described in VEG-14, and shall compensate for impacts to GDEs with off-site habitat acquisition or restoration. The Project Owner must do all of the following:</p> <ol style="list-style-type: none"> 1. Modification and/or Cessation of Pumping: The Project Owner must provide to the BLM AO evidence based on groundwater monitoring and modeling indicating which wells are likely to be causing adverse impacts to GDEs. The Project Owner must initially modify operation of those wells to reduce the offsite drawdown in the areas of the GDEs. 2. Remedial Action Plan: The objective of remedial action is restoration of the spring groundwater table in the alluvial (shallow) aquifer to baseline levels, as described in VEG-14. The Remedial Action Plan must include one or more of the following measures: (1) Begin rotational operation of the site water supply wells reducing pumping in wells that are the most proximal to the GDEs, (2) reducing the pumping rate in the wells that have been identified as the cause of the drawdown in the area of the GDEs, (3) focus pumping on wells on the southern portion of the project site away from the GDEs, (4) cease operation of the well(s) that are the cause of the drawdown. Ground-water level monitoring must increase to a frequency necessary to document change and recovery in the drawdown from the changes in the pumping program. The Remedial Action Plan must include a water level monitoring program of sufficient frequency to document changes in operation of the water supply wells, and demonstrate that the water table has been restored to baseline levels. 3. The project owner shall use the following guidelines for determining if an ecosystem (or species) is phreatophytic: <ol style="list-style-type: none"> a. It is not known or documented to depend on groundwater, based on scientific literature or expert opinion (local knowledge can be useful in making a determination as some species' dependence varies by setting); b. The species are not known to have roots extending over a meter in depth; c. The community does not occur in an area where the water table is known to be "near" the surface (relative to the documented rooting depths of the species); d. The herbaceous or shrub vegetation is not still green and/or does not have a high leaf area late in the dry season (compared to other dry areas in the same watershed that do not have access to groundwater). 4. Compensate for Loss of Ecosystem Function. If the decline in the water table in the alluvial (shallow) aquifer is accompanied by a corresponding decline in plant vigor greater than 20 percent (as described in VEG-14), the Project Owner must compensate for the loss of habitat functions and values in the affected groundwater-dependent ecosystems. The amount of compensation is at a 3:1 ratio based on area of affected area, using mapping as described in VEG 14. The Project Owner must acquire, in fee or in easement, a parcel or parcels of land that include an amount of groundwater-dependent vegetation that is of the same habitat-type as the 	groundwater-dependent biological resources are provided.			

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	<p>community affected (e.g., mesquite woodland, alkali sink scrubs, or microphyll woodland) and of an equal or greater habitat quality. Locate the compensation lands within the watersheds encompassing the Chuckwalla or Palen valleys. As an alternative to habitat compensation, the Project Owner may submit a plan that achieves restoration of lost habitat function and value at another location within the Chuckwalla Groundwater Basin that contains the same habitats as those affected.</p> <p>a. Review and Approval of Compensation Lands Prior to Acquisition or Restoration. The Project Owner must submit a formal acquisition proposal to the BLM AO describing the parcel(s) intended for purchase. This acquisition proposal must discuss the suitability of the proposed parcel(s) as compensation lands in relation to the criteria listed above. Approval from the BLM AO is required for acquisition of all compensatory mitigation parcels.</p> <p>b. Preparation of Management Plan: The Project Owner must submit to the BLM AO and CDFW a draft Management Plan that reflects site-specific enhancement measures for the acquired compensation lands. The objective of the Management Plan is to maintain the functions and values of the acquired GDE plant communities and may include enhancement actions such as weed control, fencing to exclude wild burros, or erosion control.</p> <p>c. Delegation of Acquisition. The responsibility for acquisition of compensation lands may be delegated to NFWF or another third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the BLM. Such delegation is subject to approval by the BLM AO prior to land acquisition, enhancement or management activities.</p>		BLM	Prior to construction	BLM
	<p>MM WIL-4. Desert Tortoise Compensatory Mitigation. To fully mitigate for habitat loss and potential take of desert tortoise, the Project Owner must provide compensatory mitigation based on the size of the final project footprint. For purposes of this condition, the project footprint means all lands disturbed in the construction and operation of the Palen Project, including all project linears, as well as undeveloped areas inside the Project's boundaries that will no longer provide viable long-term habitat for the desert tortoise. To satisfy this condition, the Project Owner must acquire, protect and transfer 5 acres of desert tortoise habitat for every acre of habitat within critical habitat and within the final project footprint, and 1 acre of desert tortoise habitat for every acre of habitat outside of critical habitat but within the final project footprint, and provide associated funding for the acquired lands, as specified below. In addition to or as a substitute for acquisition, restoration of degraded BLM land in ACEC and/or California Desert National Conservation Lands, other protected lands (e.g., Wilderness, NPS, etc.), Wildlife Allocations, or other designations may be used as compensation lands, if they can be shown to assure durability of conservation on public lands to a degree acceptable to the agencies with jurisdiction over the species in question. This will satisfy the mitigation obligation. The Project Owner may also use Desert Tortoise fencing along important roadways, where the fencing is not a requirement of a translocation plan or mitigation of other impacts (in coordination with USFWS and CDFW) as a part of a restoration plan to help fulfill the compensatory mitigation requirement. In lieu of acquiring or restoring land itself, the Project Owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established</p>	BLM shall verify that compensatory mitigation for impacts to desert tortoises are provided.	BLM	Prior to construction	BLM

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	<p>with the National Fish and Wildlife Foundation (NFWF), as provided below in section 3.i of this measure. If the Project Owner acquires compensation lands in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following:</p> <ol style="list-style-type: none"> 1. Selection Criteria for Compensation Lands. The compensation lands selected for acquisition in fee title or in easement must meet the criteria listed below. The Project Owner may evaluate compensation habitat evaluated for compliance with this mitigation measure for creosote ring occurrence as described in APM 50. <ol style="list-style-type: none"> a. within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands; b. provide habitat for desert tortoise with capacity to regenerate naturally when disturbances are removed; c. prioritized near larger blocks of lands that are already protected as ACEC and/or California Desert National Conservation Lands within the Colorado Desert Recovery Unit (Chuckwalla ACEC as first priority, Chemehuevi ACEC as the second) or which a public resource agency or a non-governmental organization dedicated to habitat preservation could feasibly protect long-term; d. connect to lands with desert tortoise habitat equal to or better quality than the project site, ideally with populations that are stable, recovering, or likely to recover; e. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible; f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and h. have water and mineral rights included as part of the acquisition, unless the BLM, in consultation with CDFW and USFWS, agrees in writing to the acceptability of the land. 2. Review and Approval of Compensation Lands Prior to Acquisition. The Project Owner must submit a formal acquisition proposal to the CDFW, USFWS, and BLM describing the parcel(s) intended for purchase. This acquisition proposal must discuss the suitability of the proposed parcel(s) as compensation lands for desert tortoise in relation to the criteria listed above. Acquisition of all compensatory mitigation parcels requires approval from the CDFW, in consultation with BLM and the USFWS. 3. Compensation Lands Acquisition Requirements. The Project Owner must comply with the following requirements relating to acquisition of the compensation lands after the CDFW, in consultation with BLM and the USFWS, have approved the proposed compensation lands: <ol style="list-style-type: none"> a. Preliminary Report. The Project Owner, or approved third party, must provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other 				