Variance Request Form

Company:	Avangrid Renewables	Variance:	VAR-017
Address:	1125 NW Couch Street, Suite 700	Request No.:	Rev 2
City, State, Zip :	Portland, OR, 97209	Date Submit:	
Phone:	508.397.6130	Date Approval Needed:	
		Date Agency Received:	
		Agency Reference No.:	

Request Prepared by: Talia Haley (ICF)

Spread/Location (Milepost): N/A

Net Acreage Affected:

Alignment Sheet/Sta. No.:

Tract No.:

Landowner: BLM

In or Within 50ft of a Wetland: ☐ Yes ☒ No

Current Land Use/Vegetative Cover: N/A

Within 50ft of a Water Body: ☒ Yes ☐ No

Nearby Features (Water body, T&E Habitat, Wetlands, Noxious Weed): Varied, see Tule As-builts submitted 6/4/18

Area, Residence, Cultural Resource Site (distance, etc.): Varied see Tule As-builts

Variance Level: ☐ Level 1 ☐ Level 2 ☐ Level 3 (To Be Assigned by Designated Representative)

Variance From: ☒ Permit ☐ Plan/Procedure ☐ Specification ☒ Drawing ☐ Mitigation Measure ☐ Other

Detailed Description of Variance: Attachments ☒ Yes ☐ No Photos? ☐ Yes ☒ No

Tule Wind LLC is requesting Variance 17 (VAR-017) to rectify the difference in road widths between the Project plans and widths observed on the ground.

Following final road installation, roads within the project area have been in use by the public and project personnel and are wider than originally constructed or permitted. Edges of gravel have been surveyed and are confirmed to be within widths wider than approved in the Project Plans. Gravel has scattered as vehicular travel has occurred on the roads. As a result, the width is not linear; meaning the gravel surface has shifted in an irregular pattern leaving some areas at the permitted width and some areas wider than the permitted width. At the request of the BLM, the limits of the gravel for the entire project area were surveyed by Westwood Engineering in April 2018. Rather than extensive recountouring and reseeding of the areas where gravel has scattered, Tule Wind LLC is proposing to leave the roads at their current width. This does not result in any additional permanent impacts.

The new impacts of the project are included in the following table which will be included at Table 1.3-1 in the updated POD if this variance is accepted. The calculations are based off the shape files provided with the as-builts. Turbine areas are considered to be the area of impact that is disturbed within 200 feet of a turbine which has not been actively seeded or a gravel surface. New Roads are inclusive of all new gravel road surfaces (access roads) with the exception of roads within 200 feet of a turbine. Improvements to existing roads is the full width of gravel surface on McCain Valley Road and does not subtract the previously existing width of McCain Valley Road.

Project Component	Disturbance Type	Total Impacts on BLM Land
Turbine	Perm	67.42
Overhead Transmission Line	Temp	5.71
Transmission Poles	Perm	0.49
Overhead Collector Line	Temp	26.80
Collector Poles	Perm	3.52
New Roads/Underground Collector Line	Temp	88.91
New Roads	Perm	36.08
Improvements to Existing Roads/Underground Collector Line	Temp	53.26
Improvements to Existing Roads	Perm	28.18
Parking Lot	Temp	0.00
Staging Area (Laydown Areas)	Temp	23.75
MET Tower	Temp	1.74
MET Tower	Perm	0.092
Acres Disturbed (Permanent)		***135.782***
Acres Disturbed (Temporary)		***200.17***
Total Disturbed Area		**335.952**

Variance Justification:

Original plans for the project did not include the use of aggregate (gravel) on the access roads. Originally, roads were planned to be constructed of decomposed granite which is the same material in the road base of the existing unpaved roads in the area. However, the use of decomposed granite proved to be an issue for erosion, as evidenced in the condition of McCain Valley Road prior to construction and during the first few storm events during construction. This approval for the use of aggregate was discussed with the BLM and implemented as a stormwater BMP in early 2017. During road reclaimation, the centerline was staked and gravel was applied and spread to a width of 18 or 20 feet depending on the road type, per the Project Plans. Although the roads used for construction were decompacted and brought back to permit condition width, several factors contributed to the current width of the road surfaces. Gravel roads, by the nature of the material, spread as the lose rock moved underneath the weight of vehicles. Revegetation activities were still underway after the roads were reduced to allow for habitat restoration activities. Due do the continual need for larger vehicles, water trucks, dump trucks, excavators etc. associated with the restoration efforts, when vehicles passed each other they drove towards the shoulder, and perhaps in some cases off the shoulder, which resulted in gravel movement outside of the permitted width. As evidenced in the as-builts overlayed over the original road widths, in some instances the construction lay-by (passing) areas that are in the project drawings remain slightly wider, reinforcing the notion that the larger restoration vehicles needed to pass each other.

Due to Fire Plan requirements, this spread was unavoidable. For Fire Plan compliance purposes the roads have to be at least 18 to 20 feet wide. Gravel was applied to those widths to ensure compliance. Construction could not apply the gravel to 17 feet and 19 feet in hopes that it spread because if it does not, the Project would be out of fire compliance. The Fire Project Plan (FPP) initially was worded to state that the main spine road (McCain Valley Road) and spur roads (project access roads) were to be a maximum of 20 feet and 18 feet in width, respectively. James Pine, the County Assistant Fire Marshal, clarified via email on March 14, 2018 that the FPP should more appropriately state that the main spine road on BLM lands is to a minimum of 20 feet wide and the spur roads to the turbines are to be a minimum of 18 feet in width. They (the San Diego County Fire Authority) will happily accept roads being wider than the widths stated in the FPP.

Operations and maintenance speed limits and the requirement to drive within the road boundaries are included in the Ops WEAP and safety training that all Project personnel are required to take and will be reinforced by the Site Manager throughout the O&M phase of the Project. With activities currently residing within those typically occurring in the operations and maintenance phase, the possibility for additional spread is minimal.

Ultimately, at this point in the Project to try to fix the road widths and bring discrepancy areas to 18 and 20 feet from current widths documented in the survey would result in prolonged construction impacts and difficulty with revegetation efforts. There is no additional topsoil or seed available for reclamation work. Since many of the seeds needed to be collected from the project area, re-seeding could not take place until next year and soils would remain unseeded while seed collection occurred this year. If seeds were to be collected now and later placed in hydromulch for re-seeding, it would result in difficulties in managing the Habitat Restoration Plan with the majority of the project revegetative efforts following a different revegetation schedule.

Overall permanent impacts are much lower than what was studied in NEPA and anticipated as part of the approved Plan of Development. However a subset of permanent impacts, roads, has increased from 56.28 acres to 64.26 acres resulting in an increase of 2.44 acres of existing (MVR) roads and an increase of 5.54 acres on new (access) roads for a total net of 7.98 acres of road impact. Mitigation does not differentiate between types of permanent impacts, thus no additional mitigation is required for the slight increase in roadway impacts. Even if mitigation were to be differentiated by impact type, due to the inability to sub-divide parcels, permanent impacts of the project were grossly over-mitigated in the Project's Long Term Management Plan (LTMP; Draft).

With this variance, permanent impacts within Quino Checkerspot Butterfly are ultimately reduced as well. Based on the as-built shape files submitted, a total of 5.56 acres of roads are considered permanent impact and a total of 9.60 acres of permanent impact (disturbed but not actively seeded with roads removed) are located within QCB habitat. A net total of 15.16 acres of permanent disturbance within Quino Checkerspot Butterfly habitat remains. Although it is difficult to ascertain exactly how much permanent impact was originally contemplated in the BO because it is not known how roads vs. 200 foot turbine pads were calculated at that time, a conservative assumption is 21.50 acres. This number is derived from the original permitted 200 foot permanent impact from turbines (18.26 acres) and originally permitted 18 foot wide gravel roads and 15 foot gravel rings at turbines gravel roads (3.24 acres). Additionally, it is unclear if the BO contemplated 16 or 20 foot wide roads as a range was presented in the BO. Under the assumption that 18-foot wide roads were used for calculations, there is a net increase of 2.32 acres of access roads. However, similar to the rest of the project area, because the full permitted permanent 200 foot radi is not used a net decrease of permanent impact remains. A net reduction of 6.34 acres of permanent impact is within the Quino Checkerspot Butterfly habitat.

In summary, the Project remains below the EIS approved permanent impact acreage and those in the approved POD. Pulling back the roads to the permitted width would result in Habitat Restoration Implementation compliance difficulties due to necessary seed collection. Additionally, correspondence with the County Fire Authority demonstrates a preference from the agency who requested the permitted widths, to leave the roads in place.

For (Company Name) Use Only

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey ☐ Yes ☒ No	VAR-017 does not include additional areas beyond the approved disturbance limits and is within the existing survey boundary. Appropriate surveys and monitoring were completed prior to and during construction. No additional surveys were conducted for this variance.	☐ Yes ☒ No
T & E Survey ☐ Yes ☒ No		☐ Yes ☒ No

Report Document Survey:

Sign-Off (as appropriate)	Name (print)	Approval Signature	Conditions (see attached)
Avangrid Permit Manager	Kristen Goland	K Goland	☐ Yes ☒ No
Lead Environmental Inspector	Talia Haley	Talia Haley	☐ Yes ☒ No
Designated Biologist	James Hickman	NA	☐ Yes ☒ No
Cultural Resource Specialist	Brian Williams	NA	☐ Yes ☒ No

For BLM Project Manager or Compliance Contact Use Only

Variance Approved: ☐ Variance Denied: ☐ Date:

Signature:

For Compliance Manager and Monitor Use Only

Variance Approved: ☐ Variance Denied: ☐ Date:

Signature:

Stipulations:

Spread: OPPC Variance Request No.:

VARIANCE CONDITIONS

Name: Title: Organization:

Conditions:

Name:	Title:	Organization:
Conditions:		

Name:	Title:	Organization:
Conditions:		