

**Appendix D:
Project Construction Agreements**

The following project construction agreements provide standard construction, operation, and maintenance practices that would be implemented, where and when applicable to avoid and minimize impacts to the environment to the extent practicable.

Identifier	Action or Practice
GEN-1	The construction contractor shall limit the movement of crews and equipment to the ROW, including access routes. The contractor shall limit movement on the ROW to minimize damage to residential yards, grazing land, crops, orchards, and property. Haxtun Wind LLC would reimburse landowners for crop damages and property damage.
GEN-2	The construction contractor shall coordinate with the landowners to avoid impacting the normal function of irrigation devices and other agricultural operations during project construction.
GEN-3	ROW would be acquired based on fair market value and in accordance with applicable laws and regulations.
GEN-4	When weather and ground conditions permit, the construction contractor shall obliterate construction caused deep ruts on or off road. Ruts shall be leveled, filled and graded as approved by Haxtun Wind LLC. Ruts, scars, and compacted soils in pasture and cultivated lands shall have the soil loosened and leveled by scarifying, harrowing, disking, or other approved methods. Damage to ditches, tile drains, terraces, roads, and other features shall be corrected. At the end of each construction season and before final acceptance of the work in agricultural areas, ruts shall be obliterated, and trails and areas that are hard-packed as a result of construction operations shall be loosened and leveled. The land and facilities shall be restored as nearly as practicable to the original grade.
GEN-5	Construction roads and trails not required for maintenance access shall be restored to the original contour, seeded, and be left in a state acceptable to the landowner. The surfaces of these construction roads and trails shall be scarified as needed to provide conditions that would facilitate natural revegetation, provide for proper drainage, and prevent erosion
GEN-6	Construction staging areas on the right-of-way shall be located and arranged to preserve trees and vegetation to the maximum practicable extent. On completion all storage and construction materials and debris shall be removed from the site. The area shall be regraded, as required, so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that would facilitate natural revegetation, provide for proper drainage, and prevent erosion.
GEN-7	Borrow pits shall be excavated so that water would not collect. The sides of borrow pits shall be brought to stable slopes, with slope intersections shaped to carry the natural contour of adjacent, undisturbed terrain into the pit or borrow area, giving a natural appearance. Piles of excess soil or other borrow shall be shaped to provide a natural appearance.
GEN-8	Approved mufflers and spark arrestors would be used as needed to control construction equipment noise and the risk of fire.
GEN-9	The ROW would be located to the extent practicable to avoid sensitive resources.
GEN-10	Transmission structures would be located to the extent practicable to avoid sensitive resources and, when possible would span resources.
GEN-11	Topsoil would be removed stockpiled, and respread in areas of heavy disturbance.
EROSION-1	Water turnoff bars or small terraces shall be constructed across ROW trails on hillsides to prevent water erosion and to facilitate natural revegetation.
EROSION-2	To the extent practicable, access roads and trails would follow contours in steeper topography to facilitate erosion control and minimize impacts to other resources such as surface water.
EROSION-3	Grading and vegetation clearing on access would be limited to that necessary to allow equipment to pass and for the safe construction and maintenance of the facility.
ENV-1	The construction contractor and Haxtun Wind LLC shall comply with all Federal, state, and local environmental laws, orders and regulations. Prior to construction, supervisory construction personnel would be instructed on the protection of cultural and environmental resources. To assist in this effort, the construction contract would address: a) Federal and state laws regarding antiquities, plants and wildlife, including disturbance, collection and removal; and b) the importance of these resources and the purpose and need to protect them.

Identifier	Action or Practice
VEG-1	Seeding and mulch requirements would be specified. Seed mix would be approved by appropriate land management agencies, the landowner, or Dept. of Agriculture. All seed, mulch, hay approved for use would be certified weed-free.
VEG-2	Except where clearing is required for permanent works (such as structures, buildings, access roads) and to protect the transmission facility from trees and other vegetation; minimal removal of native vegetation would be done. To the extent practicable considering the need to protect transmission lines from encroaching vegetation and vegetation hazards, ensure access to facility for maintenance, and reduce wildfire fuel loads along the ROW, vegetation management would emphasize maintaining native vegetation, to reduce visual impacts and maintain natural communities.
VEG-3	The contractor shall comply with federal, State, and local noxious weed control regulation and provide a “clean vehicle policy” when entering and leaving construction areas to prevent transport of noxious weed plants and/or seed. The contractor shall transport only construction vehicles that are free of mud or vegetation debris to staging areas and the project ROW.
CULT-1	Prior to construction, Haxtun Wind LLC would survey the Area of Potential Effect. The surveys would be completed in compliance with Section 106 of the National Historic Preservation Act and coordinated with appropriate federal land management agencies, the SHPO Officer. Tribes would be consulted for activities on Tribal Lands and on potential effects on ancestral lands. Mitigation would be implemented as agreed to between Haxtun Wind LLC and consulting parties.
CULT-2	As agreed to with the consulting parties, Haxtun Wind LLC would monitor construction activities, flag and avoid sites, or mitigate sites through data recovery.
CULT-3	Construction Contractors would be advised of the need to avoid impacting sites, removing artifacts and other actions.
CULT-4	If previously-unrecorded sites or artifacts are encountered during construction activities, construction activities would be stopped in the vicinity of the discovery. Haxtun Wind LLC would consult with the SHPO and other parties in accordance with the National Historic Preservation Act (NHPA) and implement agreements made.
SOLID WASTE-1	Construction activities shall be performed by methods that prevent accidental spills of solid matter, liquids, contaminants, debris, and other pollutants and wastes into flowing streams or dry water courses, lakes, playas, and underground water sources. These pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sanitary waste, industrial waste, oil and other petroleum products, aggregate processing tailings, mineral salts, and thermal pollution.
SOLID WASTE-2	Burning or burying of waste materials on the right-of-way (ROW) or at the construction site is not allowed. The construction contractor shall remove all waste materials from the construction area. All materials resulting from the contractor's clearing operations shall be removed from the ROW and disposed of in accordance with applicable regulations.
WATER -1	Excavated material or other construction materials shall not be stockpiled or deposited near or on stream banks, lake shorelines, or other water course perimeters where they could be washed away by high water or storm runoff or can in any way encroach upon the actual water source itself. As required by state agencies, the contractor shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements and obtain the appropriate permits.
WATER-2	Waste waters from construction operations shall not enter streams, water courses, or other surface waters without use of such turbidity control methods as settling ponds, gravel filter entrapment dikes, filter fences, approved flocculating processes that are not harmful to fish, recirculation systems for washing of aggregates, or other approved methods. Any waste waters discharged into surface waters shall be essentially free of suspended material. These actions shall comply with applicable NPDES permitting requirements.
WATER-4	Minimize activities in riparian areas, wetlands and span these areas whenever practicable. Avoid disturbance to riparian vegetation and wetlands whenever practical. Span narrow flood-prone areas whenever practical.

Identifier	Action or Practice
WATER-5	Construction activities shall be done in ways that prevent water pollution. This includes accidental spills of contaminants, debris, and other objectionable pollutants and wastes into streams, watercourses, lakes, playas, wetlands, etc.
WATER-6	Structure sites, new access routes and other disturbed areas would be located away from rivers, streams, ephemeral streams, ponds, lakes, reservoirs, and playas, whenever practicable.
WATER-7	When needed, Culverts, low water crossings, and other devices of adequate design to accommodate estimated peak flow of the water way would be installed at crossings of perennial, intermittent and ephemeral streams. Construction disturbance of the banks and beds would be minimized. The mitigation measures listed for soil and vegetation would be implemented as applicable on disturbed areas.
AIR-1	The contractor shall use reasonably available, practicable methods and devices to control or prevent emissions of air contaminants including dust, diesel exhaust, and other identified emissions.
AIR-2	The Contractor shall prevent nuisance dust from affecting persons and their homes, damaging crops or impairing the safe use of adjacent public roadways. Oil and other petroleum derivatives shall not be used as dust control. Speed limits shall be enforced to reduce dust problems on dirt roads.
AIR-3	Equipment with excessive emissions of exhaust gases—especially particulates—shall not be operated until repairs or adjustments are made.
TRANSPORTATION -1	Construction-caused delays to the operation of in-service railroads would be minimized and coordinated with the railroad operators. During conductor and static-wire stringing appropriate methods would be used to avoid impacting railroad operations.
TRANSPORTATION-2	The Construction Contractor shall be responsible for ensuring safety to traffic on public roads. To the extent practicable obstruction to traffic and inconvenience would be minimized. Passage of emergency response vehicles would be ensured.
EMF-1	Haxtun Wind LLC would design and include necessary mitigation to eliminate problems of induced currents and voltages onto existing conductive objects sharing a ROW, Haxtun Wind LLC would install fence grounds on all existing fences that cross or are parallel to the proposed line and in which induced currents are a problem.
EMF-2	Transmission Lines would be designed to minimize noise while energized. Transmission lines would be designed to adhere to applicable codes related to electromagnetic field (EMF).
PALEO-1	All construction personnel would be given training that would include instruction regarding what fossil resources may be encountered during construction. If oversight is deemed necessary, monitors would also receive training in the identification of paleontological resources specific to the site.
PALEO-2	If fossils are seen in areas when the Paleontologist Monitor is not present, the Paleontologist Monitor would immediately be notified, and the fossils would be avoided by further construction activities until a determination of the significance of the discovery can be made and a plan of action can be formulated.
PALEO-3	Excavation of spoils surrounded by exclusion fencing or survey flagging is to be avoided under all circumstances, and that any intrusions into an exclusion zone by personnel or equipment other than under the direction of the Paleontologist Monitor are strictly prohibited.
PALEO-4	If the Paleontologist Monitor or Project Manager notes an unusually large number of fossils or an individual highly significant specimen being excavated or disturbed by earth-moving operations, he or she would immediately contact the Project Paleontologist. The Project Manager would temporarily halt construction activities until consultation with the Project Paleontologist to determine whether site-specific mitigation requirements are warranted.
PALEO-5	Depending on the specific circumstances, Haxtun Wind LLC would either: move construction away from the fossil locality and return later to carefully excavate the fossil site under the direction of the Project Paleontologist; or in consultation with the Project Paleontologist excavate through the fossil site, destroying a portion of the site, and salvaging a representative collection of significant fossils from an adjoining portion of the site.

Identifier	Action or Practice
WILDLIFE-1	Haxtun Wind LLC would design the transmission lines in conformance with Suggested Practices for Protection of Raptors on Power lines (APLIC 1994) and Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006).
WILDLIFE-2	Haxtun Wind LLC would comply with the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and other requirements identified through consultation with Federal and State wildlife agencies and Land Management Agencies.