



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
www.blm.gov/ca/elcentro
November 18, 2016



In Reply Refer To:
CACA-49698/2800(P)
CA670.25

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

DECISION

Jesse Groner	:	Right-of-Way Grant
Avangrid Renewables	:	CACA-49698
1125 NE Couch St., Suite 700	:	FLPMA
Portland, Oregon 97209	:	

NOTICE TO PROCEED

Tule Wind LLC is hereby authorized to proceed with the clearing and grading construction activities for the Tule Wind Project as described below. The project shall be undertaken in conformance with the Bureau of Land Management Record of Decision, dated December 20, 2011 (DOI Control Number: FES 11-06) and Environmental Impact Statement (EIS) 20110347, Biological Opinion, dated September 2, 2011 (FWS-SD-10B0136-11F0229) and Memorandum of Agreement, dated November 15, 2011, Right-of-way (ROW) Grant Serial Number CACA-49698, and additional Terms and Conditions attached as Exhibit 1 to the NTP (Enclosed).

Description of Activities

Purpose and Need: The clearing and grading construction activities are being completed by Tule Wind LLC (Tule) to prepare the project site for additional construction activities, as described in the revised Plan of Development (POD), dated April 22, 2016.

Clearing and Grading Activities Overview: The following clearing and grading construction activities are authorized to occur under this notice to proceed:

- Vegetation Clearing (Site Clearing and Grubbing)
- Grading Work and Blasting (as-needed) associated with the Access Road
- Equipment Staging and Laydown Yard / Staging Areas
- Foundation Excavation and Blasting (as-needed)

Blasting is an anticipated activity under this NTP, but is not authorized until the conditions of mitigation measures NOI-1 and HAZ-4B (ROW stipulation 73) have been met and confirmed by the BLM Authorized Officer in writing. At such time blasting may be conducted.

Vegetation Clearing (Site Clearing and Grubbing):

All vegetation including brush, stumps, roots, or other vegetation which impacts construction efforts will be organized in accordance with the environmental requirements and technical specifications. Vegetation will be mulched (if needed). Clearing and grubbing activities will be conducted in such a manner that prevents damage to any permanent or existing structures on site.

Grading Work and Blasting (as-needed) associated with the Access Road

Top soil will be salvaged. Based on the civil plan and specifications, subgrade/grading including cut/fill will be performed by flowing centerline staking. The sub-grade will be built in conjunction with the placement of erosion control measures such as culverts and ditches.

Equipment Staging and Laydown Yard/Staging Areas

Temporary support facilities including equipment staging areas, material storage, will be constructed. The work will include: clearing and grubbing; removing topsoil; Sub-grade/grading work; and fencing.

Foundation Excavation and Blasting (as-needed)

Foundation excavation will start after having access built to the foundation sites. The foundation depth and width will be monitored throughout the excavation to prevent over excavation. Excavation spoils will be placed near the foundations and incorporated into the turbine sites upon completion.

Equipment and Personnel: Table 1 includes an overview of the duration of activity, crew size and equipment.

Table 1. Clearing and Grading Construction Activity Details

Activity	Anticipated Start Date	Estimated Duration	Crew Size	Number of Crews	Number of Pickups	Heavy Equipment
Vegetation Clearing	November 21, 2016	8 weeks	8-9 people / crew	1 crew	2 pickups	skid steer / tractors with mowers (4); D8 dozer (1); water trucks (2); fire truck (1)
Grading	November 21, 2016	10 weeks	9 people / crew	2 crews	3 pickups	D9 dozers (2), D8 dozers* (2), D6 dozers (4), water trucks* (6), sheepsfoot rollers (2), smooth drum roller (1), fire trucks (2)
Excavation	December 1, 2016	12 weeks	9 people / crew	1 crew	2 pickups	345 excavator (1), D8 dozer* (1), D6 dozer* (1), water trucks* (2), sheepsfoot roller* (1), smooth drum roller* (1), fire truck (1)
Equipment Staging	November 21, 2016	3 weeks	3 people / crew	1 crew	1 pickup	D6 dozer* (1), 14M cat blade (1), water truck (1), fire truck (1)

* Equipment will be used for multiple activities and carried through construction activities

Disturbance-Limit Staking: All work conducted under this NTP will be within work areas that are staked in accordance with the proposed limits of disturbance identified in the Tule Wind Final EIS and in accordance with the POD. It should be noted that disturbance-limit staking is expected to occur during the preconstruction activities associated with Limited NTP #2 (Approved on October 12, 2016). Crews will access the staked work areas using the existing access routes. The equipment listed above will be transported to the Tule Wind Project site via McCain Valley Road.

Schedule: The clearing and grading construction activities are anticipated to begin in November 2016 and require a total of 16 weeks to complete.

The Project Legal Description:

Location

The public lands are identified as follows:

San Bernardino Meridian

T. 15 S., R.6 E.,

- sec. 34, all;
- sec. 35, all;

T. 16 S., R.6 E.,

- sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
- sec. 3, all;
- sec. 4, all;
- sec. 9, all;
- sec. 10, all;
- sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
- sec. 12, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
- sec. 13;
- sec. 14;
- sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 16 S., R.7 E.,

- sec. 17, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- sec. 18, lots 2 to 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
- sec. 19, lots 1, 2 and 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
- sec. 20, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
- sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
- sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
- sec. 30, lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
- sec. 32, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
- sec. 33, W $\frac{1}{2}$;

T. 17 S., R.7 E.,

- sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
- sec. 4, lots 1, 2, 5 and 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
- sec. 5, lots 5, 6 and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
- sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- sec. 9, lots 4 to 6;
- sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$;
- sec. 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
- sec. 21, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Totaling 12,239 acres of public land, more or less.

A copy of this notice, terms and conditions, and grant CACA-49698 shall be made available in the field during the project. Any questions should be directed to Miriam Liberator, BLM Project Manager at (541) 618-2412.

A handwritten signature in black ink, appearing to read "Thomas F. Zale". The signature is fluid and cursive, with the first name "Thomas" being more legible than the last name "Zale".

Thomas F. Zale
Field Manager

Enclosure:

Notice to Proceed Form 2800-15 with Exhibit 1, Terms and Conditions

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY NOTICE TO PROCEED

Right-of-Way or Temporary Use Permit (TUP) Serial Number
CACA 49698

Date
11/18/2016

Issuing Office
El Centro Field Office

Right-of-Way or TUP name
Tule Wind Project

Certified/Registered Mail-Return Receipt Requested

INSTRUCTIONS — Use Certified or Registered Mail or hand deliver. Send or give original to Holder. Distribute other copies as indicated after receipt date.

Holder: Tule Wind LLC, 1125 NW Couch Street, Portland, OR 97219

In accordance with the terms and conditions of the above referenced right-of-way grant or TUP you are hereby authorized to proceed with the activities noted below in the locations specified. Map(s) are attached. ☐ Yes ☒ No

Activity	Location
The holder is authorized to begin clearing and grading construction activities as identified in NTP Request (September 23, 2016) and in accordance with Exhibit 1 - Terms and Conditions (attached)	Please see cover letter for the Project Legal Description.

Authorized officer is:

Thomas F. Zale

(Name)

Field Manager, BLM El Centro Field Office

(Title)

Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative.

Carrie L. Simmons

(Name of Authorized Officer's Representative)

El Centro Field Office, 1661 S 4th, Street, El Centro, CA 92243

(Office, Street Address, City, State, Zip)

760-327-4400

(Office Phone Number)

(Cell Phone Number)

11/18/2016

(Date)

(Authorized Officer's or Representative's Signature)

Holders Acknowledgement when notice is delivered in person.

(Signature of Recipient)

(Firm Name)

(Name of Recipient)

(Date)

☐ **HOLDER** ☐ **CASE FILE**

Exhibit 1 – Terms and Conditions - NTP (November 18, 2016) – Clearing and Grading Activities

Tule Wind Project CACA-49698

General Conditions:

- The Holder shall comply with all requirements included in the BLM approved preconstruction plans, the stipulations included in right-of-way (ROW) grant CACA-49698, and in accordance with applicable federal, state and local laws and regulations, applicable to the construction phase for the Tule Wind Project.
- The applicant shall provide evidence of permit approval including but not limited to a Clean Water Act Section 404 Permit, a Clean Water Action Section 401 water quality certification, and a Section 1602 streambed alteration agreement with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife for unavoidable impacts to jurisdictional wetlands and waters.
- Blasting is an anticipated activity under this NTP, but is only authorized once the conditions of mitigation measures NOI-1 and HAZ-4B (ROW Grant stipulation 73) have been met and confirmed in writing by the BLM Authorized Officer. At such time blasting may be conducted.
- Four temporary water tanks will be installed within the two-acre laydown areas prior to initiation of construction activities associated with this NTP. The four temporary water tanks will be maintained on-site until the four permanent concrete water tanks can be installed and are operational. Once the permanent concrete water tanks are installed and operational, the four temporary water tanks will be dismantled and removed from the project site.
- The following plans are not required to be approved as a condition of this NTP but will be completed (1) prior to the operations phase or (2) prior to issuance of a subsequent NTP:
 - Access Control Plan (CUL-1F)
 - Decommissioning Plan (FF-7)
 - Long-term Management Plan (LTMP)(CUL-1B)
 - Lighting Mitigation Plan (VIS-4A)

All other terms and conditions associated with the ROW grant, Record of Decision (ROD), Final Environmental Impact Statement (FEIS), Memorandum of Agreement and other governing documents associated with the project will apply.

Prior to activities being performed associated with NTP, the Holder will post a reclamation bond with the BLM of \$5,000,000.00