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AZ CORP COMMISSION
DOCKET CONTROL

5 Attorneys for the Applicant SEP-II, LLC
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8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9
10 IN THE MATTER OF THE
APPLICATION OF SEP-II, LLC, IN
11 CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
12 REVISED STATUTES SECTION 40-
360, et seq., FOR A CERTIFICATE OF
13 ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE MESQUITE
14 SOLAR GEN-TIE 230KV
TRANSMISSION LINE, ORIGINATING
AT THE PROPOSED MESQUITE
15 SOLAR PHOTO VOLTAIC
GENERATING FACILITY IN SEC. 18,
16 T.1S., R.6W. G&SRB&M, MARICOPA
COUNTY, AND TERMINATING AT
17 THE EXISTING MESQUITE
GENERATING STATION 230KV
18 SWITCHYARD IN SEC. 15, T.1S.,
R.6W. G&SRB&M, IN MARICOPA
19 COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-00147

Case No. 147

**NOTICE OF COMPLIANCE FILING
REGARDING CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY DATED OCTOBER
30, 2009**

Arizona Corporation Commission
DOCKETED

MAR 25 2011



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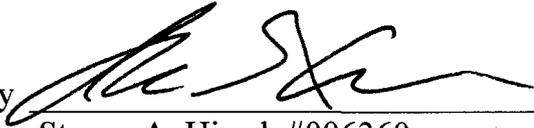
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21 Notice is hereby given that the Applicant SEP-II, LLC, pursuant to Condition No. 12
22 of the Certificate of Environmental Compatibility approved in Decision No. 71320 (October
23 30, 2009), docketed the attached original Construction Mitigation, and Restoration Plan for
24 the Mesquite Solar Energy Project (the "Plan").

25 Although the Plan was commissioned by Mesquite Solar 1, LLC, the developer of the
26 solar facility to which the Generation Tie Line authorized by the subject Certificate of
27 Environmental Compatibility connects, the Plan is hereby submitted by SEP-II, as it
28

1 addresses environmental compliance matters pertaining gen-tie line and the proposed solar
2 generation facility.

3 RESPECTFULLY SUBMITTED this 25th day of March, 2011.

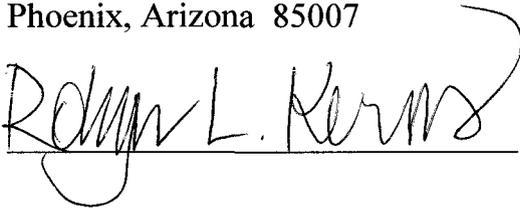
4 BRYAN CAVE LLP

5
6 By 

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10 Phoenix, AZ 85004-4406
11 Attorneys for Applicant SEP-II, LLC

12 **ORIGINAL and 13 COPIES** of the foregoing
13 together with the attached Plan hand-delivered
14 this 25th day of March, 2011 to:

15 Docket Control
16 Arizona Corporation Commission
17 1200 W. Washington Street
18 Phoenix, Arizona 85007

19 

**Construction, Mitigation, and Restoration Plan
for the
Mesquite Solar Energy Project**

Prepared for

Sempra Generation

101 Ash Street
San Diego, California 92101

Prepared by



Logan Simpson Design Inc.

51 W. Third Street
Suite 450
Tempe, Arizona 85281

March 2011

CONSTRUCTION, MITIGATION, AND RESTORATION PLAN

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CONSTRUCTION, MITIGATION, AND RESTORATION PLAN

1.0 Introduction

Mesquite Solar 1 (MS1), a subsidiary of Sempra Generation, is planning the construction of a nominal 400-megawatt solar energy generating facility consisting of a solar field of ground-mounted photovoltaic panels, an electrical collection system that converts generated power from direct current to alternating current, a substation, and a generation-tie (gen-tie) power line to deliver the generated electricity from the project site to an existing off-site electrical switchyard (see Figures 1–3 in Appendix A).

A Certificate of Environmental Compatibility for the construction of approximately 4.5 miles of a double-circuit 230-kilovolt (kV) gen-tie power line and ancillary facilities was approved by the Arizona Corporation Commission on October 30, 2009 (Decision No. 71320; Docket No. L-00000KK-09-0299-00147). This Construction, Mitigation, and Restoration Plan (Plan) addresses the construction of the gen-tie power line and ancillary facilities, and has been developed to meet Condition 12 of the project's Certificate of Environmental Compatibility, which states:

"Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance, particularly in drainage channels."

This Plan contains information regarding the construction methods and access requirements for construction of the gen-tie power line and ancillary facilities, and identifies the proposed mitigation measures associated with pre-construction activities, construction activities, and post-construction activities.

2.0 Project Components Addressed in this Plan

2.1 Substation Construction

The substation will be a central hub for the 34.5-kV collector circuits that gather electricity from the solar field and will step up the electricity voltage from 34.5 kV to 230 kV. The substation site is approximately 10 acres in size and will include the following major components:

- 34.5-kV bus;
- 230-kV bus;
- 34.5/230-kV transformers;

CONSTRUCTION, MITIGATION, AND RESTORATION PLAN

- 34.5-kV capacitors;
- Prefabricated modular control enclosure; and
- Perimeter fence.

2.2 Gen-Tie Power Line Construction

The gen-tie power line will originate at a new 230-kV substation on the project site and will extend 4.5 miles, terminating at the existing 230-kV bus of the Mesquite Generating Station. The Mesquite Generating Station switchyard consists of a single 230-kV bus that connects the Mesquite Generating Station to the Hassayampa Switchyard. The Hassayampa Switchyard is a 500-kV switchyard located immediately east of the Mesquite Generating Station that collects electricity from area power plants and transfers this electricity to transmission lines serving urban areas of Arizona and California.

The gen-tie route will begin at the new 230-kV substation on the project site, proceed through state land for approximately 1.2 miles, private land for 0.5 mile, state land for 1 mile, and then enter the Mesquite Generating Station site for 1.8 miles, terminating at the existing Mesquite Generating Station Switchyard. MS1 has acquired rights-of-way from the Arizona State Land Department for the segments on state lands, and an easement to cross the private land. The Arizona State Land Department approved the rights-of-way during its board meeting on October 14, 2010. The easement agreement for the segment on private land was executed in July 2010.

The gen-tie power line will consist of two circuits on common structures within a 120-foot-wide corridor. The common structures will be tubular steel monopoles on drilled shaft foundations. The distance between poles will be between 500 and 1,000 feet along the 4.5-mile gen-tie route, and approximately 30 poles will be installed.

3.0 Pre-Construction Activities

Pre-construction activities will include surveying and staking of the construction area; designating access roads and staging areas; designating conductor stringing, tensioning, and pulling areas; addressing any requirements for biological and cultural resource protection; providing public notice of the pending construction activities; and securing permits.

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3.1 Surveying and Staking

Surveying and staking will be performed to verify and locate the centerline of the gen-tie power line, the pole structure locations, and the right-of-way boundaries along the power line route. The limits of construction for the substation site will also be identified and staked in the field.

3.2 Designation of Access Roads

Several access roads have been identified for use during construction of the substation and gen-tie power line. The main access driveway to the solar site from Elliot Road is already in place and extends along the 399th Avenue alignment to the southern edge of the project site. This main access driveway will be improved to 24 feet wide and paved from Elliot Road to the substation. Access routes that will be used during construction of the substation include the existing driveway on 399th Avenue and the existing unpaved roadway along the 395th Avenue alignment.

The gen-tie right-of-way will be accessed from the Mesquite Solar property (from 395th Avenue to the gen-tie right-of-way), from Narramore Road (an existing dirt trail along much of the route), from internal roads within LS Power's Arlington Valley facility, from an existing access road on the state land property between the Mesquite Generating Station and the Arlington Valley facility, from the existing perimeter road inside the Mesquite Generating Station property, and along the existing Arizona Public Service easement road adjacent to the Mesquite Generating Station fence line.

3.3 Designation of Construction Staging Areas

3.3.1 Substation

Existing paved and unpaved roads will be used for the transportation of materials and equipment to the substation site. The area directly to the south of the substation site will be used for staging, parking, materials and equipment storage, etc.

3.3.2 Gen-Tie Power Line

Equipment and materials staging will occur at the individual pole structure locations along the gen-tie power line route. Designated conductor stringing, tensioning, and pulling areas will be located at intervals between pole structures along the gen-tie route.

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3.4 Biological Resources

3.4.1 Previous Surveys and Coordination

A Biological Site Assessment for the Proposed Mesquite Solar Generation Facility was prepared to identify any sensitive or protected biological resources in the project area (AECOM Environmental 2009). MS1 has consulted with the Arizona Game and Fish Department during the project planning phase to identify and address potential impacts to biological resources during the construction and operation of the Mesquite Solar Energy Project. The Arizona Game and Fish Department identified measures to address wildlife connectivity concerns and requested that MS1 1) conduct pre-construction surveys for special status species and migratory birds, and 2) implement measures for the protection of sensitive species if they are encountered prior to or during construction.

3.4.2 Arizona Native Plant Law/Minimization of Impacts to Vegetation

The project will have minor impacts on vegetation from clearing and grading the substation site and constructing the gen-tie power line given the relatively small construction footprint for the gen-tie pole structures and maintenance vehicle access under the line. Straw-top cholla, an Arizona Department of Agriculture "Salvage Restricted" species with the potential to occur on the project site, will be handled in accordance with the Arizona Native Plant Law. As identified in Condition 5 of the project's Certificate of Environmental Compatibility, MS1 will comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. § 3-901, *et seq.*) and will, to the extent feasible, minimize the destruction of native plants during the construction and operation of the power line.

The mesquite bosque located in the southwestern corner of the Mesquite Generating Station property is protected under the facility's Special Use Permit; impacts to the protected mesquite bosque and to vegetation associated with Winters Wash (located just east of LS Power's Arlington Valley facility) will be avoided by spanning these features.

3.4.3 Pre-Construction Surveys for Special Status Species

As identified in Condition 19 of the project's Certificate of Environmental Compatibility, MS1 will conduct surveys within 30 days prior to construction to determine the presence of Le Conte's thrasher and western burrowing owl in the project area. The surveys will follow the most recent burrowing owl guidelines published by the Arizona Game and Fish Department. The survey results will be used to develop mitigation measures during construction and maintenance of the transmission line. The survey results will be

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provided to the Arizona Game and Fish Department within 30 days of the survey completed in each construction area.

3.4.4 Pre-Construction Surveys for Nesting Migratory Birds

The Migratory Bird Treaty Act of 1918 (MBTA) prohibits the take of migratory birds or their eggs, feathers, or nests. A variety of migratory bird species protected under the MBTA, including both songbirds and raptors, may occur in the project area. If the project timing is such that construction needs to occur during the breeding season, a pre-construction survey for occupied bird nests would be conducted.

3.4.5 Minimization of Power Line Impacts on Birds

As identified in Condition 10 of the project's Certificate of Environmental Compatibility, power lines and all electrical components will be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) *Suggested Practices for Avian Protection on Power Lines* (APLIC 2006) and *Mitigating Bird Collisions with Power Lines* (APLIC 1994) to minimize impacts to raptors.

3.5 Cultural Resources

3.5.1 Previous Surveys and Coordination

Three cultural resource investigations have been conducted for the project site and gen-tie power line route: Class I background research was conducted for Part 1 lands, one potential gen-tie route, and a one-mile buffer around these areas (PaleoWest 2009a); a Class III pedestrian survey of Parts 1 and 2 was performed (PaleoWest 2010); and a Class III pedestrian survey of four potential gen-tie route alignments was subsequently performed (PaleoWest 2009b).

None of the cultural resources that were identified on the project site were determined to be eligible for listing on the National Register by the State Historic Preservation Office (SHPO), and the Department of Energy (DOE) has determined that a finding of "no historic properties affected" is appropriate for the Mesquite Solar Energy Project. The SHPO concurred with this determination in September 2010 (DOE 2011).

3.6 Identification of Jurisdictional Washes

The project will not affect any jurisdictional waters of the US. There are no jurisdictional waters of the US in the vicinity of the substation site and no vehicles or equipment will be allowed to enter or impact Winters

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Wash (located just east of LS Power's Arlington Valley facility) during the construction of the gen-tie power line.

3.7 Posting of Informational Signs

As identified in Condition 9 of the project's Certificate of Environmental Compatibility, MS1 has posted informational signs giving notice of the project in the public right-of-way along Elliot Road and along Narramore Road.

4.0 Construction Activities

4.1 Worker Awareness Training

The contractor shall implement environmental and cultural awareness training as part of their worker safety program to ensure the proper implementation of the various avoidance and mitigation measures.

4.2 Construction Access and Vehicle Use

No permanent access road improvements are anticipated, with the exception of minor brush clearing in specific areas. No cut, fill, or stabilization material is anticipated to be necessary. Construction activities will be limited to designated access roads, staging areas, and construction areas.

Vehicular traffic during project construction will be confined to designated routes of travel to and from the project site, and cross country vehicle and equipment use outside designated work areas will be prohibited. The speed limit will not exceed 15 miles per hour within the project area and on access roads. Speed limits on paved roads will be consistent with posted speed limits.

4.3 Construction Area Requirements

4.3.1 Substation

The substation site is 10 acres in size; vegetation clearing and grading would occur over the entire 10-acre substation site. The area directly to the south of the substation site will be used for staging, parking, materials and equipment storage, etc.

CONSTRUCTION, MITIGATION, AND RESTORATION PLAN

4.3.2 Gen-Tie Power Line

The gen-tie power line will consist of tubular steel poles on drilled shaft foundations spaced every 500 to 1,000 feet. Within the 4.5-mile route, approximately 30 poles will be installed. The right-of-way corridor will be cleared of vegetation around the transmission poles and to allow for maintenance vehicle access under the gen-tie line. Each pole will require an approximately 7-foot by 7-foot clearing and between 5,000 and 7,500 square feet would be disturbed during the installation of the power poles. Designated conductor stringing, tensioning, and pulling areas will be located at intervals between pole structures along the right-of-way. These areas will be approximately 100 feet by 300 feet in size.

4.4 Grading

The substation site will be graded to create a level surface for construction of above-ground facilities; grading will be minimal because of the level nature of the existing site. Site grading will incorporate provisions in the engineering design of the facility to address both on-site and off-site storm water management in accordance with the drainage and floodplain regulations for Maricopa County. Impacts on soils during construction will be mitigated through implementation of a Storm Water Pollution Prevention Plan. Best management practices will be adapted to site conditions by the contractor to avoid soil erosion and to prevent construction vehicles from tracking soils from the project site.

4.5 Biological Resources – Protected Wildlife

4.5.1 Burrowing Owl

If any active owl burrows are located during pre-construction surveys or during construction, MS1 will employ a biologist holding a permit from the US Fish & Wildlife Service to relocate burrowing owls from the project area, as appropriate. If burrowing owls or active burrows are identified during the pre-construction surveys or during construction, no construction activities will take place within 100 feet of any active burrow until the owls are relocated.

4.5.2 Sonoran Desert Tortoise

As identified in Condition 20 of the project's Certificate of Environmental Compatibility, if any Sonoran desert tortoises are encountered during construction, the contractor will adhere to the Arizona Game and Fish Department's current Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects.

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4.5.3 Kit Fox

As identified in Condition 21 of the project's Certificate of Environmental Compatibility, if kit foxes are encountered during construction and maintenance of the project, MS1 will make reasonable efforts to avoid adverse impacts to this species.

4.5.4 Migratory Birds (including Le Conte's Thrasher)

Any occupied nests that are discovered during pre-construction surveys or during construction would have no-construction buffers around them until such time that either the young have fledged the nests or the nests have been abandoned. These measures will prevent impacts to migratory birds and are in accordance with industry best management practices.

4.6 Cultural Resources – Discoveries

There is the potential for encountering buried cultural resources during grading, excavation, or other ground-disturbing activities associated with the proposed action. As identified in Condition 3 of the project's Certificate of Environmental Compatibility and pursuant to A.R.S. § 41-844, if any archaeological, paleontological, or historical site or object that is at least 50 years old is discovered on state, county, or municipal land during the construction or operation of the power line, MS1 or its representative in charge will promptly report the discovery to the Director of the Arizona State Museum and, in consultation with the Director, will immediately take all reasonable steps to secure and maintain the preservation of the discovery.

As identified in Condition 4 of the project's Certificate of Environmental Compatibility and pursuant to A.R.S. § 41-865, if human remains or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the power line, the contractor will cease work on the affected area of the project and MS1 will notify the Director of the Arizona State Museum.

4.7 Other Special Conditions

4.7.1 Dust Control

The Maricopa County Air Quality Department requires all projects that would disturb more than one-tenth of an acre to obtain a dust control permit prior to construction. The dust control permit for the substation and gen-tie construction activities will include best management practices and other measures that will be implemented during construction to reduce fugitive dust emissions. Specific measures will be developed as

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part of the dust control plan, but examples of dust control measures that may be employed include the following:

- Phase work to reduce the amount of disturbed surface area at any one time;
- Apply water or dust suppressant to all active construction and site preparation work areas at least twice daily and more often during windy periods;
- Suspend dust-generating operations during periods of excessive winds (60-minute average wind speed greater than 25 miles per hour);
- Cover all hauling trucks or maintain at least two feet of freeboard on all loads;
- Install trackout control devices at paved access points to control fugitive dust from leaving the project site via trucks and motor vehicles;
- Apply water or dust suppressants on all unpaved access roads and staging areas;
- Sweep paved access roads with water sweepers; and
- Enclose or securely cover exposed stockpiles.

5.0 Post-Construction Activities

5.1 Cleanup and Reclamation of Affected Areas

Construction sites and access roads will be kept in an orderly condition throughout the construction period. Construction waste and trash will be removed from the project area and disposed of in an approved manner (e.g., in an approved landfill).

5.1.1 Substation

Portions of the substation site will be covered with gravel to prevent the growth of vegetation.

5.1.2 Gen-Tie Power Line

Once construction materials and equipment have been removed, the areas where brush was cleared along the gen-tie power line route will be allowed to revegetate naturally. However, excessive vegetation will not be allowed directly under the gen-tie line.

6.0 Summary of Project Mitigation Measures

The following mitigation measures, excerpted from the text above, will be implemented for the Mesquite Solar Energy Project.

6.1 Construction – Worker Awareness Training

1. The contractor shall implement environmental and cultural awareness training as part of their worker safety program to ensure the proper implementation of the various avoidance and mitigation measures.

6.2 Biological Resources

1. In accordance with the Arizona Native Plant Law, MS1 will ensure that a Notice of Intent to Clear Land is submitted to the Arizona Department of Agriculture prior to vegetation clearing activities.
2. If any Sonoran desert tortoises are encountered during construction, the contractor will adhere to the current Arizona Game and Fish Department's *Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects* (attached).
3. If kit foxes are encountered during construction and maintenance of the project, MS1 will make reasonable efforts to avoid adverse impacts to this species.
4. A qualified biologist will complete a pre-construction survey for burrowing owls and Le Conte's thrashers within 30 days prior to site clearing in all suitable habitat areas that will be disturbed. The surveys will follow the most recent burrowing owl guidelines published by the Arizona Game and Fish Department and the biologist shall possess a burrowing owl survey protocol training certificate issued by the Arizona Game and Fish Department. The survey results will be provided to the Arizona Game and Fish Department within 30 days of the survey completed in each construction area.
5. If any active owl burrows are located during preconstruction surveys or during construction, MS1 will employ a biologist holding a permit from the US Fish & Wildlife Service to relocate burrowing owls from the project area, as appropriate.
6. If burrowing owls or active burrows are identified during the pre-construction surveys or during construction, no construction activities will take place within 100 feet of any active burrow until the owls are relocated.
7. If the project timing is such that construction needs to occur during the breeding season, a pre-construction survey for occupied bird nests would be conducted. Any occupied nests that are discovered during pre-construction surveys or during construction would have no-construction buffers

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around them until such time that either the young have fledged the nests or the nests have been abandoned. Various techniques may be used to deter migratory birds from nesting on sites planned for clearing, such as placement of models of owls, metallic strips that flash in the breeze, and recurrent searches for removal of potential nests.

8. Power lines and all electrical components will be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) *Suggested Practices for Avian Protection on Power Lines* (APLIC 2006) and *Mitigating Bird Collisions with Power Lines* (APLIC 1994) to minimize impacts to raptors.

6.3 Cultural Resources

1. If any archaeological, paleontological, or historical site or object that is at least 50 years old is discovered on state, county, or municipal land during the construction or operation of the power line, MS1 or its representative in charge will promptly report the discovery to the Director of the Arizona State Museum and, in consultation with the Director, will immediately take all reasonable steps to secure and maintain the preservation of the discovery.
2. If human remains or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the power line, the contractor will cease work on the affected area of the project and MS1 will notify the Director of the Arizona State Museum.

7.0 References

- AECOM Environmental. 2009. Biological Site Assessment for the Proposed Mesquite Solar Generation Facility.
- Avian Protection Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, DC and Sacramento, CA.
- . 1994. *Mitigating Bird Collisions With Power Lines: The State of the Art in 1994*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, DC and Sacramento, CA.
- PaleoWest. 2009a. Class 1 Cultural Resources Study for the Proposed Mesquite Solar Generation Project, Maricopa County, Arizona. February 17, 2009.
- . 2009b. A Class III Cultural Resources Survey of Transmission Line Corridors on State Land for the Proposed Mesquite Solar Generation Project, Maricopa County, Arizona. April 10, 2009.

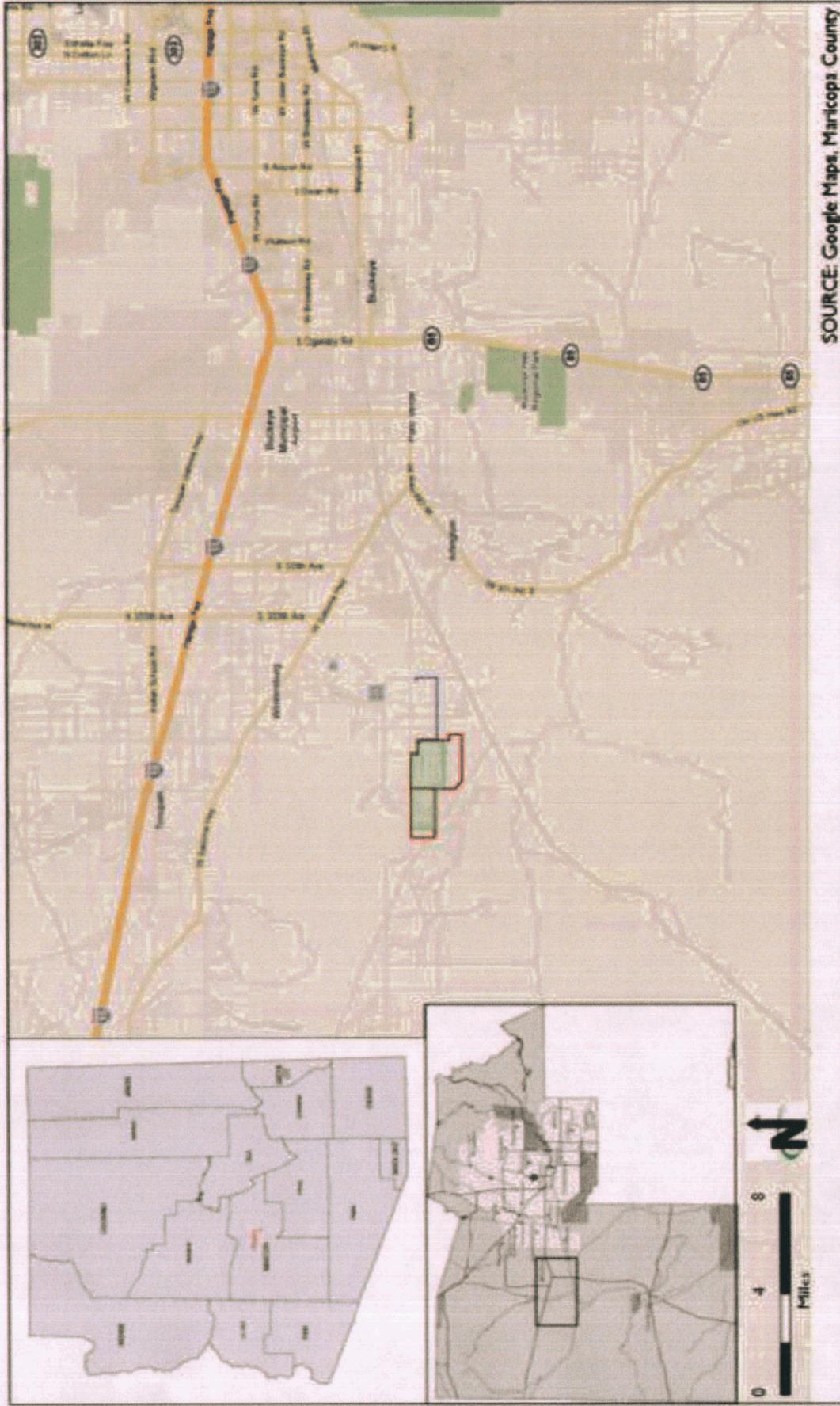
CONSTRUCTION, MITIGATION, AND RESTORATION PLAN

———. 2010. Class III Cultural Resources Survey of Approximately 3,760 Acres of Private Land for the Proposed Mesquite Solar Energy Project in Western Maricopa County, Arizona. March 10, 2010.

US Department of Energy (DOE). 2011. Final Environmental Assessment for a Department of Energy Loan Guarantee to Sempra Generation for Construction of the Mesquite Solar Energy Project, Maricopa County, Arizona. DOE/EA-1796.

Appendix A
Project Maps

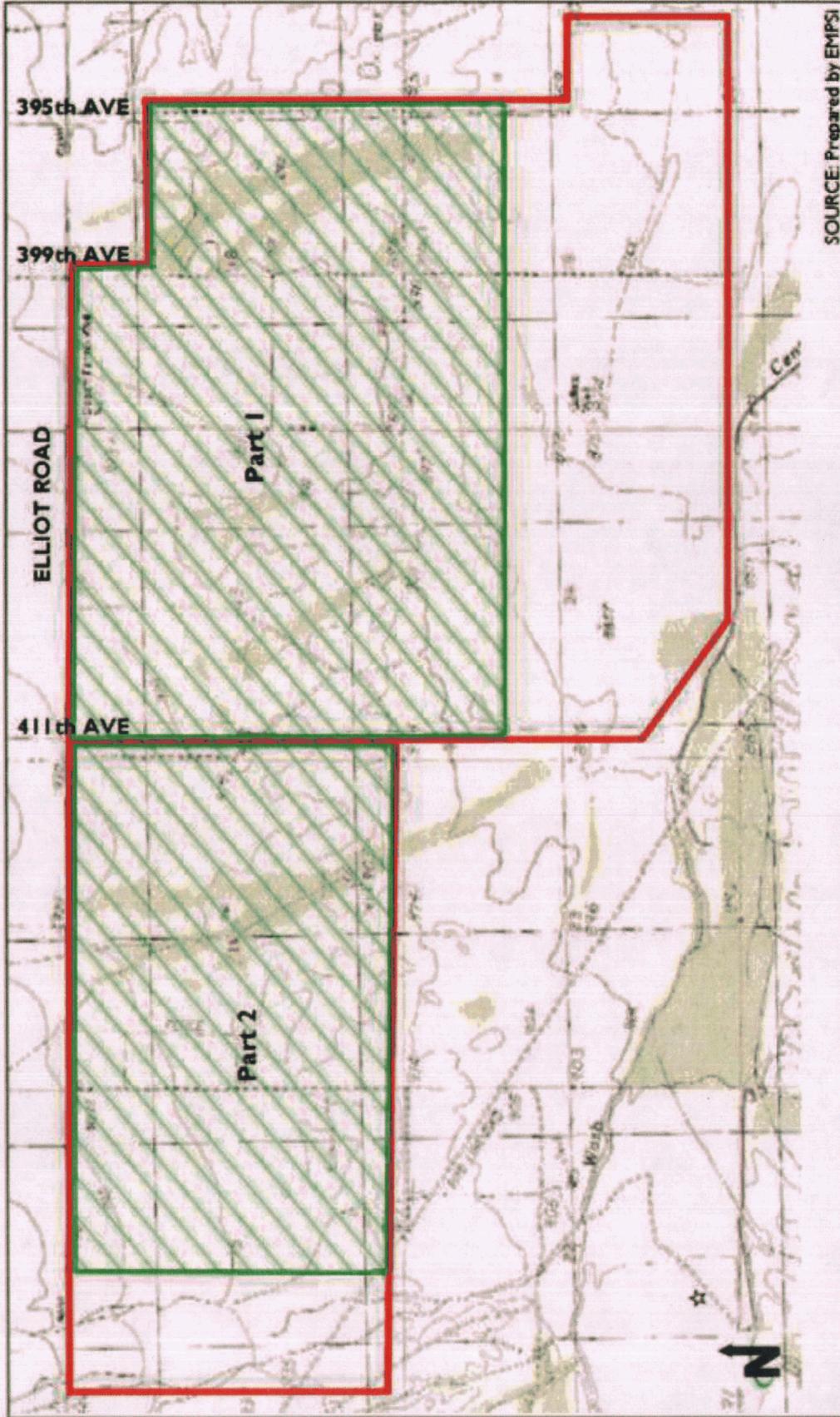
CONSTRUCTION, MITIGATION, AND RESTORATION PLAN



The project site is in western Maricopa County, approximately 50 miles west of downtown Phoenix.

Figure 1. Project location map

CONSTRUCTION, MITIGATION, AND RESTORATION PLAN



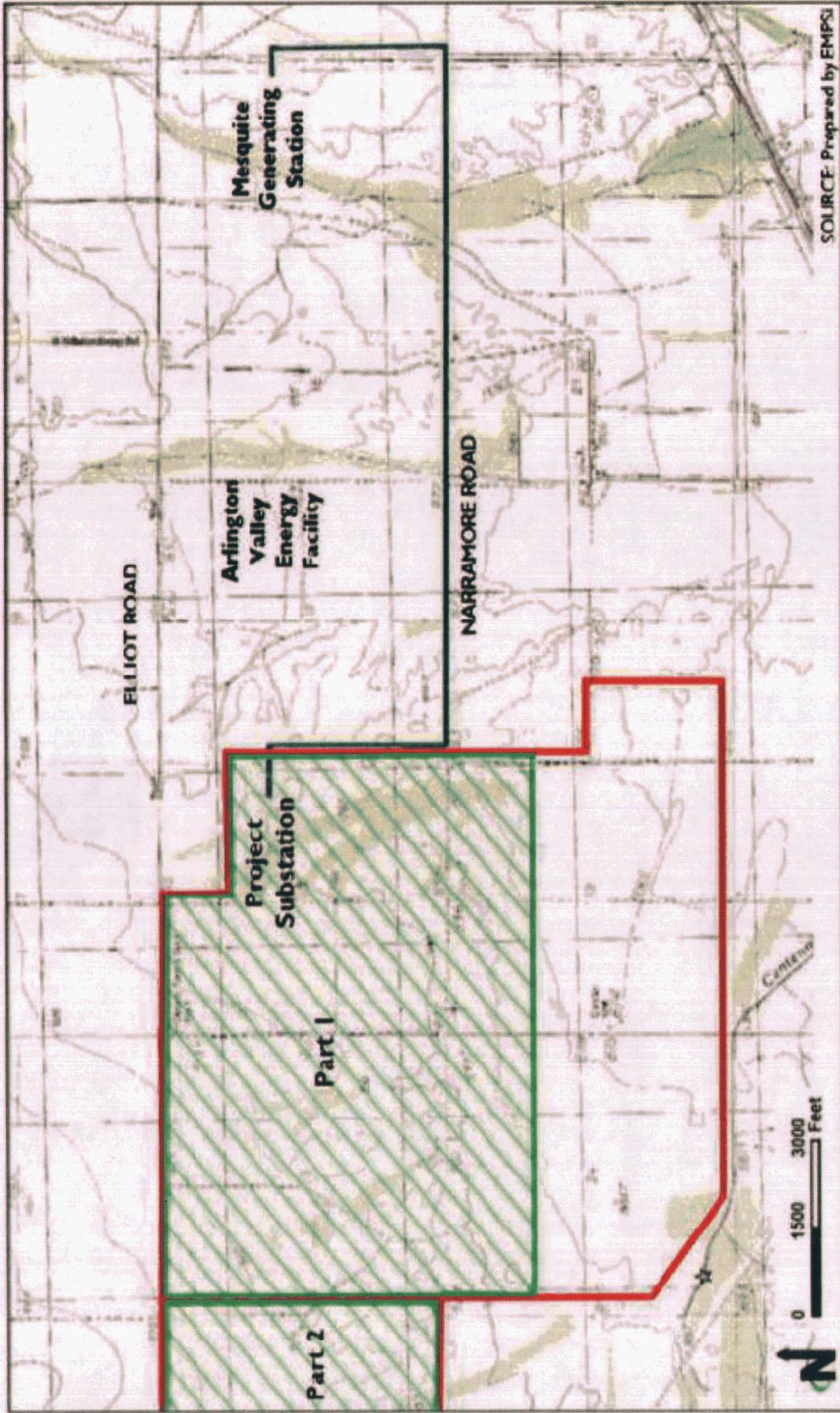
The lands in the two adjacent parcels owned or controlled by Sempra would be developed into a nominal 400-megawatt solar generation site. While the total project site encompasses 3,760 acres, only 2,510 acres are in the project development boundary.

LEGEND:

-  Project Site Boundary
-  Project Development Boundary

Figure 2. Project map: Part 1 and 2

CONSTRUCTION, MITIGATION, AND RESTORATION PLAN



LEGEND:
 Electricity generated by the proposed Mesquites Solar Energy project would be conveyed to the existing Mesquite Generating Station electrical switchyard via a new gen-tie power line.
 — Gen-Tie Route
 — Project Site Boundary
 Project Development Boundary

Figure 3. Project map: Gen-Tie Power Line Route

Appendix B

**Arizona Game and Fish Department
Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects
(Revised October 23, 2007)**

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department

Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist.

Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.

These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.

Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.