

[SEMARNAT]

FEDERAL REGIONAL OFFICE OF TAMAULIPAS
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VICTORIA, TAM. JANUARY 14, 2014
LOG NUMBER: 28/MP-0511/06/13

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To: Luis Vera Morales, Octavio Carvajal Trillo, Alejandro Aldana Galban, Cristina Hernández Calzada, Luis Gabriel Martínez, Estuardo Anaya Soto, Daniel Gómez Ramírez and/or Gabriel Rodrigo Bustamante Brambila, as well as Armando Briones, Miriam Sámano Rosillo, Ana Eugenia Alanís Quiroz, Silvia Sámano Beristaín, Verónica Aidée Palacios de la Torre and/or Jesús Xavier Félix.

Re: Request for Authorization in Environmental Impact matters.

Petitioner: Luis Fernando Villarreal Ibarra, legal Representative of Frontera Renovable, S. de R.L. de C.V.

Project: "TRES MESAS WIND FARM"

Victoria, Tamaulipas. Resolution of the Federal Regional Office of the Department of Environment and Natural Resources for the State of Tamaulipas, of January fourteen two thousand fourteen.

HAVING ANALYZED THE RELEVANT BACKGROUND; CONSEQUENTLY:

FIRST. Submittal of Request for Authorization in Environmental Impact Matters through Environmental Impact Statement. From document received on June 18, 2013 in this Federal Regional Office of the Department of Environment and Natural Resources for the State of Tamaulipas, hereinafter the Regional Office, Luis Fernando Villareal Ibarra, in his capacity and authority as Legal Representative of **Frontera Renovable, S. de R.L. de C.V.**, hereinafter the **Petitioner**, through submittal of environmental impact statement, special modality, requests authorization in environmental impact matters for the project called "**Tres Mesas Wind Farm**", hereinafter **Request** and **Project**, correspondingly.

SECOND. Paperwork. After receiving the **Request**, this **Regional Office** assigned it Log numbers 28/MP-0511/06/13 and Project Key Number 28TM2013ED025.

THIRD. Publication in Ecologic Gazette. As per section 34, third paragraph, fraction I of the General Law of Ecological Balance and Environmental Protection, the Ecologic Gazette of the

Department of Environment and Natural Resources regarding Separata No. DGIRA/028/13, SEMARNAT/DGIRA of June 20, 2013, published in the Internet in the following address, the List of Entry of Projects and Issue of Resolutions Derived from the Environmental Impact and Risk Assessment Procedure, specifically Projects submitted at the Federal Regional Offices of the SEMARNAT from June 13 through 19, 2013, including information on the Project: State, Municipality, Code, Petitioner, Project, Modality and Date of entry:

http://thesector9.com/gaceta/archivos2013/gaceta_28-13.pdf

FOURTH. Publication of Project Extract in a Newspaper of wide circulation in the State of Tamaulipas. From document received on the 26th day of June, 2013 at this Regional Office, and assigned Document number 28DLB-01343/1306, the **Petitioner** submitted the extract of the Project published in the Newspaper El Diario in Ciudad Victoria on June 21, 2013, in compliance with section 34, third paragraph, fraction I of the General Law of Ecological Balance and Environmental Protection.

In fact, the extract of the project published in a newspaper of wide circulation in the state of Tamaulipas is very important, since with said publication any person is entitled to apply for public consultation, besides knowing that a request for authorization in the area of environmental impact has been submitted for a project in order to have the possibility to make suggestions with regards thereto on establishing additional preventive and mitigation measures, as well as observations deemed convenient; that is, it is basically to have an actual possibility of free participation in public matters through the exercise of democratic control of public administration.

This is, the free and full exercise of the rights to information on the environment, freedom of speech and thought, free meeting, association and participation in the direction of public affairs as per fair demands of public good in a Democratic Society must be respected and guaranteed, within the procedure of environmental impact assessment of a project, which starts with the publication of the aforementioned extract following the provisioned in the General Law of Ecological Balance and Environmental Protection.

In other words, representative democracy is reinforced and strengthened with permanent, ethical and responsible participation of the citizens within a legal framework as per the constitutional regulation (section 2 of the Inter-American Democratic Charter); as well as in the provisioned mainly in section 1(a), 1(d), 1(g), 1(h), 1(i), 1(j), 4(1), 4(2)(a), 5(1)(b), 5(1)(e), 5(1)(g), 5(1)(i), 5(1)(l), 6(1), 6(2), 6(3), of the NORTH AMERICAN AGREEMENT ON ENVIRONMENTAL COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES, THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA [North American Agreement On Environmental Cooperation], regarding appropriate access to the environmental impact assessment procedure for persons requesting the competent authorities to take the corresponding measures to enforce the environmental law and regulation so as to protect or avoid damages to the environment.

FIFTH. Integration of File and Making it Available to the Public. As per section 34, first paragraph and section 35, first paragraph of the General Law of Ecological Balance and Environmental

Protection, as well as section 21 of the Regulations of the General Law of Ecological Balance and Environmental Protection in terms of Environmental Impact Assessment, the file of the Project was integrated, which in order to respect and guarantee free and full exercise of the rights to information on the environment, freedom of speech and thought, free meeting, association and participation in the direction of public affairs as per fair demands of public good in a Democratic Society, within the procedure of environmental impact assessment of a project, was made available to the public in the Citizen Contact Space (ECC) of this Regional Office, located at 2° Piso del Palacio Federal, Colonia Centro, in the Capital city of the State of Tamaulipas.

SIXTH. Request of Opinion from CONABIO and the GENERAL OFFICE OF WILD LIFE OF THE SEMARNAT. As per section 53, 54 and 55, first paragraph, of the Federal Law of Administrative Procedure, with respect to section 4, fraction III and 24 of the Regulations of the General Law of Ecological Balance and Environmental Protection in terms of Environmental Impact Assessment, it was hereby requested an opinion both from the NATIONAL COMMISSION FOR KNOWLEDGE AND USE OF BIODIVERSITY, as well as from the GENERAL OFFICE OF WILDLIFE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, **CONABIO**, and GENERAL OFFICE OF WILDLIFE, respectively with regards to the Project.

SEVENTH. Request by Petitioner regarding Public Consultation on the Project. From document received on the 18th day of July, 2013 in the **Regional Office**, which was assigned Document Number 28DFX-01517/1307, the **Petitioner** requested response to confirm if any member of the community asked for public consultation within the procedure of environmental impact assessment of the **Project**.

EIGHTH. Requirement to Petitioner on Clarifications, Rectifications or Extensions to the Content of the Environmental Impact Statement. Through official communication No. SGPA/03-1483/13, dated August 14, 2013, grounded mainly in sections 8 of the Political Constitution of the United Mexican States, 35 BIS of the General Law of Ecological Balance and Environmental Protection, and 22 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, since the environmental impact statement presents nonconformities preventing the assessment of the Project, this Regional Office requested from the Petitioner clarifications, rectifications or extensions to the Environmental Impact Statement, suspending the term remaining to conclude the procedure until the Petitioner submits and complies with the requirements. The suspension may not exceed sixty days counting as of the date of the suspension and the Petitioner is informed that upon elapse of said term without delivering the information, this may be declared expired in terms of section 60 of the Federal Law of Administrative Procedure.

NINTH. Response to the Petitioner's Request regarding Public Consultation regarding the Project. Through official communication No. SGPA/03-1483/13, dated August 14, 2013, grounded mainly on section 8 of the Political Constitution of the United Mexican States, 16, fractions VIII, IX and X of the Federal Law of Administrative Procedure, the Petitioner was informed that no person requested, within the environmental impact assessment procedure, public consultation of the Project in terms of section 34 of the General Law of Ecological Balance and Environmental Protection.

TENTH. Response from the CONABIO to the Request of Opinion. Through official communication No. SET/168/2013, dated August 12, 2013, the CONABIO submitted its answer to the request of this Regional Office made regarding the Project through Official Communication dated as stated in the **sixth result** hereof.

ELEVENTH. Response from the GENERAL OFFICE OF WILD LIFE to the Request of Opinion. Through official communication No. SGPA/DGV5/08088/13, dated September 6, 2013, the **GENERAL OFFICE OF WILD LIFE** submitted its answer to the request of this Regional Office made regarding the Project through Official Communication dated as stated in the **sixth resolution** hereof.

TWELFTH. Request of Opinion from the National Commission of Natural Protected Areas. As per sections 53, 54 and 55, first paragraph of the Federal Law of Administrative Procedure, with regards to section 4, fraction III and 24, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, I hereby request the opinion from the NATIONAL COMMISSION OF NATURAL PROTECTED AREAS (Official communication SGPARN/03-1739/13 of this Regional Office), CONANP, with respect to the Project.

THIRTEENTH. Response from Petitioner to Requirement of Clarifications, Rectifications or Extensions to the Content of the Environmental Impact Statement. By means of document received in this Regional Office on October 7, 2013, the Petitioner submitted and delivered timely the clarifications, rectifications or extensions required through Official Communications dated as stated in the EIGHT CONSIDERATION hereof.

FOURTEENTH. Extension of term. Through official communication No. SGPA/03-1816/13, dated October 8, 2013, grounded on section 35 BIS, last paragraph, of the General Law of Ecological Balance and Environmental Protection, as well as 46, first paragraph, fraction II, and second, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, **this Regional Office extended for up to sixty additional days the term to assess the Project**; this is, due to the complexity and dimensions of the Project, as well as to the recently delivered information and documents regarding clarifications, rectifications or extensions required to Petitioner so as to issue the corresponding resolution duly grounded; because it is necessary to have more time to continue assessing the Project in the area of environmental impact; all the more if we must evaluate, in addition to the resources subject to use or impact, the possible effects of the works and activities related to the Project in the ecosystem(s), considering the group of elements composing it; as well as the use of natural resources in order to respect the functional integrity and carrying capacities of the ecosystems those resources belong to, for indefinite periods.

FIFTEENTH. Answer from the CONANP to Request of Opinion. Through Official communication No. F.007.DRPCGM/812BIS/2013, dated October 21, 2013, the CONANP submitted response to the request of this Regional Office made regarding the Project through Official communication dated as stated in the previous TWELFTH RESULT; and

TAKING INTO CONSIDERATION THE FOLLOWING LEGAL ARGUMENTS:

FIRST. Competence and Grounds. This **Regional Office** is authorized to hear and solve the Petitioner's Request regarding the Project, responsibility of this Regional Office and grounded on the resolution of this agreement, in addition to the standards set forth therein, in sections 1, first, second, third and fifth paragraphs, 4, fourth, fifth and eighth paragraphs, 6, first and second paragraphs, 8, 9, 15, 16, first paragraph, 25, first, second, third, sixth and eighth paragraphs, 27, first, third, fifth and sixth paragraphs, as well as 90, first paragraph, of the Political Constitution of the United Mexican States, 1, 2, 13.1 and 13.3, 15, 16.1, 16.2, 19, 21, 23.1 a), 24, 26, 27, 28, 29, 30 and 32 of the American Convention on Human Rights; 1, 2, 3, 4, 5, 10.1 and 11, of the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "San Salvador Protocol"; 1, 2.1, 2.2, 3, 4, 5, 18.1, first part, 19. 21, 22, 24.1, 25 a) and 26, of the International Covenant on Civil and Political Rights; 1, 2.1, 2.2, 3, 4, 5, 11.1, 12.1, 12.2, letters a) and b), of the International Covenant on Economic, Social and Cultural Rights; 1, first and second paragraph, 2, fraction I, 13, first paragraph, 14, first paragraph, 16, 17 BIS, 18, 26 as well as 32 BIS, fractions I, II, III, IV, V, X, XI, XVI, XVII, XLI, and XLII, of the Organic Law of the Federal Public Administration; 1, 3, fractions I, III, IV, V Bis, VI, II, BIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXX, XXXII, XXXIII, XXXIV, XXXV, XXXVI, XXXVII and XXXVIII, 4, 5 fractions I, II, V, VI, VII, IX, X, XI, XII, XIII, XV, XVI, XIX, XXI and XXII, 6, 15, fractions, I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XX, 28, fraction II and VII, 30, 34, 35, 35 BIS, 35 BIS 1, 35 BIS 3, 109 BIS 1, 111 BIS, 146, 147, 147 BIS and 176, first paragraph, of the General Law of Ecological Balance and Environmental Protection; 1, 2, 3, fractions VII, VIII, IX, X, XII, XIII, XIV, XV, XVI and XVII, 5, letters K) fraction I, and O), fraction III, and 21, 22, 24, first paragraph, 26, 28, 35, 36, 44, 45, fraction II, 46, first paragraph, fraction II, and second, 47, 48, 49, 50 and other related sections of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment; 17 BIS, letter J), fraction II, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Prevention and Control of Atmospheric Pollution; 1, first paragraph, 2, fraction XXX, 19, fractions XXIII, XXV and XXIX, 38, 39, and 40, fractions IX, letter c, and XXXIX, of the Internal Regulations of the Department of Environment and Natural Resources; 1, first paragraph, 2, 3, 16, fraction VIII, IX and X, 35, and other related sections of the Federal Law of Administrative Procedure; AGREEMENT that establishes the mechanisms and procedures to obtain the Sole Environmental License through paperwork, as well as the update of information on emissions through an operation card; NOTICE to make available to the public in general the General Instructions to Obtain the Sole Environmental License for Industrial Establishments of Federal Jurisdiction and the Form of Yearly Operation Card; AGREEMENT to inform on the paperwork registered in the Federal Registry of Corporation Paperwork applied by the department of Environment, Natural Resources and Fishing and its decentralized agency, and establishing several measures of regulatory improvement; AGREEMENT to reform the nomenclature of Mexican Official Standards issued by the Department of Environment and Natural Resources, as well as the ratification thereof prior to their five-year review, published in the **Federal Official Gazette** on April 23, 2003.

The latter, since it is an environmental impact statement, special modality, without risk study, which is not promoted by any agency or entity of the Federal, Estate or Municipal Public Administration.

SECOND. Federal Competence of the Project. Due to the description, characteristics and location of the Project, this is of federal competence for it consists in works and activities established in section 28, fraction II and VII of the General Law of Ecological Balance and Environmental Protection, and 5, letters K), fraction I, and O), fraction III, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment.

THIRD. Assessment Procedure in the area of Environmental Impact. The assessment of environmental impact is a procedure through which the Department of Environment and Natural Resources sets forth the conditions governing the performance of works and activities which may cause ecological unbalance or exceed the limits and conditions established in the applicable provisions to protect the environment and preserve and restore ecosystems, so as to avoid or reduce to minimum its negative effect on the environment, as per section 28 of the General Law of Ecological Balance and Environmental Protection. In order to achieve this purpose, the Petitioner submitted the Environmental Impact Assessment, special modality, modality deemed admissible for it does not conform to some of the fractions set forth in section 11 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment.

FOURTH. Request of Public Consultation, Suggestions of Additional Prevention and Mitigation Measures, as well as Observation, Reports, Complaints or Statements. Considering the provisioned in THIRD, FOURTH and FIFTH RESULTS hereof, regarding the publications in the Ecologic Gazette and in the Newspaper of wide circulation in the State of Tamaulipas, as well as the File Integration and Making it available to the Public; to the date hereof, this Regional Office hasn't received any request of public consultation, or suggestions for establishing additional prevention and mitigation measures, nor has it received observations, reports, complaints or statements from individuals, academic institutions, research centers, groups of producers and business men, NGOs or other social or private agencies, this with respect to the Project.

FIFTH. Assessment of the Environmental Impact Statement. This Regional Office, as per section 35, first, second and third paragraph, of the General Law of Ecological Balance and Environmental Protection, after the Petitioner submitted the Environmental Impact Statement, initiated the assessment procedure, for which it reviewed that the Request conforms to the formalities foreseen in the General Law of Ecological Balance and Environmental Protection, its Regulations and applicable Mexican Official Standards; therefore, after integrating the file, this Regional Office must conform to the provisioned in the aforementioned regulations, as well as to the programs of urban development and ecological management of the territory, the declarations of natural protected areas and other legal regulations applicable; likewise, it must assess the possible effects of works and activities on the ecosystem(s) in question, considering the group of elements composing it and not only the resources which, if any, would be subject to use or impact. Hence, this Regional Office proceeds to begin the assessment of the Environmental Impact Statement of

the Project, presented by the Petitioner, considering both the technical opinions received as well as the clarifications, rectifications or extensions to the contents of the Project.

SIXTH. Information to be included in the Environmental Impact Statement, Special Modality, as per Section 12 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact.

I. Project general data, petitioner and responsible for the environmental impact study. The Environmental Impact Statement in question must present general data on the project, the petitioner and responsible for the study, stating under oath that the best existing techniques and methodologies, as well as the most effective prevention and mitigation measures are included, as per sections 35 BIS 1, of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment.

II. Project description. After analyzing the documents submitted and statements of the Petitioner, as per section 12, fraction II of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, the Project would be located within the premises known as "Tres Mesas" located to the north-east of the head municipality of the municipality of Llera de Canales, in the State of Tamaulipas. The closest location to the site is the City of Llera Canales (Head Municipality), located to the south-east of the project area, and the small town of General Pedro José Méndez, located to the south of it. Likewise, there is a small town in the border of the **Project** polygon, called San Francisco and found in the border of Carretera Federal 85, approximately 47 km and 44 km from Ciudad Victoria and Ciudad Mante, respectively. The wind farm would be located within a polygon of 30,113 hectares, entailing Mesas de La Sandía, La Paz and Las Chinas (within Mesa Las Chinas, no wind turbine will be placed). The "Tres Mesas" Wind Farm Project consists in the construction and operation of a wind farm which is intended to be developed within the region of "Tres Mesas" (Mesa La Paz, Mesa Las Chinas and Mesa La Sandía), of Llera in a small portion in Casas, both municipalities within the State of Tamaulipas. The surface of permanent and temporary impact of the Project is around 1.69% and 1.32% of the polygon. "Tres Mesas" Wind Farm is intended to be developed in five stages maximum, and it is foreseen that once all stages are concluded, 500 to 700 MW of power electricity is generated. In all, it is foreseen that from 152 to 436 wind turbines of 1.6 to 3.3 MW of capacity could be installed, distributed in Mesas de La Paz and La Sandía. The stages are the following: Stage I: 19 to 39 wind turbines. Stage II: 28 to 58 wind turbines. Stage III: 22 to 74 wind turbines. Stage IV: 42 to 134 wind turbines. Stage V: 41 to 131 wind turbines. However, the Petitioner states and specifies (*in its clarifications, rectifications or extensions through the document of Information for Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project*), that it already has more specific data regarding the location of wind turbines and all the infrastructure for stages I and II, where it is considering building 19 wind turbines for stage I and 28 wind turbines for stage II, which are the minimum ranges, with the possibility of extending in the future to the maximum ranges in the Environmental Impact Statement, special modality, and that for subsequent stages (III, IV and V), the details are still to be defined, since factors such as soil mechanics, wind measuring, detail engineering, etc. haven't been concluded (*pages 4 and 5 of the document Information for Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project*).

For stages I and II, Petitioner continues to state and specify that it will require the removal of vegetation of 66.7668 hectares and 65.4178 hectares, with a total impact surface of 132.18 hectares, of which it is estimated that 56% will be permanent impact and 44% will be temporary; that is, 14% of the surface disturbed for the entire Project, considering the maximum occupation scenario of 436 wind turbines. The Petitioner clarifies that as the Project progresses it may require the total surface indicated in the Environmental Impact Statement, special modality, in order to install the rest of the wind turbines and related infrastructure needed for the maximum MW of electric energy generation, where the type of vegetation existing in the three plateaus is very homogenous, approximately 68.93% of the polygon where the Project would be located is covered by submontane scrub, 7.81% by deciduous lowland forest (*selva baja caducifolia*), 4.51% by tropical mezquital and 3.35% by low thorny deciduous forest (*selva baja espinosa caducifolia*) (*page 81 of the document Information for Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project*). Likewise, the Petitioner states (*in its clarifications, rectifications or extensions through document Response to Requirement of Additional Information Official Communication SGPA/03-1483/13*) that for Stages I and II the type of wind turbines to be used are equipment VESTAS model V112 of 3.0 to 3.3. MW, with a rotor diameter of 117 meters; the total height of each wind turbine, including tower and blades, is estimated to be maximum 150 meters, and that for purpose of the impact assessment the height range considered was between 120 and 180 meters. (*page 23 of the document Response to Requirement of Additional Information Official Communication SGPA/03-1483/13*). For the construction and operation of the wind farm in its Stage I, it will be necessary to have the following permanent and provisional infrastructure; Permanent Works: 19 wind turbines, access roads, lines of 34b5kv, Line of 115 kv, substation, a permanent meteorological tower, an operation and maintenance office (including offices building, warehouses and parking lot), helipad, crane assembly area; Temporary Works: concrete mixture and crushing plant, contractor's parking, temporary parking area, auxiliary areas (*page 5 of the document Information for Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project*). For Stage II, Permanent Works: access roads, 26 wind turbines, collecting grid (34p5kv underground cable, line of 34 p5kv), line of 115 kv, substation, two permanent meteorological towers, an operation and maintenance office; Temporary Works: concrete mixture and crushing plant, crane assembly area (*page 41 of the document Information for Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project*).

III. Relationship with applicable legal provisions in environmental matter and, if any, to land use regulations. As per section 12, fraction III, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, as well as the Petitioner's statements, the Project, as has already been mentioned, is located in the region of "Tres Mesas", (Mesa La Paz, Mesa Las Chinas and Mesa La Sandía), in Llera and a small portion of Casas, both municipalities within the State of Tamaulipas, where the Tres Mesas Wind Farm is located in en Biophysics Environmental Unit (UAB) 36 called Llanuras and Lomería of Nuevo León and Tamaulipas, as per the Program of General Ecological Management of the Territory, published in the Federal Official Gazette dated September 7, 2012, and instrument of environmental policy for the aforementioned UAB the sectorial strategies I. Focused on achieving the environmental sustainability of the Territory (1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 15 BIS), II. Focused on improvement of the social system and urban infrastructure (28, 29, 31, 32, 36, 37, 39, 40, 41), III.

Focused on Strengthening the institutional management and coordination (42, 43, 44), and the Petitioner must follow the prevention, mitigation measures and, if any, compensation measures established in the Environmental Impact Statement, as well as those set forth in the resolution and in general the TERMS and CONDITIONS, to avoid causing ecological unbalances or exceeding the limits and conditions established by the applicable legal provisions for protection, preservation and restoration of the environment and its ecosystems to avoid or minimize negative effects on the environment. Due to the scope of the Project, it should be applied and is consistent with the Strategic Plan for Sustainable Urban Development of Tamaulipas; with the municipal plans of Territorial Management and Urban Development of Casas and Llera; besides it must comply and strictly enforce the Mexican Official Standards, without limitation: NOM-045-SEMARNAT-2006, NOM-050-SEMARNAT-1993, NOM-52-SEMARNAT-2005, NOM-053-SEMARNAT-1993, NOM-054-SEMARNAT-1993, NOM-080-SEMARNAT-1994, NOM-081-SEMARNAT-, NOM-003-SEGOB -2011, NOM-025-SSA1-1993, NOM-127-SSA1-1994, during the different stages of the Project. Likewise, the Project is not located in any federal, state or municipal Natural Protected Area nor is it inserted in any AICA (Priority Conservation Site for Birds), or overlaps the biodiversity priority regions; Priority Hydrological Region (RHP-72), "Tamesí River", Priority Terrestrial Sites (SPT-4453, SPT-4454, SPT-4488, SPT-4521, SPT-4555), Epicontinental Priority Sites (SPEC-45357, SPEC-44718, SPEC-446121, SPEC-44612, SPEC-44824). In this regard, we restate that the Petitioner must comply with and enforce the applicable legal provisions with respect to the Project, including international treaties to which the Mexican State is a party, in all the Project stages, which is mandatory, in addition to the TERMS AND CONDITIONS set forth herein, which compliance shall be supported by the guarantee instrument demanded by this Regional Office to the Petitioner.

IV. Description of the environmental impact and statement of the environmental issues detected in the project area of influence. In compliance with section 12, fraction IV, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, the Environmental System was marked out using the subbasin criteria where the Project is to be developed; thus, the Environmental System was set based on the limits of two subbasins: the Alto Gallina subbasin which belongs to the Soto La Marina subbasin, in turn included in the RH 25 Soto La Marina-San Fernando, and the Río del Mimbres-La Cañada subbasin located at the Río Tamesis Basin of the RH 26 Panuco. The Environmental System has a total surface of 2,603.83 km², comprising the municipalities of Llera and Casas, at the State of Tamaulipas, where the Project is intended to be installed within the "Tres Mesas" region, (Mesa La Paz, Mesa Las Chinas and Mesa La Sandía), Environmental System characterized by **abiotic** aspects (**Climate:** The Project Area has a semi-warm sub-humid climate; its formula is (A)C(wo) and it records an annual average temperature higher than 18°C; the temperature of the coldest month is below 18°C; temperature of the hottest month is over 22°C. The rain of the driest month is less than 40 mm, with summer rainfall index P / T below 43.2 and percentage of winter rain from 5% to 10.2% of the annual total; **Temperature:** The average annual temperature in the SA is 28°C being April and May the hottest months with an average temperature of 31.5 and 32.2 °C, respectively, the lowest temperature is recorded in January with 25.4 °C; **Precipitation:** The average annual precipitation ranges from 637 mm, the driest months are February and December with ranges from 6.8 to 26 mm and the wettest is September with 208.2 mm; **Winds:** The wind rose (A) showing wind direction indicates that the wind pattern is bi-directional with an angle of 180 degrees apart, the prevailing wind comes predominantly from the south approximately 67% of the time, and the wind rose showing the energy generated by the wind direction indicates that the prevailing wind comes from the south most of the time, the energy contained in the northerly winds is greater; **Extreme meteorological events:** 34 Tropical Cyclones have been identified that have influenced directly (crossed municipalities) and indirectly (passed at a distance of less than 100 km) between 1854 and 2009; **Geology and morphology:** The Environmental System is located in the Coastal Plain

Physiographic Province of the Gulf; it covers most of the state and is characterized by the presence of two sedimentary basins where Paleogene-Neogene rocks composed mainly of shales and sandstones were deposited, which lithology varies according to the environment in which they were deposited ranging from continental (deltas and bars) to shallow marine. The plain extends transversely to the base of Sierra Madre Oriental and is intersected by hillocks, plateaus and planes slightly inclined to the east. The Project Area is comprised of Mesas La Sandía and La Paz, which are characterized for being formed by QptB unit consisting of basalt olivine, vesicular structure and amygdaloid filled with calcite, they may be found from unchanged to very weathered. Spills are located in the valley of Ciudad Victoria, resting on the conglomerates. The plain surrounding Mesas La Sandía and La Paz consists of a series of inter-bedded calcareous shale gray bluish and coffee color with nodular fracture, alternated with marl layers ranging from 5 cm to over 2 m thick, which sometimes alternate with thin layers of bentonite. The area lies within the Sierra Madre Oriental Province, a mountain range with elevations above 3,000 meters ASL, which runs NW-SE direction; **Relief features:** The relief features of SA are determined by the foothills of Sierra Madre Oriental to the west where above 1500 m elevations are reached and Sierra de Tamaulipas to the east with maximum elevations of 800 m. Both sierras are in essence Mesozoic folded rocks, cut by deep drainage that originate large scarps; among the most notable features of the relief are karst forms and sinkholes that exist on the surface associated with caves of vertical development, controlled by regional fractures systems. The Project Area is located on two plateaus in the central part of the SA and reaching altitudes of approximately 400 m ASL and 200 meters above the plain surrounding them; **Presence of faults and fractures:** The SA presents faults and fractures systems with preferential orientations NE-SW and NW-SE, some notable NS. In the portion corresponding to the Sierra Madre Oriental higher density is concentrated as it was the result of tectonic stress, which subsequently gave rise to discontinuities systems, causing fractures or movement of rocks. The structures are distributed evenly across the region within which the María and Camilo Faults can be found to the Southeast of Casas, the El Progreso, Gómez Farías and Las Fortunas Faults distributed to Southwest of Llera. Likewise, to the Northwest and to the south of the same town we observe the El Platanillo and El Cautivo faults, presenting a preferential orientation from NW to SE and some others, North to South. **Seismicity Susceptibility:** Part of the A Zone of Mexico according to the classification of CENAPRED (2000): area where there are no historical records of earthquakes in the last 80 years and no ground accelerations are expected above 10% of the acceleration due to earthquakes; **Soils:** In the SA, Litosol soil type are predominant, which is recorded on the slopes corresponding to the Sierra Madre Oriental and Sierra de Tamaulipas, Pelic Vertisol and Cromic regosol occur mainly on the plateaus; **Physicochemical characteristics:** The main soil units present in the SA are Cambisol (B), Chernozem (C), Feozem (H), Fluvisol (J), Litosol (I), Regosol (Re), Rendzine (E); **Soil texture:** The Project Area is covered by fine textures that occur on the plateaus. On the plain that surrounds there medium textures while coarse textures occur primarily in the Sierra Madre Oriental and the Sierra de Tamaulipas. **Surface and underground hydrology:** The SA is located in two hydrological regions RH25 Soto La Marina-San Fernando and RH 26 Panuco, two watersheds called Rio Soto La Marina and Tamesis River. In the SA, the presence of the Guayalejo River is highlighted, which is originated in the mountains forming Valle de Palmillas, to then enter the Municipality of Llera through the Santa Rosa Canyon, where it has an approximate length of 85 Km, crossing the Head Municipality of Llera from West to East. It is a perennial river and it crosses the SA from west to east; it is enriched by run-off from streams of Santa Clara, Las Adjuntas and Lucio Blanco; this river is the engine of agriculture in this area. In the Environmental System, there are no reservoirs or water bodies, only small water berms built by farmers and ranchers and some intermittent water flows are recorded. The most important water reservoir but that is outside the limits of the SA is Vicente Guerrero Dam that is located to the north. The SA includes three aquifers: Llera Xicotencatl, Casas-Victoria and a small part of the aquifer Palmillas Jaumave, according to CONAGUA data, the three aquifers have groundwater availability) **and biotic (Land use and vegetation:** In the SA, eleven land uses and vegetation were identified according to the charter of land use and vegetation of INEGI series IV, which shows that the submontane scrub predominates, followed by rainfed agriculture; the same situation is repeated for the Project Area; **Agriculture:** In the SA there are significant areas devoted to rainfed agriculture where the main crops are grain corn and sorghum; **Vegetation sampling results:** Specifically, the vegetation types within the polygon of the project are: Submontane scrub, Low thorny deciduous forest and Deciduous lowland forest; **Vegetation structure:** **Submontane scrub:** In the Mesa La Sandía, a presence of 20 tree species ($S = 20$) for a total of 16 sites of 500 m² each were recorded. Records obtained defined as *Cordia boissieri* and *Phithecellobium flexicaule* have a similar IVI and higher than the other species, due to their Relative Frequency (RF) for the first and the Basal Area (ABR) for the second. This result confirms that *C. boissieri* is a conspicuous element in the community (Relative Abundance, AR = 23.82%) and *P. flexicaule* reaches much higher sized than the rest of the species. It is noteworthy that *Neopringlea integrifolia* also presented a high VI and, therefore, along with the other two species would receive most of the submontane scrub community resources in Mesa La Sandía. Regarding the shrub layer of Mesa La Sandía, 16 samples of 100 m² were made in this plateau, where a total of 15 species of *Zanthoxylum fagara* presented the highest relevance value (132.48%) which is distinguished by its high Relative Basal Area (ABR), so much of the biomass in this layer is stored by this species. It was

determined that the relevance values were similar for *Hapalyce robust*, *Neopringlea integrifolia* and *Randia laetevirens* which were defined by their high values of Relative Frequency (RF). Meanwhile, in the submontane scrub of plateau La Paz, a total of 39 species was recorded in 13 samples of 500 m². The results show that *Pithecellobium pallens* is the species with the highest IVI (91.89%). The Species *Diospyros texana* and *Esenbeckia berlandieri* presented similar IVI, resulting from their high values of FR. In general, the dominant species *P. pallens* represents an abundant and common element in submontane scrub of Mesa La Paz, and therefore, the dominant species within this plant community. The relevance value for the shrub layer in the Mesa La Paz, obtained for 15 sampling sites of 100 m² was characterized for showing for the 19 species recorded that *Randia laetevirens*, *Forestiera angustifolia* and *Harpalyce robusta*, are distinguished by their high values of Relative Frequency (RF) which is denoted for its highest IVI. As corroborated, what is observed in the field concerning species are common elements in the submontane scrub shrub layer of that plateau mentioned above. The herbaceous layer was characterized by a total of nine annual or ephemeral species that increase their densities in the rainy season, so as the season in which the samples were taken, it was found that the density of herbaceous is low in most sites, but there are species that maintain high coverage ratios (CBR) and are quite common at the study sites (FR). In the submontane shrub, the species that showed the highest relevance value indexes corresponded to *Lantana sp.*, *Guterreza microcephala* and *Gramma sp.*, due to their high relative frequency, recorded in most of the samples taken in this vegetation type. **Deciduous lowland forest:** A total of 10 species were recorded in the six samples of 500 m² made, from which *Neopringlea integrifolia* recorded the highest IVI, followed by *Phitecellobium flexicaule* and *Prosopis glandulosa*. Their IVI in the case of the first two species are determined by their Relative Frequencies and in the case of the third species its IVI is defined by its Relative Abundance. For the shrub layer, the area sampled was 600 m² counting in a total of 61 individuals, from which 31% corresponded to *Forestiera angustifolia*. The shrub layer of deciduous lowland forest was represented by seven species of which the most abundant was *Randia laetevirens*, and the one presenting the highest relevance value was *Forestiera angustifolia*. The herbaceous layer is distinguished by the presence of *Harpalyce Robusta* and *Lantana sp.* The low number of species in this layer is explained by the season in which the samples were taken. Meanwhile, the *Lantana* is a common element in the dry tropical area in the northeast of the country. **Low thorny deciduous forest:** The total number of species recorded in the low thorny deciduous forest was 11 for eight samples of 500 m² distributed among 204 individuals. This vegetation type was characterized for presenting dominant species such as *Heilietta parvifolia*, *Phitecellobium flexicaule*, and *Prosopis glandulosa*, which presented the highest values of Relative Frequency. The community of low thorny deciduous forest presents an average height of 4.23 m, with individuals of up to 12 m tall, belonging to *Heilietta parvifolia*. The shrub layer of low thorny deciduous forest presented a total of seven species in a sampled area of 800 m² from which *Randia aculeata* and *R. laetevirens* were the species with the highest IVI; the first had a high Relative Frequency and the second a larger Relative Basal Area. The sites show high heterogeneity. No extensions in which a single species dominated were found, as it occurs when *A. farnesiana* dominates almost the complete area, which forms monospecific thickets in certain regions, and correspond to a particular stage in the community succession. The herbaceous layer in low thorny deciduous forest community was characterized by the dominance of *Echinocereus pectinatus* and by the presence of species of *Lantana sp* and *Gramma sp*; this layer will be determined by the seasonality of the place, being in the rainy season when the maximum values of biomass are reached. **Diversity: Submontane scrub:** Diversity indexes indicate that the plateau La Paz and La Sandía have similar diversity according to Shannon and Simpson indexes. Equity (*J*) was greater in the scrub community of La Sandía, which shows us a greater uniformity between the relevance values of all species of the samples, which contrasts with the low dominance obtained ($D = 0.1173$). The Simpson index indicates that the two plateaus are fairly homogeneous in terms of abundances of species, since the values obtained indicate different sites ($1-D$), for there is little species dominance (D), so the species distribution is equitable. Similarly, the above is confirmed by the values obtained from Shannon, which are close to the maximum diversity expected for each community. **Deciduous lowland forest:** The indexes calculated indicate a moderate diversity ($1-D = 0.7736$ and $H = 1.8$) for a total of 171 individuals distributed across the 10 species. The equity obtained is also moderate ($J = 0.784$) showing the dominance of *N. integrifolia* and of *P. flexicaule*. The deciduous lowland forest presented an average height of 3.45 m, registering trees of up to 9 m tall. This plant community is preferably set on the slopes that are exposed to winds from the northeast, on stony soils and steep slope terrains. **Low thorny deciduous forest:** Dominance calculated was low and consistent with the moderate diversity values of Simpson and Shannon. Overall, diversity calculated for the low thorny deciduous forest regarding submontane scrub and deciduous lowland forest was lower due to the high frequency and abundance of *H. glandulosa* and *P. parvifolia*. **Species of terrestrial vegetation in conservation status:** the presence of the species of Elephant' Foot was detected in the endangered category. This species was observed in the slopes of the plateaus in the deciduous lowland forest and low thorny deciduous forest mainly and very sparsely in the submontane scrub. Particularly, it was observed in the northeastern and southeastern parts of the polygon, so there is very low probability of finding it in the areas affected by the project. With no representation of this species in the sample taken, we proceeded to make a visual estimation of

its frequency in areas where it was present, having as a result that it occupies between 7 and 10% of the total frequency of species in the environment. The **Petitioner** must establish and comply with its suggestion of Flora and Fauna Comprehensive Management Program, including its subprograms to carry out the appropriate management of species, for example the Elephant's foot (*Beaucarnea recurvata*). **Fauna:** Next we present the species in conversion status as per the Mexican Official Standard NOM-059-SEMARNAT-2010 reported in the site (pages 99 and 100 of the document Information to Better Supply for the Environmental Impact Assessment Procedure of the Tres Mesas Wind Farm Project): **Amphibians** (special protection): *Lithobates berlandieri*, *Lithobates forreri*, *Rhinophrynus dorsalis*, *Pseudoeurycea scadens*. **Reptiles** (special protection): *Terrapene Carolina*, *Kinosternon scorpioides*, *Laemantus serratus*, *Plestiodon lynxe*, *Lepidophyma flavimaculatum*, *Lepidophyma sylvaticum*, *Abronia taeniata*, *Xenosaurus newmanorum*, *Xenosaurus platyceps*, *Sceloporus grammicus*, *Cophosaurus texanus*, *Leptodeira meculata*, *Adelphicos quadrivirgatum*, *Imantodes cenchoa*, *Tantilla rubra*, *Rhadinaea Montana*, *Hypsiglena torquata*, *Micrurus fulvius*, *Crotalus atrox*, *Crotalus Lepidus*, *Crotalus molossus*. **Reptiles** (threatened): *Gopherus berlandieri*, *Ctenosaura acanthura*, *Scincella silvicola*, *Boa constrictor*, *Thamnophis marcianus*, *Thamnophis proximus*, *Thamnophis mendox*, *Leptophis mexicanus*, *Lampropeltis triangulum*, *Thamnophiscyrtopsis*, *Thamnophis sumichrasti*, *Coluber constrictor*. **Bird** (special protection): *Jabiru mycteria*, *Falco peregrinus*, *Accipiter striatus*, *Accipiter cooperii*, *Buteo lineatus*, *Buteo albicaudatus*. **Mammals** (threatened): *Taxidea taxus*, *Geomys tropicalis*, *Choeronycteris Mexicana*, *Leptonycteris nivalis*. **Threaten** (special protection): *Cryptotis Mexicana*, *Diaemus youngi cypselinus*, *Enchisthenes hartii*.

V and VI. Identification, description and assessment of environmental impacts as well as preventive and mitigation measures for such environmental impacts. The main aspects of the Environmental Impact Assessment Procedure are the identification, description and assessment of environmental impacts which may be caused. And not leaving aside that the procedure is focused on the impacts which due to their characteristics and relevant or significant effects may disturb the functional integrity and carrying capacities of ecosystems;¹ as well as preventive and mitigation measures of environmental impacts identified. In this regard, this Regional Office, as per section 12, fractions V and VI of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, and derived from the analysis of information submitted by the Petitioner, considers that, besides the measures established in this resolution, the measures proposed by Petitioner will minimize the environmental impacts caused by works and/or activities related to the Project; which this Regional Office deems to be environmentally feasible, for they compensate, control, minimize and foresee the levels of environmental impact identified and assessed, which may be caused after the execution of the Project.

VII. Environmental forecast and, if any, alternative assessment. Following section 12, fraction VII, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, the environmental forecast and alternative assessment of the Project are basically, among others: the Project site is located in the "Tres Mesas" region (Mesa La Paz, Mesa Las Chinas, and Mesa La Sandía), in Llera and Casas, the two Municipalities within the State of Tamaulipas, where there will be removal of vegetation (clearing and grubbing) in addition to tasks of reforestation, displacement of fauna which will be managed with individuals rescue actions, appropriate relocation of fauna, in general, restoration of sites mainly with rescued and relocated species. With such measures, we intend to guarantee respect for the functional integrity of ecosystems from a theoretical projection of the possible environmental implication the Project would have within a space and time. Therefore, the structure, function and composition of

¹ A per the National Commission for Knowledge and Use of Biodiversity, CONABIO, functional integrity is defined as the degree of complexity of trophic and succession relationships existing in a system. In other words, a system presents greater integrity as there are more levels in the trophic chain, considering for that purpose native and wild species and their natural processes of ecological succession, which finally determine their functional activities (environmental services).

existing ecosystems will be kept stable even with the Project pressure, implementing measures such as Environmental Quality Follow-up Plan with its Programs for Land Restoration and Conservation, Flora and Fauna Comprehensive Management, Waste Comprehensive Management, Environmental Supervision, Environmental Training and Awareness, which will allow the development, analysis, update and continuous improvement of the environmental log, including monitoring as specified hereunder, among other measures established both in the Environmental Impact Statement and in the TERMS AND CONDITIONS hereof.

VII. Identification of methodological instruments and technical elements supporting the information submitted. For this Regional Office, the information submitted by the Petitioner considers methodological instruments with which, as the case may be, contemplate the general data of the Project, the Petitioner and responsible for the environmental impact study; the Project description; the connection with applicable legal provisions in environmental impact matter and the land use regulations; the description of the environmental system indicating environmental issues detected in the Project area; identification description and assessment of environmental impacts, as well as of preventive and mitigation measures; environmental forecast and alternative assessment; as well as technical elements, for it presents plans, pictures, terms glossary and literature consulted.

SEVENTH. According to the aforementioned, this Regional Office has proceeded to determine admissible, as per the provisioned in the environmental legislation effective and the duties conferred in the legal provisions applicable hereto, without leaving aside that it is the State's duty to govern the national development so as to guarantee its integrity and sustainability, as well as to enforce and comply with the principle of children's interest in all decisions and acts of the State fully guaranteeing their rights, among others, to the satisfaction of their needs of food, health, education and safe recreation for their integral development.

After carrying out the analysis and assessment of the possible environmental impacts to be generated by the Project development, this Regional Office issues the **AUTHORIZATION SUBJECT TO CONDITIONS**, establishing for its performance additional prevention and mitigation measures, so as to avoid, decrease, minimize and/or compensate the adverse environmental impacts susceptible to be generated in its different stages; and this is the issue in question. This, in accordance with the powers expressly established in section 35, fourth paragraph, fraction II, of the General Law of Ecological Balance and Environmental Protection, as well as 45, fraction II, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, therefore, this Regional Office sets forth the requirements to be complied and enforced by the Petitioner, for itself or by any third party participating in the works and activities of the different stages of the Project.

This **Regional Office** complies with section 16, first paragraph, of the Political Constitution of the United Mexican States, by not violating said Constitution provision, for this **AUTHORIZATION SUBJECT TO CONDITIONS** meets the lawfulness requirements to be observed in any administrative act, for it is issued by the competent authority, well grounded, and established in the General Law of Ecological Balance and Environmental Protection, as well as in the Regulations of General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact

Assessment, and other applicable legal provisions, as per the **FIRST CONSIDERATION, Competence and Grounds**, hereof.

Based on the aforementioned, and grounded on the provisioned in Section 8 of the Political Constitution of the United Mexican States, setting forth:

Sect. 8.- Officer and employees of the public sector shall respect the exercise of the right of petition, provided that it is in writing, in a peaceful and respectful manner; but in political matter only Mexican citizens may use such right.

Every petition must have an agreement in writing from the authority to which it was addressed, and said authority is bound to make it available to the petitioner in the short term.

With regards to the previously mentioned Section 8 of the Federal Constitution, section 16, fraction VIII, IX and X of the Federal Law of Administrative Procedure, sets forth that the Federal Public Administration in its relationship with private parties is bound, among others, to the following:

Sect. 16.- The Federal Public Administration, in its relationship with private parties shall have the following obligations:

I. to VII. ...

VIII. To allow access to its records and files in the terms foreseen in this or other laws;

IX. To treat private parties with respect and facilitate the exercise of their rights and compliance with their obligations; and

X. To give express resolutions to all petitions formulated; as well as to procedures initiated by operation of law, which interpretation and resolution may affect third parties, and it must be resolved within the term set by the law.

Hence, with the support of the legal provisions mentioned herein and given their application for the Project, this Regional Office, within the exercise of its duties, determines that the Project, object matter of the assessment ruled with this environmental policy instrument, is feasible and admissible, so it is hereby resolved to AUTHORIZE IT SUBJECT TO CONDITIONS, and to the provisioned herein and mainly in the following TERMS AND CONDITIONS:

TERMS

I. The Petitioner is hereby authorized, in the area of Environmental Impact, to undertake the Project as per this document, which will be located at the premises called "Tres Mesas", in Llera and Casas, both Municipalities located in the State of Tamaulipas.

1.- The Project consists of the construction and operation of a wind farm to generate electricity, which geographic coordinates feature in Table 1.

2.- A total of 45 wind turbines will be built, operated and maintained for Stages 1 (19 wind turbines) and 11 (26 wind turbines), with capacity of 3.0 to 3.3 MW each, a rotor diameter of 117 meters; the height of each wind turbine, including tower and blades, will be 150 meters maximum. The geographic coordinates of wind turbines for Stages I and II are in Chart 2 and Chart 3, respectively. As for Stages III (from 22 to 74 wind turbines), IV (42 to 134 wind turbines) and V (41 to 131 wind turbines) of the Project, they will be assessed only after the Petitioner submits the relevant information, so that this Regional Office may resolve as deemed relevant.

3.- In addition, permanent and temporary infrastructure for Stage I are: *Permanent Works*: 19 wind turbines, access roads, lines of 34p5kv, Line of 115 kv, substation, a permanent meteorological tower, an operation and maintenance office (including offices building, warehouses and parking lot), helipad, crane assembly area; *Temporary Works*: concrete mixture and crushing plant, contractor's parking, temporary parking area, auxiliary areas. For Stage II, *Permanent Works*: access roads, 26 wind turbines, collecting grid (34p5kv underground cable, line of 34 p5kv), line of 115 kv, substation, two permanent meteorological towers, operation and maintenance offices; *Temporary Works*: concrete mixture and crushing plant, crane assembly area.

4.- For stages I and II, a surface of 66.7668 hectares and 65.4178 hectares, respectively, is required, with a total impact surface of 132.1846 hectares, of which it is estimated that 56% will be permanent impact and 44% will be temporary; from the total surface disturbed of 129.0872 hectares (63.8101 and 65.2771 for Stages I and II, respectively) need removal of vegetation of submontane scrub, as per Chart 4 and Chart 5.

5.- The geographic coordinates of Stage I in the maneuvering areas of wind turbine (page 8 and 9), of the axis of the road in its section 1 (pages 11 and 12), 2 and 3 (page 3); the axis of branch 1 (page 14); of branch 2 (page 15); of return 1 (page 16); return 2 (page 17); of the collecting grid 1 (page 18), collecting grid 2 (page 19), collecting grid 3 (page 20); on the support to the 34p5kv line section 1 (page 22), section 2 (page 23), of branch (page 24); of the road axis of 5 m wide of 34p5kv line (page 28); of the crane assembly area (page 29); of the contractors' parking (page 29); of temporary storage (page 30); of operation and maintenance 1 (page 33), 2 (page 33); of the substation (page 33); of the helipad (page 34); of the concrete and crushing plant (page 34); of other auxiliary area (page 35); of State II of the axis of the road in its sections A (pages 43 to 45), of B and C (pages 46 to 48) as well as D (page 49); of the axis of branches 1 (page 49), 2 (page 50), 3 (page 51), 4 (page 51); of return 1 and 2 (page 52); of junction 1 (page 53); of junction 2 arms north, south and east (pages 53 and 54); of junction 3, arms north, south and west (pages 54 and 55); of junction 4, arms north and south (page 55); of wind turbine maneuvering areas 22 to 25 (page 58), 26 to 33 (page 59), 35 to 37 (page 60), 38 to 43 (page 61), 43 to 49 (page 62), of collecting cables C1, C2 and R1 (page 63), C3, C4 and R2 (page 64), C5, C6 and R3 (page 65), C7, C8 and R4 (page 66), C9, C10 and R5 (page 67); of the axis of road of line 34p5kv (page 69); of the posts of line 115kv (page 73), of the substation (page 74); of the crane assembly area (page 75); of the operations and maintenance area (page 76); of the concrete and crushing plant (page 76): Are

[SEMARNAT]

FEDERAL REGIONAL OFFICE OF TAMAULIPAS
OFFICIAL COMMUNICATION NUM. SGPARN/03-049/14
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as per the coordinates indicated in said pages in the document of "*Information for Better Supply for the Environmental Impact Assessment Procedure of Tres Mesas Wind Farm Project*", submitted by Petitioner in response to the requirement of clarifications, rectifications and extensions to the content of the Environmental Impact Statement.

Table 1. Geographic Coordinates of the Project Polygon

Vertex	X	Y	Vertex	X	Y
1	503806.33	2597689.641	34	510290.707	2577505.866
2	509355.332	2596900.683	35	507433.609	2577855.511
3	509355.332	2597742.238	36	507693.345	2579383.958
4	512905.641	2597742.238	37	505615.456	2579813.522
5	513142.328	2597821.133	38	505315.760	2576956.424
6	513352.717	2597584.446	39	504196.897	2577895.470
7	513142.328	2597374.057	40	503317.790	2578095.267
8	517218.609	2592035.444	41	503647.455	2580153.177
9	517402.699	2592140.639	42	504856.227	2579963.369
10	517586.789	2591851.354	43	505145.933	2581741.563
11	517455.297	2591772.458	44	503098.013	2582071.228
12	517803.076	2591251.903	45	503667.435	2585447.798
13	517952.924	2590762.400	46	502089.038	2585727.514
14	518022.853	2590742.420	47	500510.641	2585457.788
15	518012.863	2590672.491	48	500480.672	2585907.332
16	517972.903	2590672.491	49	500440.712	2585897.342
17	518372.497	2589783.394	50	500320.834	2586117.119
18	518502.365	2589273.912	51	500101.057	2586976.246
19	517962.913	2589243.942	52	500160.996	2587875.333
20	518112.761	2586806.418	53	501449.687	2587875.333
21	518891.970	2586856.368	54	501459.677	2588634.561
22	519721.127	2583030.254	55	501719.413	2588784.409
23	519970.874	2583020.264	56	502618.500	2591062.096
24	519960.884	2582820.467	57	502628.490	2591751.395
25	519761.087	25822820.467	58	502318.804	2592590.543
26	520380.458	2579943.390	59	502268.855	2592960.168
27	520460.377	2577136.241	60	502568.551	2593459.660
28	514935.988	2577296.079	61	502208.916	2595967.113
29	512508.454	2577665.703	62	502388.733	2596166.910
30	512598.363	2578974.374	63	502818.297	2596146.930
31	511899.073	2579074.273	64	502978.135	2596726.342
32	511879.093	2578904.445	65	503567.536	2596626.443
33	510640.352	2578964.384			

Table 2. Geographic Coordinates of Wind Turbines for Stage I

Turbina	Coord. Geog. (UTM)	
	X	Y
1	501212.8404	2586593.174
2	501439.569	2586550.818
3	501660.0689	2586498.496
4	501879.3229	2586434.962
5	502108.5431	2586402.572
6	502321.3178	2586330.733
7	502578.1953	2586436.208
8	502806.1697	2586437.453
9	503012.9661	2586342.776
10	503674.4657	2586466.106
11	503904.9316	2586439.945
12	504135.3975	2586400.081
13	504571.4141	2586173.352
14	504804.3716	2586160.894
15	505024.8714	2586087.394
16	506874.1058	2588347.906
17	507097.1668	2588285.741
18	507329.3695	2588287.57
19	507545.117	2588382.645

Table 3. Geographic Coordinates of Wind Turbines for Stage II

Np	Turbina o Aerogenerador	Coord. Geog. (UTM)	
		X	Y
1	22	508931.8532	2591046.073
2	23	509162.936	2591076.673
3	24	509389.7981	2591032.356
4	25	509608.2188	2590961.66
5	26	510592.8002	2589519.365
6	27	510829.9436	2589456.915
7	28	511058.9878	2589428.829
8	30	511757.1415	2588968.153
9	31	511983.6775	2588934.03
10	32	512212.969	2588897.852
11	33	512449.0056	2588870.597
12	35	514471.6794	2590495.003
13	36	514694.0469	2590559.018
14	37	514919.7837	2590612.926
15	38	513143.578	2593805.379
16	39	512915.0891	2593829.142
17	40	512635.4188	2593657.318
18	41	512344.8006	2593516.999
19	42	512129.0064	2593432.611
20	43	511749.2568	2594020.921
21	44	511521.4071	2594012.482
22	45	511301.9962	2594081.199
23	46	511078.9686	2594139.065
24	47	510860.9359	2594058.983
25	48	510630.5024	2594092.049
26	49	510406.2694	2594034.182

Table 4. Surface of current Land Use and Types of Vegetation disturbed by Project Stage II

No	Wind Farm Infrastructure	Surface (hectares)				
		Submontane scrub	No apparent vegetation	No vegetation	Agricultural	Total
1	Crane maneuvering platform	9.2268	0	0	0	9.2268
2	Access road	24.3888	1.3462	0.0466	0	25.7817
3	Road of line of 34p5kv	3.428	0	0	0	3.428
4	Footing of line of 34p5kv	1.617	0	0	0	1.617
5	Road of line of 115kv	3.9336	0	0.0172	0.0258	3.9765
6	Footing of line of 115kv	14.3896	0	0.1109	0.1098	14.6104
7	Substation	0.2509	0	0	0	0.2509
8	Permanent Meteorological Towers	0.501	0	0	0	0.501
9	Temporary Operation and Maintenance Office	1.0875	0	0	0	1.0875
10	Permanent Operation and Maintenance Office	1.0875	0	0	0	1.0875
11	Helipad	0.1633	0	0	0	0.1633
12	Concrete mixture and crushing plant	1.9632	0	0	0	1.9632
13	Crane assembly area	0.1235	0	0	0	0.1235
14	Contractor's parking	0.0021	1.3002	0	0	1.3023
15	Optional storage (Temporary)	1.0075	0	0	0	1.0075
16	Other temporary area (Camp)	0.64	0	0	0	0.64
Total		63.8101	2.6464	1.1747	0.1356	66.7668
Prop. (%)		95.57	3.96	0.26	0.2	100

Table 5. Surface of current Land Use and Types of Vegetation affected by Project Stage II

No	Wind Farm Infrastructure	Surface (hectares)		
		Submontane scrub	No vegetation (rural roads)	Total
1	Main Access road	32.8872	0.0916	32.9788
2	Crane maneuvering area for assembly of wind turbines	12.6262	0	12.6262
3	Road of line of 34p5kv	5.7237	0.0379	5.7616
4	Footing of line of 34p5kv	2.7217	0.0112	2.7329
5	Road of line of 115kv	2.0422	0	2.0422
6	Footing of line of 115kv	3.9204	0	3.9204
7	Substation	0.2509	0	0.2509
8	Permanent Meteorological Towers	1.002	0	1.002
9	Operation and Maintenance Area	3.8559	0	3.8559
10	Crane assembly area	0.247	0	0.247
Total		65.2771	0.1407	65.4178
Prop. (%)		99.78	0.22	100

6.- For works and/or activities related to roads, as per section 28, first paragraph, fraction, of the General Law of Ecological Balance and Environmental Protection, as well as 5, letter B), of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, these are not within the competence of the Federation as are works and/or activities requiring change of forest land use (clearing and grubbing), for they are not general communication roads. In this regard, as per section 35 BIS 2 of the General Law of Ecological Balance and Environmental Protection, it is the Government of the State of Tamaulipas's duty to assess the corresponding environmental impact, with the participation of the Municipalities of Llera and Casas. Under this concept, the Petitioner should obtain the state

authorization in matter of environmental impact prior to beginning the corresponding works and/or activities, including those related to works; therefore, we hereby do not authorize works and/or activities for which the State of Tamaulipas is responsible.

II.- This resolution authorizes the development of Stages I and II of the Project detailed in the TERMS hereof, with validity of 4 (four) years for the site preparation and construction, and 50 (fifty) years for operation and maintenance, provided that it complies with the applicable legal provisions, the TERMS and CONDITIONS set forth herein, as well as the measures established by the Petitioner, as per the provisioned in the *in fine* part of section 49, first paragraph, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment with regards to the Petitioner's statements, without prejudice of the resolutions taken, if any, when assessing the Environmental Impact Statement again, if deemed necessary as per CONDITION XIII hereof.

The term for site preparation and construction shall begin as of the day following the reception of this AUTHORIZATION SUBJECT TO CONDITIONS, and may be revalidated at discretion of the Department of Environment and Natural Resources, prior certification of having satisfactorily complied with the other applicable legal provisions, with the TERMS and CONDITIONS hereof, even when the works and/or activities haven't been started in this specific case, as well as the measures stated by the Petitioner.

For these purposes, in the event of request of extension or modification of term, the application for extension or modification of term should be submitted in writing upon this Regional Office, within 30 business days prior to the corresponding expiration date.

The application for extension or modification of term shall include the official document issued by the Regional Office of the Federal Attorney's Office of Environmental Protection in the State of Tamaulipas, hereinafter PROFEPA Tamaulipas, through which, PROFEPA Tamaulipas should certify the manner, time and place with regards to the Petitioner's compliance with, besides the applicable legal provisions, the TERMS and CONDITIONS set forth herein, as well as the measures stated by the Petitioner.

Should PROFEPA Tamaulipas not issue the official document referred to in the previous paragraph, such official document may be substituted by a report signed by the Petitioner, legally certifying its legal capacity, with the legend that such report signed by the Petitioner is submitted under oath, specifying that the Petitioner has read, knows, understands and has been advised in the legal area supported by one or more attorneys legally certified as per the Mexican regulation, with regards to the scope of section 247 fraction I, as well as 420 quarter, both from the Federal Criminal Code, and 10 from the Federal Civil Code. This report, for purposes of the aforementioned extension or modification of term, shall include a detailed list of the time, manner and results fulfilled with compliance with, besides the applicable legal provisions, the TERMS and CONDITIONS established herein and the measures stated by the PETITIONER, even if the works and/or activities authorized herein haven't been started.

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Should no document as referred to in the two previous paragraphs be submitted, the application for extension or modification of term will not be admissible.

The term for operation and maintenance of the Project shall begin upon conclusion of the construction term.

III.- The Petitioner is subject to comply with the obligations established in section 50 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, should the Petitioner decide not to execute a work or activity subject to authorization in environmental impact matter, for the Regional Office to proceed as per the applicable legal provisions.

IV.- The Petitioner shall inform this Regional Office, previously and fulfilling the requirements established by both the applicable provisions and this document, about any modification on the Project assessed, in accordance with section 28 and other related sections of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, and with other applicable legal provisions, in order to determine whatever is deemed admissible.

Due to the aforementioned, the Petitioner shall submit the technical information of the Project modification and information regarding the environmental conditions of the site, environmental impacts (at least cumulative, synergic, significant or relevant, residual, as the case may be), prevention and mitigation measures, as well as the scenarios expected (without or with measures) and, if decided so, the reports, opinions and considerations deemed convenient, with which this Regional Office may analyze if the Project modification requested demand the submission of a new environmental impact statement, or do not affect the content of the authorization granted, or if the modification is required so as to establish new conditions to carry out the work or activity.

According to the aforementioned, the Petitioner is specifically informed that, provided that it has not been notified of the resolution in Environmental Impact matters by the Department of Environment and Natural Resources regarding the modification of the Project, the corresponding works or activities may not be started, executed or developed as per the provisions and terms of the General Law of Ecological Balance and Environmental Protection and the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, and other applicable legal provisions.

Based on the latter, it is hereby forbidden any work and/or authorization other than those authorized and established in this **AUTHORIZATION SUBJECT TO CONDITIONS**.

The request for modification of works, activities and/or TERMS established in the Project authorized in environmental impact matters shall include the official document issued by PROFEPA Tamaulipas, through which PROFEPA Tamaulipas certifies the manner, time and place with regards to the Petitioner's compliance with, besides the applicable legal provisions, the TERMS and CONDITIONS set forth herein, as well as the measures stated by the Petitioner; otherwise, said request shall not be admissible.

Should PROFEPA Tamaulipas not issue the official document referred to in the previous paragraph, such official document may be substituted by a report signed by the Petitioner, legally certifying its legal capacity, with the legend that such report signed by the Petitioner is submitted under oath, specifying that the Petitioner has read, knows, understands and has been advised in the legal area supported by one or more attorneys legally certified as per Mexican regulations, with regards to the scope of section 247 fraction I, as well as 420 quarter, both from the Federal Criminal Code, and 10 from the Federal Civil Code. This report, for purposes of the aforementioned modification of works, activities and/or TERMS, shall include a detailed list of the time, manner and results fulfilled with compliance with, besides the applicable legal provisions, the TERMS and CONDITIONS established herein and the measures stated by the PETITIONER, even if the works and/or activities authorized herein haven't been started.

Should no document as referred to in the two previous paragraphs be submitted, the request for modification of works, activities and/or TERMS will not be admissible.

V.- As per section 35, last paragraph of the 50 of the General Law of Ecological Balance and Environmental Protection, and 49, first paragraph, of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, this authorization refers only and exclusively to the environmental aspects of the works and/or activities authorized therein, without prejudice of the provisioned by the relevant federal, state and municipal authorities within their field of competence and their jurisdiction, which shall determine the different authorization, permits, licenses, concessions, among other, required to carry out works and activities of the Project.

VI.- Works and/or activities authorized herein with respect to the Project shall be subject to the description specified in the file of the Environmental Impact Statement, special modality, to the plans included therein, to the applicable legal provisions, as well as to this authorization as per the following:

CONDITIONS:

GENERAL

Petitioner shall:

1. Comply with each and every measure for prevention, protection, control, mitigation and restoration suggested in the Environmental Impact Statement, Special Modality, of the Project, as well as with the TERMS and CONDITIONS established herein, without prejudice of the applicable legal provisions. Petitioner shall ensure that the quality of information presented and included in the documents and reports in question allows the corresponding authority to analyze and evaluate compliance with the TERMS and CONDITIONS established herein.

2. As per sections 35, fifth paragraph of the General Law of Ecological Balance and Environmental Protection, 51, fraction II, of the Regulations of the General Law of Ecological Balance and

Environmental Protection in the area of Environmental Impact Assessment, considering that the works and activities of the Project will be carried out at places where there are species of wild flora and fauna or endemic, threatened, endangered species or subject to special protection, Petitioner must submit to this Regional Office the proposal for acquisition of a guarantee instrument to ensure due compliance with the CONDITIONS set forth in this authorization. The type, amount and mechanisms of acquisition of said instrument shall respond to the results of a technical-economic study submitted by the Petitioner, responding to the economic cost inherent to complying with the TERMS and CONDITIONS, as well as to the value of the repair of damages which may be caused due to failure to comply therewith. Said proposal will be analyzed and approved by this Regional Office, prior to beginning the works and activities of the Project. Once approved, Petitioner shall comply with section 53 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, as well as with other legal provisions deemed applicable.

3. To develop works and/or activities authorized in the time, manner and place, as well as with the equipment and machinery indicated in the information held by this Regional Office, in compliance with the Mexican Official Standards, regulations and other applicable provisions, including in the area of ecological balance and environmental protection to which the Project is subject.

4. Based on the type of waste generated in the different stages of the Project, the Petitioner shall observe the following:

- a) Waste (mainly organic matter) should be deposited in containers with lid, which will be strategically located at the areas where it is generated. Its management will be performed on a periodic basis as per the law, and it shall be disposed of at the sites authorized as per the applicable provisions, in order to avoid both its spreading and proliferation of harmful fauna.
- b) Waste such as cardboard, debris among other from polyvinyl chloride, remnants of soldering and metals, etc., susceptible to be reused or recycled, if any, will be channeled to individuals or corporations authorized for such purpose.
- c) Waste of materials used for assembly, installation, equipment testing, such as: containers and waste of paint, towels, rags and papers soaked in oil or painting, grease, solvents and oil wasted from lubrication of equipment and machinery, will be considered, if any, hazardous waste; the management of hazardous waste will be carried out as per the applicable provisions, in accordance with the General Law for Comprehensive Prevention and Management of Waste, the Regulations in the matter, the Mexican Official Standards and other related applicable provisions.

4. In order to cover the staff's needs, besides providing the team with hearing personal protective equipment, installing portable toilettes at the working area, which will be given the periodical maintenance required, and the management of waste will be performed as per the applicable provisions, in order to avoid pollution in the area which may cause development of harmful fauna and health problems.

5. In order to fulfill NOM-059-SEMARNAT-2010 and the international treaties to which Mexico is a party, to avoid disturbing wild life species living or which may be at the Project area of influence, specially species classified as subject to special protection, threatened, endangered or probably extinct in the wild environment, or regulation by any international treaty to which Mexico is a party, the following should be observed:

- a) Do not acquire, alienate, donate, trade, distribute, transport, hunt, collect and/or capture nor traffic terrestrial or aquatic wild flora and fauna species found or which may be found in the area of influence of the Project, especially those with cinegetic interest, songbirds, for ornament and aquatic or reptiles, as well as those included in the Mexican Official Standard in question, in the international treaties to which Mexico is a party and other applicable provisions.
- b) If any, to allow the gradual movement of slow-displacement fauna.
- c) To promote among the Project staff, the knowledge of provisions and sanction established in legal provisions for protection of wild flora and fauna.
- d) Within thirty days following the notice of this AUHTORIZATION SUBJECT TO CONDITIONS Petitioner shall submit to this Regional Office, even if works and/or activities authorized herein haven't been started, the Program for Comprehensive Management of Flora and Fauna it is bound to establish and comply with, consisting of 2 Subprograms: Subprogram for Rescue and Relocation of Flora (*without limitation: to rescue and protect flora species listed in NOM-059-SEMARNAT-2010, among others, like the Beaucarnea recurvata, species with some biological, cultural or economic relevance, and to reforest the area temporarily used by the Project, as well as to reforest eroded and/or deforested areas within the Project polygon*) and Subprogram for Management and Rescue of Fauna (*without limitation: appropriate management and rescue of fauna species listed in NOM-059-SEMARNAT-2010 and other species within the Project polygon*). The information, data and actions carried out with the implementation of the Program for Comprehensive Management of Flora and Fauna, as well as the results of such action, will be included in the biannual reports of compliance set forth in CONDITION VIII hereof.

The Environmental Supervision Plan will include the guidelines to guarantee compliance with both the legal provisions applicable to the Project and this resolution, which will include anything related to wild life protection, even when the works or activities in this resolution haven't been started. The Petitioner shall be liable for any illegal act incurred by its workers or individuals or corporation hired to carry out the works and activities of the Project, and they shall be subject to the legal provisions established in the Law.

In order for the Petitioner to facilitate an integrated perception of the environment so as to perform more rational acts in favor of development and environment, it shall establish and comply with an Environmental Education Plan addressed to any person involved in any of the Project stages, comprising the assimilation of knowledge, instruction of value, development of skills and

conducts so as to guarantee preservation of life. The Environmental Education Plan shall be included in the Environmental Supervision Plan.

SITE PREPARATION AND CONSTRUCTION

Petitioner shall:

Comply with and enforce the environmental aspects of the Project as per the applicable legal provisions and this resolution, which under no circumstance constitutes a permit or authorization to change the land use of forest areas (clearing and grubbing), forest use or start of works, nor does it acknowledge or validate any legal ownership, possession or holding of land; therefore, this excludes actions determined by the Department of Environment and Natural Resources, as well as other Federal, State and Municipal authorities within their area of competence, even the rights of individuals or corporations; it will be the Petitioner's obligation to process and obtain other authorization, concessions, licenses, permits and similar instruments required for carrying out the Project.

Within the Project area of influence, works or activities will be carried out and equipment for collection of grease and oil will be installed and, in general, for any kind of waste whether hazardous or not, so as to prevent the pollution of soil and any type of water body; Petitioner shall carry out the corresponding actions to contain the possible spills of fuel, grease, oil or such other waste, as the case may be.

OPERATION AND MAINTENANCE STAGE

Petitioner shall:

6.- In the event of any environmental contingency, emergency condition or, in general, any situation which may produce relevant environmental impacts, or causing or which may cause ecological unbalance, damage to public health or ecosystems, or exceed the limits and conditions set forth in the legal provisions for the preservation of ecological balance and environmental protection:

- a) It should be immediately notified to PROFEPA Tamaulipas, this Regional Office and the competent authorities, and comply with the measures, among other, for control and safety as indicated, as per the legal provisions.

7.- It is strictly prohibited for Petitioner to:

- a) Carry out works or activities other than those authorized in this resolution, as well as to perform and carry out any type of modification to the Project as referred to herein without the corresponding resolution from the Department of Environment and Natural Resources.

- b) To pour water or dispose of any type of waste at sites unauthorized site or in water bodies, without due permit or authorization, or at the sites or places prohibited as per the applicable provisions or not authorized.
- c) To burn waste in such a way that it may cause a fire during the Project stages, or in violation of the applicable legal provisions.

SITE ABANDONMENT STAGE

Petitioner shall, if any:

- a) Notify this Regional Office and PROFEPA Tamaulipas about the abandonment of the site three months in advance to the date when such abandonment is intended to take place.

8.- Petitioner shall establish an Environmental Supervision Plan and comply with such plan on a timely manner, which will be appointed a responsible person with enough technical capacity from an environmental point of view, to detect critical aspects, make decisions, define strategies and modify acts contrary to the provisions in this resolution and the applicable legal provisions, as well as for the Petitioner to comply with each and every TERM and CONDITION hereof and with the measures proposed in the Environmental Impact Statement. Such Program shall be submitted in writing to this Regional Office within thirty days following notice of this AUTHORIZATION SUBJECT TO CONDITIONS, even when works and/or activities haven't been started. Compliance report of the aforementioned Plan shall be attached to biannual reports on compliance referred to in CONDITION VIII hereof.

The Environmental Supervision Plan referred to in the previous paragraph shall include the Environmental Quality Follow-up Plan proposed by the Petitioner in the Environmental Impact Statement, including the corresponding programs and subprograms, which are mandatory for the Petitioner.

- 9.- Petitioner shall carry out the corresponding works with the purpose of not disturbing run-off patterns in the different stages of the Project.

Petitioner shall carry out the corresponding paperwork before the National Water Commission, CONAGUA, for the Project development, should it require obtaining permits, concession or authorizations granted by such decentralized agency of the Department of Environment and Natural Resources.

- 10.- Petitioner, through monitoring, shall obtain information and data to estimate the collision probability for both birds and bats and, in general, for all species, even if the works and/or activities of the Project haven't began.

- 11.- Petitioner shall submit in biannual compliance reports set forth in CONDITION VIII hereof, information, data and results on the effectiveness of prevention and mitigation measures proposed in the Environmental Impact Statement to minimize the possibility of collision for both

birds and bats and, in general, all species; of establishment and application of methods of acoustic deterrence; use of stroboscopic lights; colors in structures and blades of wind turbines; emergency stoppage upon flocks near wind turbines; areas free of vegetation in areas surrounding wind turbines.

12.- Information, data and results from monitoring birds and bats and, in general, all species, to be performed by the Petitioner to know, among others, the behavior and flight height in order to implement additional measures to prevent and decrease the possibility of collision, will be submitted in the biannual compliance reports set forth in CONDITION VIII hereof.

13.- Petitioner shall carry out during the different stage of the Project, studies on noise levels as per NOM-081-SEMARNAT-1994 and corresponding legal provisions, even as per the guidelines issued for that purpose by national or international institutions.

The results of studies mentioned in the previous paragraph shall be submitted in the biannual compliance reports set forth in CONDITION VIII hereof.

14.- Monitoring of birds and bats and, in general, all species, will be performed permanently through establishing and implementing systems or methods updated or with higher advances according to existing scientific or technical knowledge; with continuously trained and expert staff. Such monitoring shall contribute to detect and analyze migratory routes and corridors, as well as flying patterns, among others, even to confirm if on the area of influence of the Project the route of monarch butterflies is disturbed or potentially put at risk during the Project operation.

15.- Since the Sole Environmental License, LAU, is mandatory for industrial establishments of federal jurisdiction in the area of prevention and control of atmospheric pollution, when they are about to install or begin operation, the Petitioner shall process and obtain the Sole Environmental License, because one of the industrial sectors indicated in section 111 BIS of the General Law of Ecological Balance and Environmental Protection is electric power generation, and said generation through non-conventional polluting procedures is a specific subsector of this industrial sector.

16.- Material used during the corresponding stages of the Project shall come from benches legally authorized by competent authorities.

17.- Petitioner shall comply with the provisioned in the law, corresponding regulations, Mexican Official Standards, as well as other legal provisions deemed applicable.

The aforementioned, based on sections 1, first, second, third and fifth paragraphs, 4, fourth, fifth, sixth and eighth paragraphs, as well as 6, first and second paragraph, of the Political Constitution of the United Mexican States; 35, first and third paragraph, 35 BIS 2, of the General Law of Ecological Balance and Environmental Protection.

VII.- Petitioner, prior to beginning the works and/or activities of the Project, shall have the authorization of forest land use change (clearing and grubbing), through submission of the Justifying Technical Study.

VIII.- Petitioner shall prepare and submit for the TERMS and CONDITIONS set forth in this resolution, on a bi-annual basis, a report of compliance with each TERM and CONDITION, even if the works or activities authorized hereby haven't begun, if any. Reports shall be submitted for analysis, assessment and, if any, validation, to this Regional Office with a copy to PROFEPA Tamaulipas.

The first biannual compliance report shall be submitted to this Regional Office with a copy to PROFEPA Tamaulipas, within six (6) months following the reception of this authorization, even if the works or activities authorized hereby haven't begun.

Biannual compliance reports shall include information, data, analysis, studies, actions, results and other requirements established herein.

IX.- Petitioner shall notify in writing this Regional Office and PROFEPA Tamaulipas on the start and conclusion of the Project, as per section 49, second paragraph of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Statement stating, respectively, the starting and conclusion dates, within three days following the start and conclusion of the Project, as the case may be.

X.- This resolution in favor of the Petitioner is personal. Should the Petitioner be willing to transfer the rights and obligation set forth herein, as per section 49, second paragraph of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, it shall notify this authority in writing.

XI.- All acts carried out in violation of the provisions in this authorization and the corresponding legal provisions shall be null and void.

XII.- Petitioner shall be responsible for executing, implementing and/or carrying out each and every work, activity and action necessary to mitigate, compensate, restore and control all such adverse environmental impacts attributable to the performance and operation of works and/or activities authorized. It shall also be liable, nationally (internally) or internationally, before PROFEPA Tamaulipas, for any illegal act or omission, in the area of Environmental Impact and Risk and, in general, violation of the ecological balance and environmental protection, incurred by individuals or corporations hired to carry out, perform, implement or execute the Project. For that reason, Petitioner shall have to supervise individuals or corporations, or the staff thereof and, in general, any individual or corporate hired in writing or orally, to carry out works and activities mentioned and authorized in this resolution, observe the TERMS and CONDITIONS set forth herein and comply with the corresponding legal provisions.

Should works and/or activities cause or may cause imminent damage in terms of ecological unbalance or series damage to natural resources, pollutions cases with hazardous repercussions for ecosystems, their components or for public health, or causes as a result of environmental impact, it shall observe the provisioned in section 56 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment.

XIII.- The Department of Environment and Natural Resources may assess again the Environmental Impact Statement, Special modality, submitted by the Petitioner if deemed necessary, in order to modify the authorization granted, suspend, annul, or revoke it, as per the applicable legal provisions, if there is any risk on ecological balance, environmental protection, or if there is any negative impact (as the case may be, cumulative, synergic, significant or relevant, residual) foreseen therein, as per the attributions established in the Internal Regulations of the Department of Environment and Natural Resources, as well as other applicable legal provisions.

XIV.- Petitioner shall keep at the Project site copies of the file of this resolution, of the Environmental Impact Statement, as well as plans of the Project, including this resolution, in order to show them to the competent authority when necessary.

Likewise, for the authorization of future works or activities intended to be performed by the Petitioner within the Municipalities where the Project will be developed, Petitioner shall refer to this resolution in order to consider the cumulative, synergic, significant or relevant, residual environmental impacts, as the case may be.

XV.- The Department of Environment and Natural Resources, through PROFEPA Tamaulipas, shall ensure compliance with TERMS and CONDITIONS set forth herein, as well as the relevant legal regulations. Therefore, it shall exercise, among others, the powers set forth in section 55, 59 and 61 of the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, and other applicable regulations.

XVI.- It is the Petitioner's responsibility to ensure validity of civil, commercial or labor agreements for the legal operation of the Project authorized herein, as well as their compliance and corresponding legal consequences to be applied.

XVII.- If during one of the stages of the Project it is considered, foreseen or estimated that high-risk activities will be carried out in terms of both the first and second list of high-risk activities of published in the Federal Official Gazette, respectively, on March 28, 1990 and May 4, 1992, and of the legal provisions deemed applicable, the Environmental Risk Study shall be prepared and submitted to the Department of Environment and Natural Resources, as well as programs for accident prevention while performing said activities which may cause serious ecological unbalance shall be subject to approval of such agency and other relevant authorities, in order to issue the relevant resolutions, without prejudice of compliance with other standards set forth by the General Law of Ecological Balance and Environmental Protection, and other applicable regulations.

XVIII.- Failure to comply with any of the TERMS and CONDITIONS established in this resolution, or the execution or modification to the Project in conditions other than those expressed in the document submitted by Petitioner, or of works or activities other than those authorized herein, may be grounds for suspension, annulment or revocation hereof, as the case may be, without prejudice of the application of the terms and/or sanctions established in the General Law of Ecological Balance and Environmental Protection, the Regulations of the General Law of Ecological

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Balance and Environmental Protection in the area of Environmental Impact Assessment, as well as other applicable provisions.

Therefore, based on the aforementioned, it is hereby

RESOLVED

FIRST.- In the AREA OF ENVIRONMENTAL IMPACT THE PETITIONER IS HEREBY AUTHORIZED SUBJECT TO CONDITIONS the project called "TRES MESAS WIND FARM", as per the last CONSIDERATION, as well as in the TERMS and CONDITIONS hereof.

SECOND.- The Petitioner is informed that this resolution issued, due to the application of the Political Constitution of the United Mexican States, the International Treaties mentioned herein to which Mexico is a party, the General Law of Ecological Balance and Environmental Protection, the Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, as well as other applicable legal provisions, may be contested through remedy of review within fifteen days following the date of notice by this Regional Office, as per section 176 of the General Law of Ecological Balance and Environmental Protection, and 3, fraction XV of the Federal Law of Administrative Procedure.

THIRD.- This resolution is issued in strict compliance with the principle of good faith referred to in section 13 of the Federal Law of Administrative Procedure, taking the information, data and documents submitted and stated by the Petitioner as true.

FOURTH.- Should there be any false statement in the information, data and documents submitted by the Petitioner, it shall comply with the provisioned in the General Law of Ecological Balance and Environmental Protection, Regulations of the General Law of Ecological Balance and Environmental Protection in the area of Environmental Impact Assessment, Federal Law of Environmental Liability, Federal Criminal Code, General Law on Sustainable Forest Development, Regulations of the General Law on Sustainable Forest Development, General Law of Human Settlements, as well as in any other applicable legal provisions, including the provisioned in international treaties to which Mexico is a party.

FIFTH.- This resolution becomes effective only with regards to the information, data and documents submitted by the Petitioner, and does not exempt compliance with other obligation required by the Department of Environmental and Natural Resource or other Federal, State of Municipal institutions, agencies, entities or authorities in their area of competence.

SIXTH.- Enforce and comply with the TERMS and CONDITIONS set forth herein, mandatory for the Petitioner and, if any, notify the Attorney General for Environmental Protection and other competent authorities on the situation or facts as per the applicable legal provisions.

SEVENTH.- Notify this resolution to the Petitioner and/or whoever is authorized for said purpose, by any of the means set forth in section 35 of the Federal Law for Administrative Procedure and in accordance therewith.

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Agreed and signed by Jesús González Macías, Federal Deputy of the Department of Environment and Natural Resources for the State of Tamaulipas.

THE FEDERAL DEPUTY

[Illegible seal]

[Illegible signature]

JESÚS GONZÁLEZ MACÍAS

CC.- Head of Regional Offices Coordination Unit.- Martha Gaciarivas Palmeros, Mexico, F.D.
Federal Deputy of the PROFEPA in Tamaulipas.- Miguel de la Rosa Medrano, City.
Sub-deputy of Management for Environmental Protection and Natural Resources.- Horacio del Ángel Castillo.- Premises.
Head of Legal Unit for SEMARNAT in Tamaulipas.- Anselmo Bañuelos Alejos.- Premises.
Regional Office File.

JGM/HDAC/JRC/ABA/peI.- 2466, 2733, 3032, 3938 BIS.

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