



Cochise County

Development Services

Planning, Zoning and Building Safety Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket SU-20-18 & Z-20-15 (Ft Grant Solar) Agency Comments Summary
DATE: November 30, 2020 for the December 9, 2020 Meeting

AGENCY COMMENTS DOCKET SU-20-18 & Z-20-15 (Fort Grant Solar)

On Monday November 9, 2020, the Development Review Team for the County was transmitted case information for their review. Reviewers were given until Monday November 30, 2020 to respond and were notified that a failure to respond by that date would result in an automatic approval by their agency/Department. The following is a summation of all the comments that were received by that date.

Cochise County, Floodplain: There are no comments for the Rezoning and Special Use Permit. However, at a minimum, the following items will be required should the project go forward:

The proposed parcel is located within FEMA Zone X. Therefore, a Floodplain Use Permit will not be required.

Prior to start-up of construction:

The proposed parcels are located within FEMA Zone X and Zone AO. Therefore, a Floodplain Use Permit will be required. For more information, please contact: <https://www.cochise.az.gov/engineering-natural-resources/home>

A Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land. A copy of the NOI must be submitted to Cochise County. For more information, please contact: <https://azdeq.gov/AZPDES/CGP>

A Notice to Clear Native Plants must be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County. For more information, please contact: <https://agriculture.az.gov/plantsproduce/native-plants>

A Drainage Analysis will be required for both parcels. This includes, but not limited to, Grading Plans, Site Plans, Drainage Reports prepared by an Arizona Registered Civil Engineer, etc. Please contact the Cochise County Engineering and Natural Resources Department for a copy of the Floodplain Regulations for Cochise County (December 2015).

https://www.cochise.az.gov/sites/default/files/highway_and_floodplain/FLOOD_REGS_2015.pdf

Cochise County ROW: Further right-of-way dedication is not required at this time. However additional information will be necessary to issue right-of-way permit.

Cochise County Engineering: No comments received.

Cochise County Building: No comments received.

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Cochise County Attorney's Office: No comments received.

Cochise County Environmental Health: No wastewater generated, EH has no concerns

Cochise County Sheriff's Office: No comments received.

Sulfur Springs Valley Electric Cooperative: The site description is incorrect-this is on page 3. (Since corrected)

Southwest Gas: No comments received.

City of Sierra Vista: No comments received.

Arizona Game and Fish: See attached.

National Resources Defense Council: No comments received.

Arizona Department of Environmental Quality: No comments received.

State Lands Department: No comments received.

Arizona Department of Water Resources: No comments received.

U.S. Fish and Wildlife Service: See attached.

Arizona Environmental Online Review Tool Report



Arizona Game and Fish Department Mission

To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

Greenstone Fort Grant Solar

Project Description:

20 MWac Fort Grant Solar, Cochise County. AZ

Project Type:

Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Contact Person:

Derek Fromm

Organization:

GREENSTONE CAPITAL

On Behalf Of:

AZGFD

Project ID:

HGIS-11762

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:



Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Greenstone Fort Grant Solar USA Topo Basemap With Locator Map



-  Project Boundary
-  Buffered Project Boundary

Project Size (acres): 138.81

Lat/Long (DD): 32.3367 / -109.8974

County(s): Cochise

AGFD Region(s): Tucson

Township/Range(s): T13S, R24E

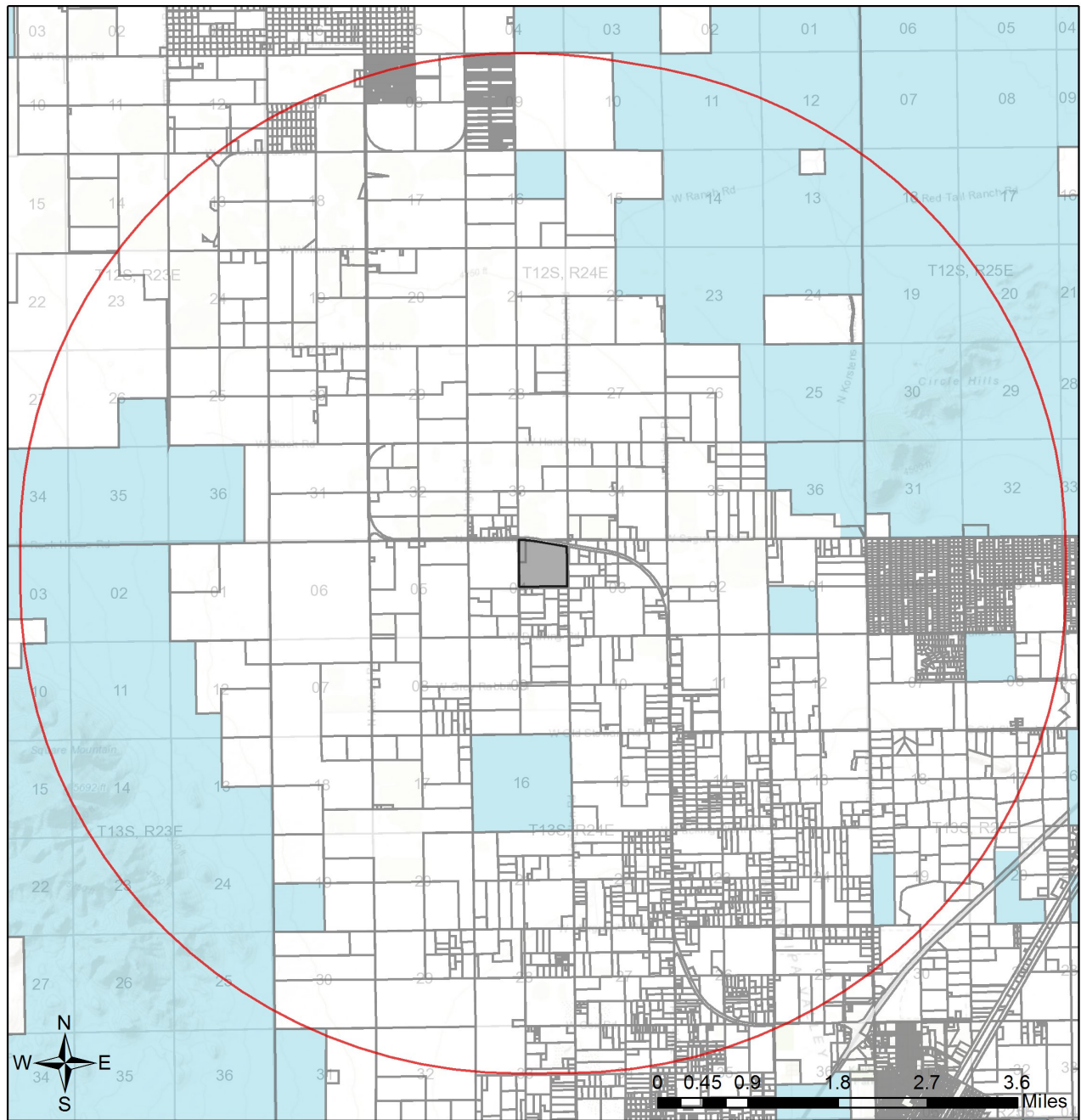
USGS Quad(s): SQUARE MOUNTAIN

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap



Greenstone Fort Grant Solar

Web Map As Submitted By User



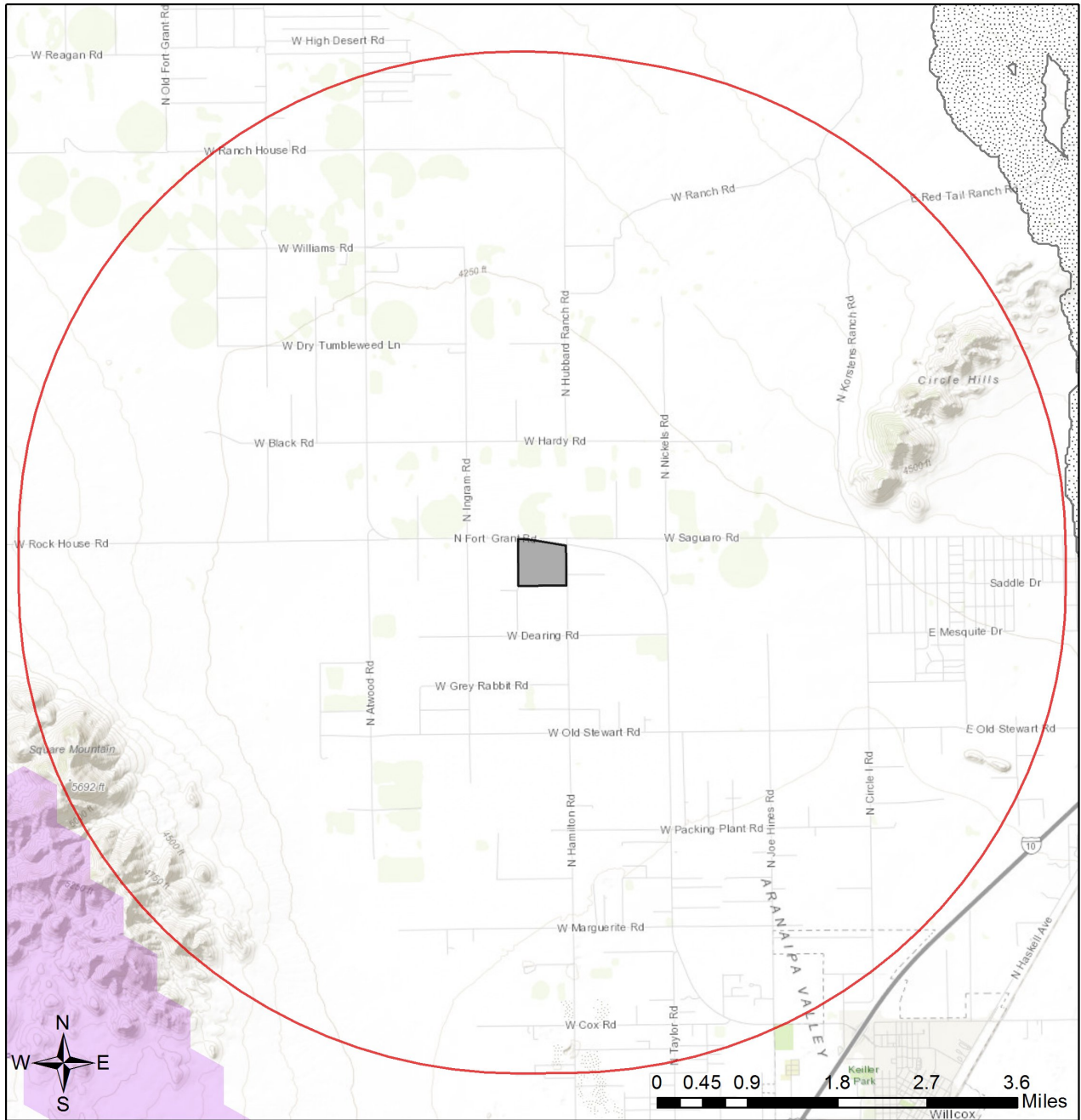
- | | | |
|---------------------------|--------------------|----------------------|
| Project Boundary | BLM | State Trust |
| Buffered Project Boundary | BOR | US Forest Service |
| Cad_Parcels | Indian Res. | Wildlife Area/Refuge |
| Critical Habitat | Military | Sections |
| Important Bird Areas | Mixed/Other | Townships |
| Counties | National Park/Mon. | |
| Land Ownership | | |
| AZ Game & Fish Dept. | Private | |
| State & Regional Parks | | |

Project Size (acres): 138.81
 Lat/Long (DD): 32.3367 / -109.8974
 County(s): Cochise
 AGFD Region(s): Tucson
 Township/Range(s): T13S, R24E
 USGS Quad(s): SQUARE MOUNTAIN

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Greenstone Fort Grant Solar

Important Areas



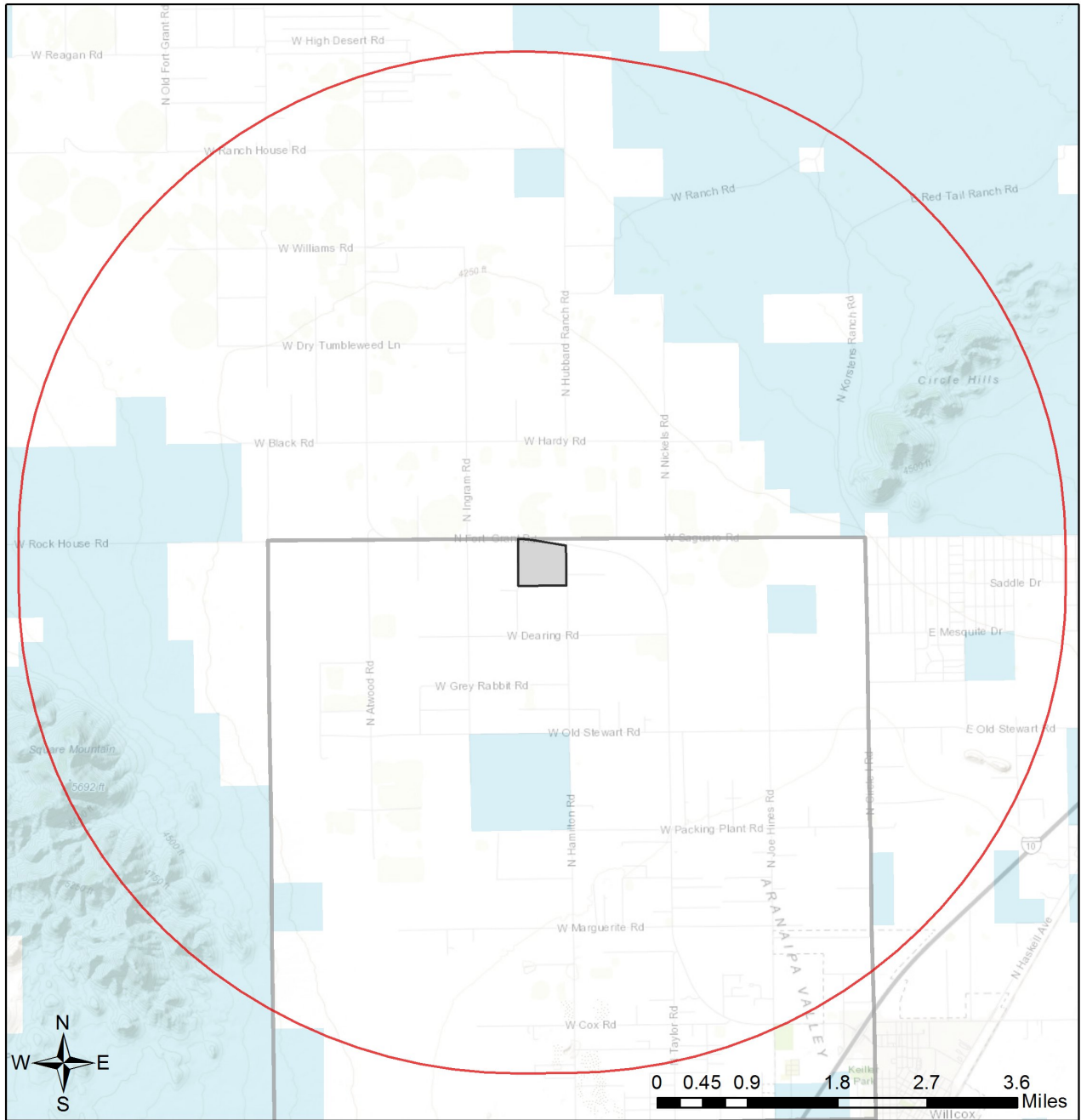
- Project Boundary
- Buffered Project Boundary
- Wildlife Connectivity
- Important Connectivity Zones
- Pinal County Riparian
- Critical Habitat
- Important Bird Areas

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Greenstone Fort Grant Solar

Township/Ranges and Land Ownership



- | | |
|--|---|
| Project Boundary | Military |
| Buffered Project Boundary | Mixed/Other |
| Township/Ranges | National Park/Mon. |
| Land Ownership | |
| AZ Game & Fish Dept. | State & Regional Parks |
| BLM | State Trust |
| BOR | US Forest Service |
| Indian Res. | Wildlife Area/Refuge |

Project Size (acres): 138.81
 Lat/Long (DD): 32.3367 / -109.8974
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Special Status Species Documented within 5 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Aspidoscelis arizonae</i>	Arizona Striped Whiptail			S		1B
<i>Haliaeetus leucocephalus</i> (wintering pop.)	Bald Eagle - Winter Population	SC, BGA	S	S		1A
<i>Leopardus pardalis</i>	Ocelot Area of Possible Occurrence	LE				1A
<i>Lithobates chiricahuensis</i>	Chiricahua Leopard Frog	LT				1A
<i>Phrynosoma cornutum</i>	Texas Horned Lizard	SC				
<i>Terrapene ornata luteola</i>	Desert Box Turtle			S		1A

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Special Areas Documented within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Canis lupus baileyi</i>	10J area Zone 2 for Mexican Wolf	LE,XN				

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Ammodramus savannarum perpallidus</i>	Western Grasshopper Sparrow					1B
<i>Ammospermophilus harrisi</i>	Harris' Antelope Squirrel					1B
<i>Anthus spragueii</i>	Sprague's Pipit	SC				1A
<i>Aspidoscelis arizonae</i>	Arizona Striped Whiptail			S		1B
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SC	S	S		1B
<i>Buteo regalis</i>	Ferruginous Hawk	SC		S		1B
<i>Buteo swainsoni</i>	Swainson's Hawk					1C
<i>Callipepla squamata</i>	Scaled Quail					1C
<i>Calypte costae</i>	Costa's Hummingbird					1C
<i>Cistothorus palustris</i>	Marsh Wren					1C
<i>Coluber bilineatus</i>	Sonoran Whipsnake					1B
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotalus tigris</i>	Tiger Rattlesnake					1B
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	CCA		S		1A
<i>Dipodomys spectabilis</i>	Banner-tailed Kangaroo Rat			S		1B
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	SC	S	S		1A

Species of Greatest Conservation Need Predicted within the Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Haliaeetus leucocephalus</i>	Bald Eagle	SC, BGA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Hypsiglena sp. nov.</i>	Hooded Nightsnake					1B
<i>Lasiurus blossevillii</i>	Western Red Bat		S			1B
<i>Lasiurus xanthinus</i>	Western Yellow Bat		S			1B
<i>Leptonycteris yerbabuenae</i>	Lesser Long-nosed Bat	SC				1A
<i>Lepus alleni</i>	Antelope Jackrabbit					1B
<i>Lithobates blairi</i>	Plains Leopard Frog			S		1A
<i>Lithobates chiricahuensis</i>	Chiricahua Leopard Frog	LT				1A
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Melospiza lincolni</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Micrathene whitneyi</i>	Elf Owl					1C
<i>Micruroides euryxanthus</i>	Sonoran Coralsnake					1B
<i>Myiarchus tyrannulus</i>	Brown-crested Flycatcher					1C
<i>Myotis occultus</i>	Arizona Myotis	SC		S		1B
<i>Myotis velifer</i>	Cave Myotis	SC		S		1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Oreoscoptes montanus</i>	Sage Thrasher					1C
<i>Oreothlypis luciae</i>	Lucy's Warbler					1C
<i>Panthera onca</i>	Jaguar	LE				1A
<i>Passerculus sandwichensis</i>	Savannah Sparrow					1B
<i>Peromyscus nasutus</i>	Northern Rock Deer mouse					1B
<i>Peucaea botterii arizonae</i>	Arizona Botteri's Sparrow			S		1B
<i>Phrynosoma solare</i>	Regal Horned Lizard					1B
<i>Spizella breweri</i>	Brewer's Sparrow					1C
<i>Sturnella magna</i>	Eastern Meadowlark					1C
<i>Tadarida brasiliensis</i>	Brazilian Free-tailed Bat					1B
<i>Terrapene ornata</i>	Ornate Box Turtle					1A
<i>Vireo bellii arizonae</i>	Arizona Bell's Vireo					1B
<i>Vulpes macrotis</i>	Kit Fox	No Status				1B

Species of Economic and Recreation Importance Predicted within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Callipepla gambelii</i>	Gambel's Quail					
<i>Callipepla squamata</i>	Scaled Quail					1C
<i>Patagioenas fasciata</i>	Band-tailed Pigeon					1C

Species of Economic and Recreation Importance Predicted within the Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Energy Storage/Production/Transfer, Energy Production (generation), photovoltaic solar facility (new)

Project Type Recommendations:

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/quality/?cid=stelprdb1044769> The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information <https://www.azgfd.com/hunting/regulations>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

For any powerlines built, proper design and construction of the transmission line is necessary to prevent or minimize risk of electrocution of raptors, owls, vultures, and golden or bald eagles, which are protected under state and federal laws. Limit project activities during the breeding season for birds, generally March through late August, depending on species in the local area (raptors breed in early February through May). Conduct avian surveys to determine bird species that may be utilizing the area and develop a plan to avoid disturbance during the nesting season. For underground powerlines, trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefauuna (snakes, lizards, tortoise) from entering ditches. In addition, indirect affects to wildlife due to construction (timing of activity, clearing of rights-of-way, associated bridges and culverts, affects to wetlands, fences) should also be considered and mitigated.

Based on the project type entered, coordination with **State Historic Preservation Office** may be required (<http://azstateparks.com/SHPO/index.html>).

Based on the project type entered, coordination with U.S. Fish and Wildlife Service (Migratory Bird Treaty Act) may be required (<http://www.fws.gov/southwest/es/arizona/>).

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:

Your project site is within one or more defined **Areas of Possible Occurrence**. Please follow Department protocols while working within an Area of Potential Occurrence at U:\Agency Directives\Jaguar Ocelot and Mexican Wolf Management Directive 20171215.pdf

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <http://www.fws.gov/southwest/es/arizona/> or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

HDMS records indicate that **Chiricahua Leopard Frogs** have been documented within the vicinity of your project area. Please review the Chiricahua Leopard Frog Management Guidelines found at: <https://s3.amazonaws.com/azgfd-portal-wordpress/PortallImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FINALLithchirHabitatGdlns.pdf>



November 20, 2020

Christine McLachlan
Planner II
Cochise County
1415 Melody Lane, Building F
Bisbee, AZ 85603

Electronically submitted to: cmclachlan@cochise.az.gov

RE: Fort Grant Solar Project

Dear Ms. McLachlan:

At the request of Cochise County, the Arizona Game and Fish Department (Department) has reviewed the proposed solar facility in Cochise County near Wilcox, Arizona. The Department understands that Greenstone Capital (Greenstone) is proposing the development of a photovoltaic solar facility, with the possibility of battery storage, on approximately 125 - 150 acres on a fallow, former cotton field and a parcel hosting abandoned cotton gin buildings.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities for management of the state's fish and wildlife resources. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. Similarly, the Department recognizes the importance of planning efforts that contribute to the county and the state's economic growth needs and opportunities to develop renewable energy locations. The Department recognizes that appropriate coordination, proper planning, and voluntary implementation of best management practices allow projects to be developed that avoid, minimize, or mitigate potential impacts to wildlife habitat and populations.

With the information provided, the Department has not identified any site specific concerns regarding wildlife. However, to the extent possible, the Department does encourage pre-construction surveys and monitoring to determine species presence as referenced in our Guidelines for Solar Projects in Arizona, which can be found at: <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/planningFor/wildlifeFriendlyGuidelines/FinalSolarGuidelines03122010.pdf>. The Department is available to review survey designs, provide input on developing best-management practices and are generally available to continue working closely to develop this economically-important facility while also minimizing any impacts to wildlife during development and operation of the facility.

azgfd.gov | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

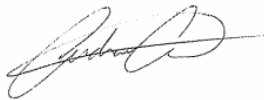
GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | ERIC S. SPARKS, TUCSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

The Department would like to provide the following general recommendations:

1. If wildlife is encountered during construction of the facility, it would be beneficial to move them outside the project area within one mile of its original location. A scientific collecting permit is required for handling live wildlife. A permit can be obtained by emailing Scpermit@azgfd.gov for more information. If wildlife will need to be removed from the facility once it is operational, annual renewal of the permit should be performed. Additionally, please share wildlife related mortalities from facility operation(s) with Andrew Cavalcant, the Department's Energy Lead (contact info in closing paragraph).
2. Artificial night lighting, which may be intensified by the collection mirrors, may attract insects and the species that prey on them (e.g. bats). It could also impair the ability of nocturnal animals to navigate. The Department recommends using only the minimum amount of light needed for safety. If feasible, narrow spectrum bulbs are wildlife-friendly and should be used as often as possible to minimize the number of species affected by lighting. It is also beneficial that all lighting is shielded, canted, or cut to minimize the amount of upward shining light.
3. Birds of prey such as raptors, owls, vultures, and eagles are vulnerable to electrocution and powerline strikes during construction and operation. There are a number of design features that can minimize these impacts to these important species. Tuk Jacobson is the Department's raptor expert and will be willing to share information on best management practices; he can be contacted at KJacobson@azgfd.gov or 623-236-7575.
4. Power poles can serve as perches for many birds of prey and there are design features for structures that can reduce impacts to these important species. Another possible alternative to reduce mortality is using bird flight diverters to decrease avian mortalities. Again, Mr. Jacobson has expertise in all of the best management practices and would be available to share his knowledge in the pre-design phase of this project.

Thank you for the opportunity to provide comments on this proposed project. As project specifics are not known at this time, these comments and recommendations may change when more information is received as this project develops. The Department looks forward to continued communications with Cochise county and Greenstone regarding project development and implementation. Please contact me at 623-236-7222 or ACavalcant@azgfd.gov if you have any questions, or would like to further discuss our concerns and recommendations.

Sincerely,



Andrew Cavalcant
Project Evaluation Project Specialist, Habitat Branch

Cc Ginger Ritter, Project Evaluation Program Supervisor AGFD (gritter@azgfd.gov)
John Windes, Habitat Program Manager, Region V (jwindes@azgfd.gov)

AGFD #M20-110993755



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Arizona Ecological Services Field Office

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<http://www.fws.gov/southwest/es/arizona/>

http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html

In Reply Refer To:

August 01, 2020

Consultation Code: 02EAAZ00-2020-SLI-1252

Event Code: 02EAAZ00-2020-E-02757

Project Name: Greenstone Fort Grant Solar

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The Fish and Wildlife Service (Service) is providing this list under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). The list you have generated identifies threatened, endangered, proposed, and candidate species, and designated and proposed critical habitat, that may occur within one or more delineated United States Geological Survey 7.5 minute quadrangles with which your project polygon intersects. Each quadrangle covers, at minimum, 49 square miles. In some cases, a species does not currently occur within a quadrangle but occurs nearby and could be affected by a project. Please refer to the species information links found at:

http://www.fws.gov/southwest/es/arizona/Docs_Species.htm

<http://www.fws.gov/southwest/es/arizona/Documents/MiscDocs/AZSpeciesReference.pdf> .

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to consult with us if their projects may affect federally listed species and/or designated critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, we recommend preparing a biological evaluation similar to a Biological Assessment to determine whether the project may

affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If the Federal action agency determines that listed species or critical habitat may be affected by a federally funded, permitted or authorized activity, the agency must consult with us pursuant to 50 CFR 402. Note that a "may affect" determination includes effects that may not be adverse and that may be beneficial, insignificant, or discountable. You should request consultation with us even if only one individual or habitat segment may be affected. The effects analysis should include the entire action area, which often extends well outside the project boundary or "footprint." For example, projects that involve streams and river systems should consider downstream effects. If the Federal action agency determines that the action may jeopardize a proposed species or adversely modify proposed critical habitat, the agency must enter into a section 7 conference. The agency may choose to confer with us on an action that may affect proposed species or critical habitat.

Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend considering them in the planning process in the event they become proposed or listed prior to project completion. More information on the regulations (50 CFR 402) and procedures for section 7 consultation, including the role of permit or license applicants, can be found in our Endangered Species Consultation Handbook at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>.

We also advise you to consider species protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668 et seq.). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the Service. The Eagle Act prohibits anyone, without a permit, from taking (including disturbing) eagles, and their parts, nests, or eggs. Currently 1026 species of birds are protected by the MBTA, including species such as the western burrowing owl (*Athene cunicularia hypugea*). Protected western burrowing owls are often found in urban areas and may use their nest/burrows year-round; destruction of the burrow may result in the unpermitted take of the owl or their eggs.

If a bald eagle (or golden eagle) nest occurs in or near the proposed project area, you should evaluate your project to determine whether it is likely to disturb or harm eagles. The National Bald Eagle Management Guidelines provide recommendations to minimize potential project impacts to bald eagles:

<https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenagementguidelines.pdf>

<https://www.fws.gov/birds/management/managed-species/eagle-management.php>.

The Division of Migratory Birds (505/248-7882) administers and issues permits under the MBTA and Eagle Act, while our office can provide guidance and Technical Assistance. For more information regarding the MBTA, BGEPA, and permitting processes, please visit the following: <https://www.fws.gov/birds/policies-and-regulations/incidental-take.php>. Guidance for minimizing impacts to migratory birds for communication tower projects (e.g. cellular, digital television, radio, and emergency broadcast) can be found at:

<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>.

Activities that involve streams (including intermittent streams) and/or wetlands are regulated by the U.S. Army Corps of Engineers (Corps). We recommend that you contact the Corps to determine their interest in proposed projects in these areas. For activities within a National Wildlife Refuge, we recommend that you contact refuge staff for specific information about refuge resources.

If your action is on tribal land or has implications for off-reservation tribal interests, we encourage you to contact the tribe(s) and the Bureau of Indian Affairs (BIA) to discuss potential tribal concerns, and to invite any affected tribe and the BIA to participate in the section 7 consultation. In keeping with our tribal trust responsibility, we will notify tribes that may be affected by proposed actions when section 7 consultation is initiated.

We also recommend you seek additional information and coordinate your project with the Arizona Game and Fish Department. Information on known species detections, special status species, and Arizona species of greatest conservation need, such as the western burrowing owl and the Sonoran desert tortoise (*Gopherus morafkai*) can be found by using their Online Environmental Review Tool, administered through the Heritage Data Management System and Project Evaluation Program <https://www.azgfd.com/Wildlife/HeritageFund/>.

For additional communications regarding this project, please refer to the consultation Tracking Number in the header of this letter. We appreciate your concern for threatened and endangered species. If we may be of further assistance, please contact our following offices for projects in these areas:

Northern Arizona: Flagstaff Office 928/556-2001

Central Arizona: Phoenix office 602/242-0210

Southern Arizona: Tucson Office 520/670-6144

Sincerely,

/s/ Jeff Humphrey Field Supervisor

Attachment

Attachment(s):

- Official Species List
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Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arizona Ecological Services Field Office

9828 North 31st Ave

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Phoenix, AZ 85051-2517

(602) 242-0210

Project Summary

Consultation Code: 02EAAZ00-2020-SLI-1252

Event Code: 02EAAZ00-2020-E-02757

Project Name: Greenstone Fort Grant Solar

Project Type: DEVELOPMENT

Project Description: 140 acre project site, Willcox, Cochise Cnty, AZ

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/32.336905900277806N109.89732102430057W>



Counties: Cochise, AZ

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Jaguar <i>Panthera onca</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3944	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/129/office/22410.pdf	Threatened
Northern Aplomado Falcon <i>Falco femoralis septentrionalis</i> Population: U.S.A (AZ, NM) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1923	Experimental Population, Non- Essential
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Reptiles

NAME	STATUS
Northern Mexican Gartersnake <i>Thamnophis eques megalops</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7655	Threatened

Amphibians

NAME	STATUS
Chiricahua Leopard Frog <i>Rana chiricahuensis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1516	Threatened

Flowering Plants

NAME	STATUS
Wright's Marsh Thistle <i>Cirsium wrightii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8963	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.