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: 9/7/2018

Signature: Thomas F. Zale

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:		

U.S. Department of the Interior
Bureau of Land Management

Determination of NEPA Adequacy (DNA)

DOI-BLM- CA- D070-2018-0080-DNA

Tule Wind Project - Variance Request (VAR)-017

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office,
California

Table of Contents

1. Determination of NEPA Adequacy (DNA)

Worksheet

U.S. Department of the Interior

Bureau of Land Management

OFFICE: El Centro Field Office, 1661 S. 4th Street, El Centro, California 92243.

TRACKING NUMBER: DOI-BLM- CA- D070-2018-0080-DNA

CASE FILE/PROJECT NUMBER: CACA-049698

PROPOSED ACTION TITLE/TYPE: Tule Wind Variance Request 017

LOCATION:

The Tule Wind Project (Project) is located on 12,360 acres of land administered by the Bureau of Land Management (BLM) near the town of Boulevard in San Diego County, California[1]. The proposed project refinements identified in Variance Request (VAR)-017, are located within the Project right-of-way (ROW) grant boundary. VAR-017 is within the limits of disturbance identified in the approved Plan of Development (POD), and within the existing survey boundary.

APPLICANT: Tule Wind LLC

Description of Proposed Action and any applicable mitigation measures

On April 3, 2018, the BLM sent a letter to Tule Wind LLC identifying areas along McCain Valley Road and access roads being used by the Project that exceeded the maximum width allowed in their ROW grant dated June 30, 2014 (amended October 31, 2015). In particular, areas along McCain Valley Road and Project access roads where the total width of the road exceeded 20 feet and 18 feet, respectively.

The Tule Wind ROW Grant, Final Environmental Impact Report/Statement (Final EIR/EIS), POD, Fire Protection Plan, and Biological Opinion discuss the final widths for McCain Valley Road and Project access roads. Each of these requirements is summarized below:

- ROW Grant dated June 30, 2014 (amended October 21, 2015) – Stipulation #1 states, "Any surface disturbing activity, additional construction, or use that is not in accord with the approved Plan of Development shall not be initiated without the prior written approval of the Authorized Officer."
    - Stipulation # 104 states, "Access Road widening to a maximum of 20 feet for Ribbonwood and McCain Valley Roads, and a maximum of 18 feet for spur roads."
- Final EIR/EIS – Section B.4.1.7, Access Roads states, "The main project roads (Ribbonwood Road and McCain Valley Road) throughout the project site will be improved to a maximum of 20

[1] A project location map can be found at the Environmental Compliance Monitoring Program (ECMP) website at http://tulewindeccmp.com/.

feet to comply with the California Fire Code Standards." Furthermore, "Spur [access] roads to the turbines will be improved to a maximum of 18 feet wide to comply with the State Responsibility Areas Fire Safe Regulations."

- POD dated July 14, 2017 – Section 1.3.4, Roads states, "Unpaved roads will be restored to an 18-foot width once the turbines have been installed." In addition, Section 3.9, Road Construction of the POD states, "Permanent access roads between turbines will be 18 feet wide."

- Fire Protection Plan revised February 2011 – Section 4.2, Fire Access states, "The main project roads (Ribbonwood Road and McCain Valley Road) throughout the project site will be improved to a maximum of 20 feet to comply with the California Fire Code Standards on lands outside of the County's jurisdiction. Spur roads to the turbines (on land under any jurisdiction) will be improved to a maximum of 18 feet wide to comply with SRA [State Responsibility Areas] Fire Safe Regulations. These requirements were provided by the SDCFA (personal communication, James Pine, Fire Marshal)." The roadway widths are depicted in Figure 15 of the Fire Protection Plan.

- Biological Opinion dated September 2, 2011 – "Roads between turbine sites will be temporarily constructed at 36-foot widths to allow for a large crane. The temporary portions of these roadways will be restored after the completion of construction according to a habitat restoration plan to the standard 16- to 20-foot width (except for County roads, which will be restored to 24-foot widths)."

Per the BLM letter dated April 3, 2018, if Tule Wind LLC would like to maintain areas that extend beyond the approved roadway width for McCain Valley Road and Project access roads as permanent impact areas, Tule Wind LLC shall submit a variance request in accordance with Section 5.1 of the Operations and Maintenance Environmental Compliance Monitoring Plan (ECMP).

Tule Wind LLC submitted VAR-017, which proposes to rectify the difference in road widths between the Tule Wind ROW Grant, Final EIR/EIS, POD, Fire Protection Plan, and Biological Opinion and widths observed on-site. Approval of VAR-017 will permit the additional permanent impacts associated with areas where McCain Valley Road and Project access roads exceed 20 feet and 18 feet, respectively.

If VAR-017 is approved, Tule Wind LLC is anticipated to submit a request to update the ROW Grant amendment as it relates to Stipulation #104, which states that access roads will be widened to a maximum of 20 feet for Ribbonwood and McCain Valley Roads and a maximum of 18 feet for spur roads. In addition, Tule Wind LLC will update the POD dated July 14, 2017 to take into account areas along McCain Valley Road and Project access roads that exceed the approved widths.

No changes to the Fire Protection Plan dated February 2011 are anticipated as part of VAR-017. The Fire Protection Plan states that that McCain Valley Road and Project access roads were to be a maximum of 20 feet and 18 feet in width, respectively. James Pine, San Diego County Assistant Fire Marshal clarified via email on March 14, 2018 that the Fire Protection Plan should more appropriately state that McCain Valley Road is to be a minimum of 20 feet wide and Project access roads are to be a minimum of 18 feet wide, **Attachment A**.

Justification:

This variance request is being proposed by Tule Wind LLC to avoid prolonged construction impacts and additional revegetation efforts associated with reducing road widths to 20 feet along McCain Valley Road and 18 feet along project access roads. Tule Wind LLC is proposing to leave the roads at their current width,

rather than conduct extensive recontouring and reseeding of the areas where the gravel road base has scattered beyond the approved permanent disturbance limits, which is likely to result in additional environmental disturbances.

In accordance with the BLM letter dated April 3, 2018 and ROW Grant Stipulation #8 requiring the preparation of as-built drawings, Westwood Engineering surveyed the limits of gravel for the entire project area including McCain Valley Road and Project access roads in April 2018. Maps showing the limits of gravel mapped by Westwood Engineering are included as part of this DNA as **Attachment B**. The maps show the following:

- areas where the permanent impact areas associated with McCain Valley Road and Project access roads overlap with the limits of gravel,
- areas where permanent impact areas associated with McCain Velley Road and Project access roads do not overlap with the limits of gravel, and
- areas where the limits of gravel extend beyond the permanent impact areas associated with McCain Valley Road and Project access roads.

Approval of this VAR-017 will result in a total of 7.98 acres of additional permanent impacts associated with McCain Valley Road and Project access roads. This includes approximately 2.44 acres along McCain Valley Road and 5.54 acres along Project access roads. The 7.98 acres of permanent disturbance is shown in red in **Attachment B**. It is important to note that the permanent impacts being considered as part of VAR-017 have already occurred, but have not been permitted.

The new impacts associated with VAR-017 are summarized in **Table 1**, below. The calculations are based on the July 14, 2017 POD, Westwood Engineering as-built drawings submitted in April 2018, and the ECO Substation/Tule Wind/ESJ Gen-Tie Projects Final EIR/EIS, Dudek, October 2011. It should be noted that the Final EIR/EIS assumed that a 200-foot radius around each turbine would be cleared during construction and revegetated with fire-safe vegetation consistent with fire agency standard practices. The areas around turbines were assumed to be permanently impacted. Final layout and engineering of the turbine locations has reduced the total impact acreage for turbines required by construction. This has reduced permanent impacts from what was included in the 2017 POD by approximately 28 acres and is below the permanent impacts analyzed as part of the Final EIR/EIS.

As previously mentioned, approval of VAR-017 will result in a total of 7.98 acres of additional permanent impacts, however and as shown in **Table 1**, the total amount of permanent impacts are below what was included as part of the July 2017 POD and what was analyzed in the Final EIR/EIS.

The proposed areas of disturbance are within previously surveyed areas for biological and archaeological resources. The construction activities associated with VAR-017 were completed performed during Project construction and conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to the project impact areas. Such measures included those specified in the Project's ECMP, BLM's Record of Decision (ROD), the Project's ROW Grant, Memorandum of Agreement, and approved plans and permits for specific activities related to the construction of the Project.

Table 1 – Summary of Updated Impacts

Project Component	Disturbance Type	Approved Total Impacts on BLM Land (July 2017 Plan of Development)(Acres) [a]	As-Built Drawings Total Impacts on BLM Land (Acres)	Difference (Acres)	Final EIR/EIS Temporary or Permanent Impacts (Acres) [b, c]
Turbine	Perm	95.57	67.42	-28.15	369.3 (Table B-1)
Overhead Transmission Line	Temp	5.71	5.71	0	40.3 (Table B-1)
Transmission Poles	Perm	0.49	0.49	0	0.09 (Table B-1)
Overhead Collector Line	Temp	26.80	26.80	0	Tables B-1 and B-8 of the Final EIR/EIS do not differentiate between new or improved access roads to the level of detail included in the July 2017 POD. The Final EIR/EIS included 83.5 acres of temporary impacts and 152.6 acres of permanent impacts due to new access roads. The 2017 POD includes 88.91 acres of temporary impacts and 30.54 acres of permanent impacts for new access roads. Similarly, the overhead and underground collector cable systems are not differentiated in the Final EIR/EIS. The Final EIR/EIS include 127 acres of temporary impacts and 0.02 acres of permanent impacts associated with the overhead and underground collection system poles. The 2017 POD includes 32.51 acres of temporary disturbance associated with both the overhead collector line and overhead transmission line on BLM administered lands and 4.01 acres of permanent disturbance associated with the transmission poles and collector poles.
Collector Poles	Perm	3.52	3.52	0	
New Roads/Underground Collector Line	Temp	88.91	88.91	0	
New Roads	Perm	30.54	36.08	5.54	
Improvements to Existing Roads/Underground Collector Line	Temp	53.26	53.26	0	
Improvements to Existing Roads	Perm	25.74	28.18	2.44	
Parking Lot	Temp	9.99	0.00	-9.99	10 (Sec. B.4.1, Project Components)
Staging Area (Laydown Areas)	Temp	23.75	23.75	0	38 (Sec. B.4.1, Project Components)
MET Tower	Temp	1.74	1.74	0	.064 (Table B-1)
MET Tower	Perm	0.34	0.092	-0.248	.083 (Table B-1)
Acres Disturbed (Permanent)		**156.2**	***135.782***	***-20.418***	***532.1 (513.3) [d] (Table B-1)***
Acres Disturbed (Temporary)		**210.16**	***200.17***	***-9.99***	***303.9 (212.1) [d] (Table B-1)***
Total Disturbed Area		**366.36**	**335.952**	**-30.408**	

EIR/EIS = environmental impact report environmental impact statement; BLM = Bureau of Land Management; MET = meteorological;

[a] From Table 1.3-1, Proposed Project Estimate of Surface Land Disturbance, Tule Wind Project Plan of Development, Tule Wind LLC, July 2017

[b] From Table B-1, Overview of the ECO Substation, Tule Wind, and ESJ Gen-Tie Project; Table B-8, Summary of Tule Wind Project Components, ECO Substation/Tule Wind/ESJ Gen-Tie Projects Final EIR/EIS, Dudek, October 2011; Section B, Project Description, ECO Substation/Tule Wind/ESJ Gen-Tie Projects Final EIR/EIS, Dudek, October 2011.

[c] Acreages provided in the Final EIR/EIS include total acreages and do not differentiate temporary and permanent disturbance based on land ownership.

[d] Table B-1, Overview of the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects, in the Final EIR/EIS notes the following difference between approximate disturbance in parentheticals: "There is a difference between the impacts for each project component and the total disturbed area due to the fact that some project components fall into the same disturbance footprint, thus creating overlap. This overlap gives a higher calculation that distorts overstates the overall project surface land disturbances. The total provided in parenthesis is the proper calculated total with the overlapping areas removed; however, the total disturbed area has been retained in the table."

Land Use Plan (LUP) Conformance

LUP Name*	Date Approved:
Record of Decision, Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments	December 15, 2005
Eastern San Diego County Resource Management Plan (RMP) and Record of Decision	April 13, 2008

*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

The proposed action is in conformance with the LUP because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

The 2008 Eastern San Diego County RMP designated select lands within the planning area as available for geothermal leasing and wind energy development. Public lands within the McCain Valley area were made available for both geothermal leasing and wind energy development.[2] The Tule Wind project was determined to be consistent with land use plans in the 2011 ROD (Section 3.3, Land Use Plan Conformance) for the project. The Proposed Action, which includes additional permanent disturbance areas along McCain Valley Road and Project access roads, remains consistent with BLM's land use designation for wind energy development because the project remains within the area designated as available for wind energy development (McCain Valley East)[3]. Also, consistent with management actions identified in Section 2.17.2.4, Renewable Energy, of the 2008 RMP, the Proposed Action would provide for the production and distribution of renewable energy (Renewable Energy (RNE)-08) and would not be sited within a special designation (wilderness area, wilderness study area)[4] (RNE-03 and RNE-11). Final EIR/EIS mitigation measures would apply to avoid/minimize impacts to sensitive resources consistent with (RNE-09).

[2] As shown in the Final EIR/EIS, Figure D.4-3B, BLM Lands Available for Renewable Energy Development, lands on which the Tule Wind project has been sited have made available for wind energy development through BLM planning; Map 2-28: Lands Available For Wind Energy Development and Geothermal Leasing Alternative D (BLM 2007) as approved in the Eastern San Diego County RMP and Record of Decision (BLM 2008)

[3] Ibid

[4] As shown in in the Final EIR/EIS, Figures D4-8A through D4-8cB, Tule Wind Project Existing Land Uses

Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

BLM (Bureau of Land Management). 2005. Record of Decision: Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments. December 15, 2005.

BLM. 2008. *Resource Management Plan and Record of Decision.* El Centro, California: BLM, El Centro Field Office. October 2008. https://eplanning.blm.gov/epl-front-office/projects/lup/71564/95316/115275/Eastern_San_Diego_County_RMP_ROD.pdf

BLM. 2011. *Record of Decision for the Tule Wind Project.* DOI Control No. FES11-20, Case File Number: CACA-049698. El Centro, California: BLM, El Centro Field Office. December 19, 2011.

BLM. 2012. "*Right-of-Way Grant. Serial No. CACA-049698.*" El Centro, California: BLM, El Centro Field Office. Issued April 12, 2012.

BLM. 2013. *Amended Record of Decision Tule Wind Project.* DOI Control No. FES 11-06, Case File Number: CACA-049698. El Centro, California. BLM, El Centro Field Office. March 7, 2013.

BLM. 2013. "Decision. Proposed Amendments to Right-of-Way Grant CACA-049698 and Response to Request for Extension of Notice to Proceed." El Centro, California. BLM, El Centro Field Office. Issued November 5, 2013.

BLM. 2014. "*Right-of-Way Grant. Serial No. CACA-049698.*" El Centro, California. El Centro Field Office. Issued June 30, 2012.

Bureau of Land Management-California, Department of Energy, Bureau of Indian Affairs, U.S. Army Corps of Engineers, Ewiiaapaayp Band of Kumeyaay Indians, Tule Wind LLC, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. 2011. *Memorandum of Agreement Among the Bureau of Land Management-California, Department of Energy, Bureau of Indian Affairs, U.S. Army Corps of Engineers, Ewiiaapaayp Band of Kumeyaay Indians, Tule Wind LLC, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Tule Wind Energy Proje*ct, San Diego County, California. November 16, 2011.

CPUC and BLM (California Public Utilities Commission and Bureau of Land Management). 2011. Joint Final Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects. DOI Control No. DOI-BLM-CA-D070-2008-0040-EIS. October 2011.

U.S. Fish and Wildlife Service. 2011. *"Formal Section 7 Opinion for the Proposed Tule Wind Project, San Diego County, California (FWS-SD-1 OBO 136-11F0229)."* Memorandum from the Field Supervisor, Carlsbad Fish and Wildlife Office, transmitting the Biological Opinion to the District Manager, Bureau of Land Management, California Desert District Office. September 2011.

NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action would not result in new facilities or change the geographic location of any proposed Project facilities outside of the ROW Grant boundaries. The additional permanent disturbance areas are associated with gravel applied to McCain Valley Road and Project access roads that extends beyond 20 feet and 18 feet wide, respectively. The variance areas are within previously surveyed areas for biological and archaeological resources.

Total permanent impacts associated with VAR-017 are 7.98 acres, none of which would include new disturbance beyond the previously approved limits of disturbance.

Disturbance associated with McCain Valley Road and Project access roads was completed during Project construction in 2017. All activities associated with McCain Valley Road and access road improvements were subject to Final EIR/EIS mitigation measure CUL-1A (HPTP-CRM), CUL-1B (Avoid and Protect significant resources/ESA's) CUL-1E (Discovery of Unknown Resources) and CUL-2 (Human Remains) and the Memorandum of Agreement (MOA).

Permanent impacts to biological resources were identified and surveyed in the Final EIR/EIS and include: Big Sagebrush Scrub, Chamise Chaparral, Disturbed Habitat, Montane Buckwheat Scrub, Redshank Chaparral, Scrub Oak Chaparral, Semi Desert Chaparral, and Upper Sonoran Subshrub Scrub. Applicable biological mitigation measures would apply, including BIO-1e (provide habitat compensation or restoration for permanent impacts to native vegetation communities) for activities covered under VAR-017.

Tule Wind LLC has acquired four parcels totaling 600 acres that provide Tule Wind LLC with mitigation for the construction of the Tule Wind Project. The parcels have been acquired to provide offsite mitigation for permanent impacts on jurisdictional resources, native vegetation communities, and sensitive rare plant species from the construction of the Tule Wind Project as it applies to land administered by the BLM and San Diego County. The addition of 7.98 acres of permanent impacts associated with McCain Valley Road and Project access roads are accounted for as part of the overall Project impacts and mitigated through the enhancement and preservation of 600 acres of mitigation land.

The United States Fish and Wildlife Service Biological Opinion dated September 2, 2011 requires project access roads to be restored after the completion of construction according to a habitat restoration plan to the standard 16- to 20-foot width within occupied Quino checkerspot butterfly habitat. There are three areas where Project access roads are over 20 feet wide within the one-kilometer Quino checkerspot butterfly habitat. These three areas encompass a total area of approximately 1,146.9 square feet. While this approximately 1,146.9 square feet extends beyond the maximum 20-foot wide access roads included in the Biological Opinion, the Project is below the total amount of incidental take of 31.9 acres authorized by the Biological Opinion. Based on Westwood Engineering's as-built drawings, there is a total amount of 15.16 acres of permanent disturbance within Quino checkerspot butterfly habitat.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. Impacts associated with altering permitted road widths were evaluated in Section D.1 through D.8 as part of the Project and alternatives in the Final EIR/EIS. With implementation of Final EIR/EIS mitigation measures, impacts beyond the scope of those analyzed in the Final EIS/EIR would not occur. Current environmental concerns, interests, and resource value will be addressed through implementation of Project mitigation measures.

The variance request process as discussed in Section 5.1 of the Operations and Maintenance ECMP defines the procedures to address unforeseen or unavoidable site conditions. This includes changes to previously approved construction areas including the proposed action. The proposed action does not affect or indicate a need to modify the range of alternatives analyzed in the Final EIR/EIS. No additional NEPA review is required.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The proposed impacts associated with VAR-017 are within the Project's ROW Grant boundary and within previously surveyed areas for biological and archaeological surveys. The proposed action would not result in any further impacts, and overall permanent impacts remain lower than permanent impact acreage in the approved July 2017 POD and the Final EIR/EIS.

There is no new information and no new guidance associated with the proposed action that would trigger the need of additional analyses beyond the analysis presented in the Final EIS/EIR.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The direct, indirect, and cumulative effects associated with increasing permanent impacts associated with Project road widths are substantially the same to those analyzed in the Final EIR/EIS for the approved project. Consequently, the direct, indirect, and cumulative effects of additional permanent impacts associated with VAR-017 are within the scope of those analyzed and mitigated for in the Final EIR/EIS for the approved Project.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public involvement and comment on the Proposed Project was extensive. The California Public Utilities Commission and BLM distributed the Joint Draft Environmental Impact EIR/EIS East County Substation, Tule Wind, and ESJ Gen-Tie Projects for public review on December 24, 2010. Recognizing that the public review period began during the holidays, the public review period was extended past the typical 45-day review period to 54 days. In response to public comments received on the Draft EIR/EIS, the close of the public review and comment period was further extended past the original February 16, 2011, deadline to March 4, 2011; in total, the duration of the public review period was 70 days. The Final EIR/EIS was published October 14, 2011. The ROD was signed by the Secretary of the Interior on December 19, 2011. Additionally, the 2013 Amended ROD for the Project, which allowed the overhead alignment of the 138 kV Transmission Line, was signed by BLM on March 7, 2013, and underwent a 30-day public appeal period as described in Section 7 of the ROD.

Because the Proposed Action is within the study area of the original Proposed Project in the Final EIR/EIS, the BLM believes the review of the Final EIR/EIS and affiliated decisions is adequate for the current Proposed Action.

Persons/Agencies/BLM Staff Consulted

List of Preparers

Name	Role	Discipline
Carrie Sahagun	Assistant Field Manager, BLM	General
Tristan Riddell	Realty Specialist, BLM	General
Camden Bruner	Wildlife Biologist, BLM	Biology
Kate Crosmer	Archaeologist, BLM	Archaeology
Micah Hale	Archaeologist, Dudek	Archaeology
Brad Comeau	Archaeologist, Dudek	Archaeology
Keith Carwana	Environmental Compliance Manager, Dudek	General
David Hochart	Environmental Compliance Manager, Dudek	General

Refer to the EIR/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the Eastern San Diego County RMP and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Signature of Project Lead

Signature of Assistant Field Manager

Signature of Responsible Official:

Date 9/7/2018

Note:
The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute and appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENT A

San Diego County Fire Authority Email:
March 14, 2018

From: Pine, James [mailto:James.Pine@sdcounty.ca.gov]
Sent: Wednesday, March 14, 2018 12:53 PM
To: Muto, Devon <Devon.Muto@icf.com>
Subject: RE: Tule BLM Road Width

Good Afternoon Devon,

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. As you likely already know, we will happily accept the roads being wider than the widths as was stated in the FPP.

Best regards,

JAMES PINE | Asst. Fire Marshal
San Diego County Fire Authority
5510 Overland Ave., Suite 250
San Diego, CA 92123
T: 858.495.5434

Improving Fire and Emergency Medical Services in Unincorporated San Diego County
www.sdcountyfire.org

From: Muto, Devon [mailto:Devon.Muto@icf.com]
Sent: Wednesday, March 14, 2018 12:19 PM
To: Pine, James <James.Pine@sdcounty.ca.gov>
Subject: Tule BLM Road Width

Hi James,

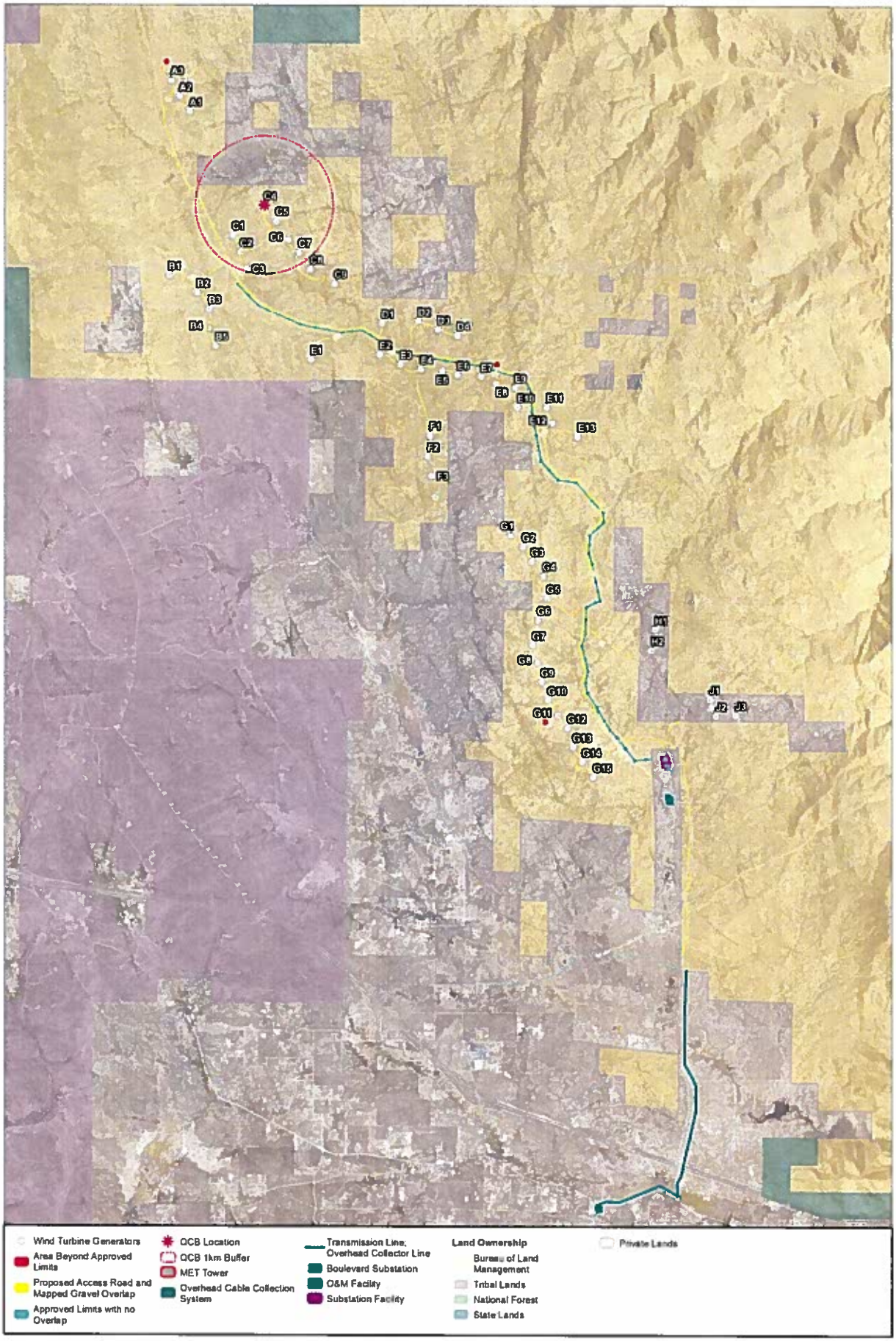
The BLM has asked if the road width on BLM lands is an issue with the fire authority. Many of the completed access roads are between 20-30 feet wide. In the FPP (see excerpt below) it says that roads will be a maximum of 18 ft for the access roads and 20 ft for McCain Valley Road. The FPP is the only place where a maximum is stated so BLM wanted confirmation that the fire authority is okay if the width is greater. Can you provide confirmation of this? Something in writing that we can share with them would be appreciated. Please let me know if you need to discuss. Thanks!

> Upon completion of construction activities, existing and proposed access roads located on land under the jurisdiction of the County of San Diego will be improved to comply with the Department of Public Works Private Road Standard of 24 feet (28 foot graded extent). The main project roads (Ribbonwood Road and McCain Valley Road) throughout the project site will be improved to a maximum of 20 feet to comply with the California Fire Code Standards on lands outside of the County's jurisdiction. Spur roads to the turbines (on land under any jurisdiction) will be improved to a maximum of 18 feet wide to comply with SRA Fire Safe Regulations. These requirements were provided by the SDCFA (personal communication, James Pine, Fire Marshal). A detailed map of County roadways to be upgraded is shown in **Figure 15**.

DEVON MUTO | San Diego Branch Leader | 858.444.3960 (direct) | 858.442.4957 (mobile) | devon.muto@icf.com | icf.com
ICF | 525 B Street, Suite 1700, San Diego, CA 92101 | 858.578.8964 (main)

ATTACHMENT B

Limits of Gravel Mapbook



SOURCE: [illegible]

DUDEK

OVERVIEW - Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

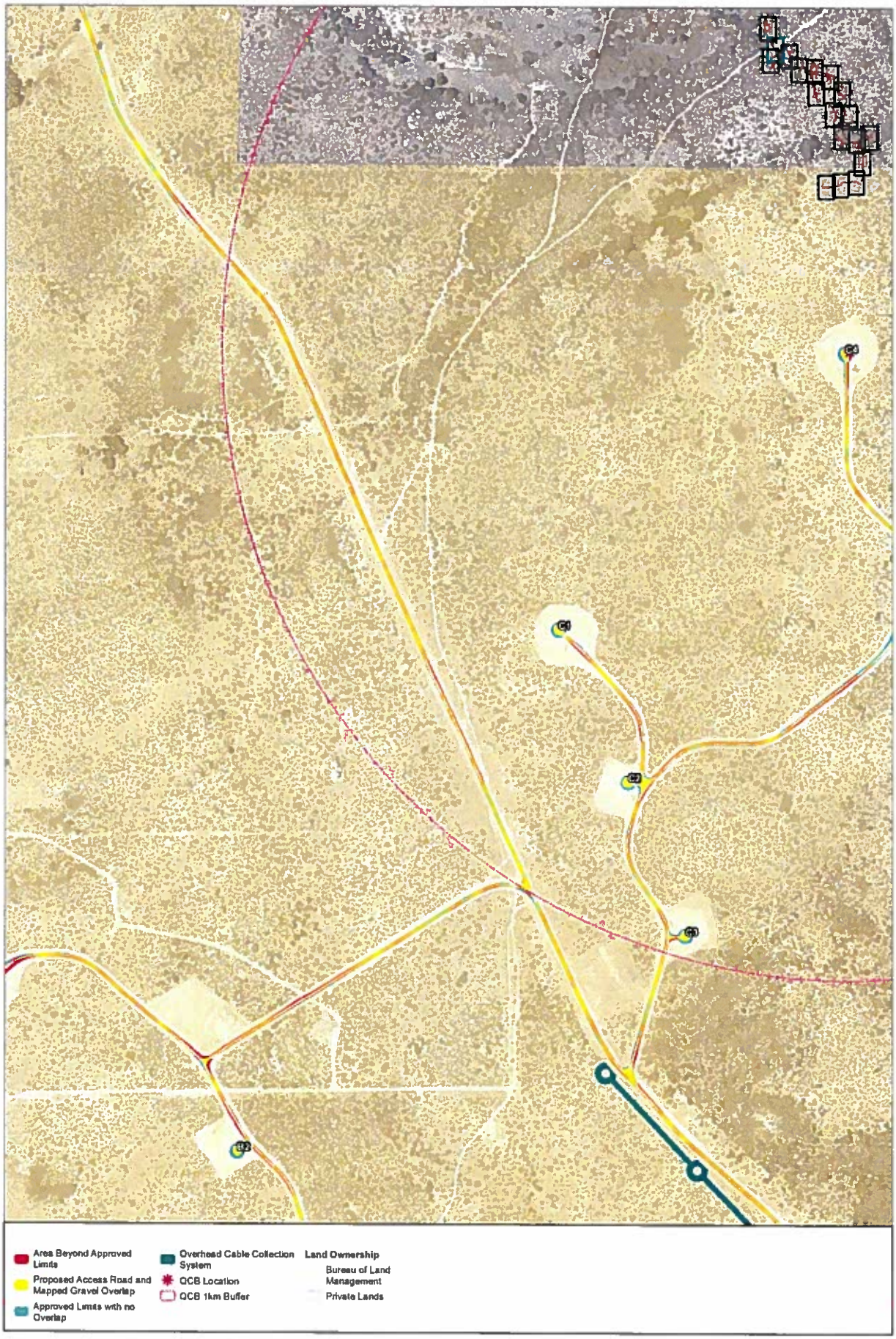
SOURCE: SANDIS 2017

DUDEK

SHEET - 1

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: SANGIS 2017

DUDEK

SHEET - 2

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

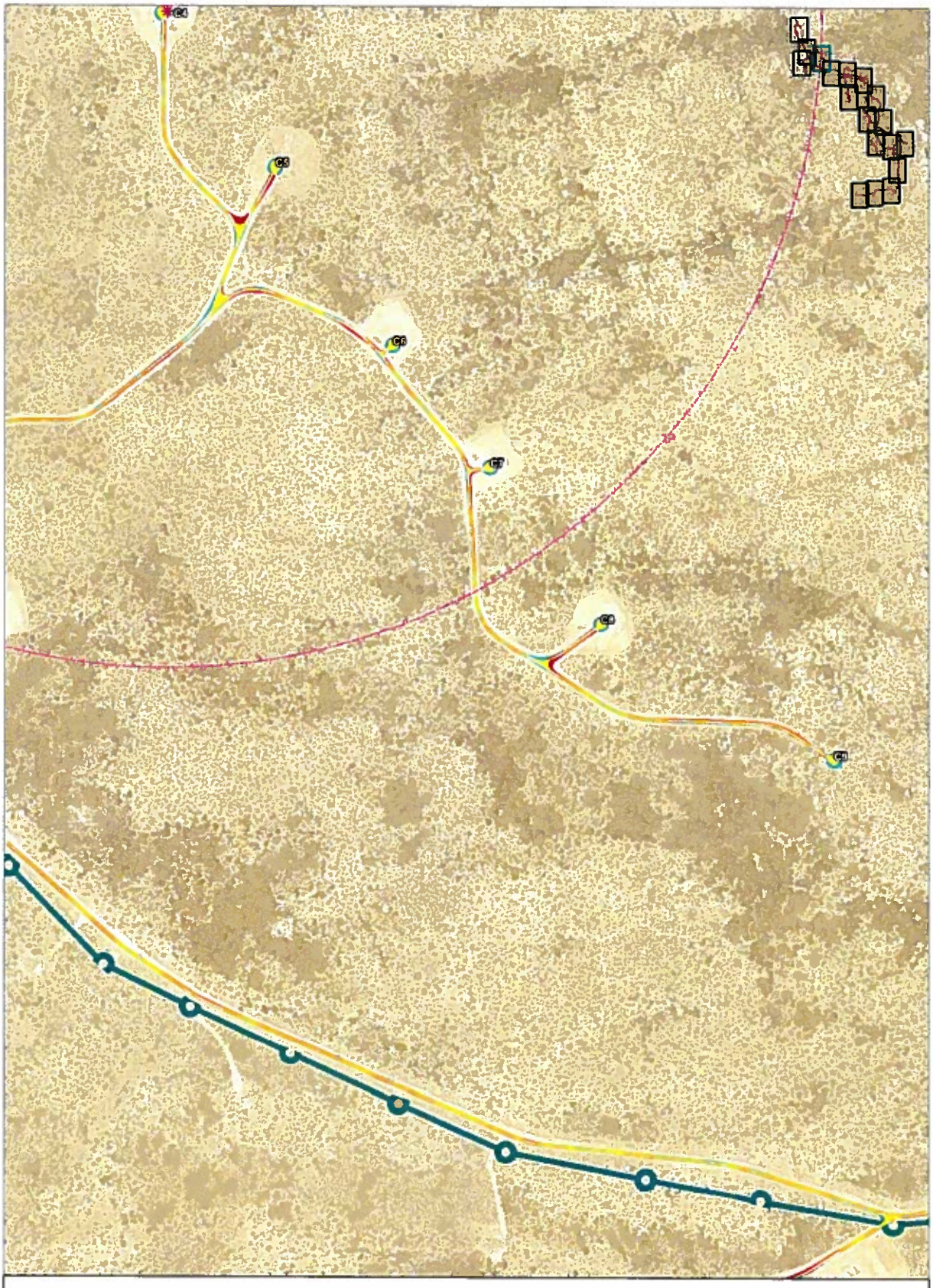
SOURCE: ESRI, CES 2017

DUDEK

SHEET - 3

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: BASED ON [illegible]

DUDEK

SHEET - 4

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

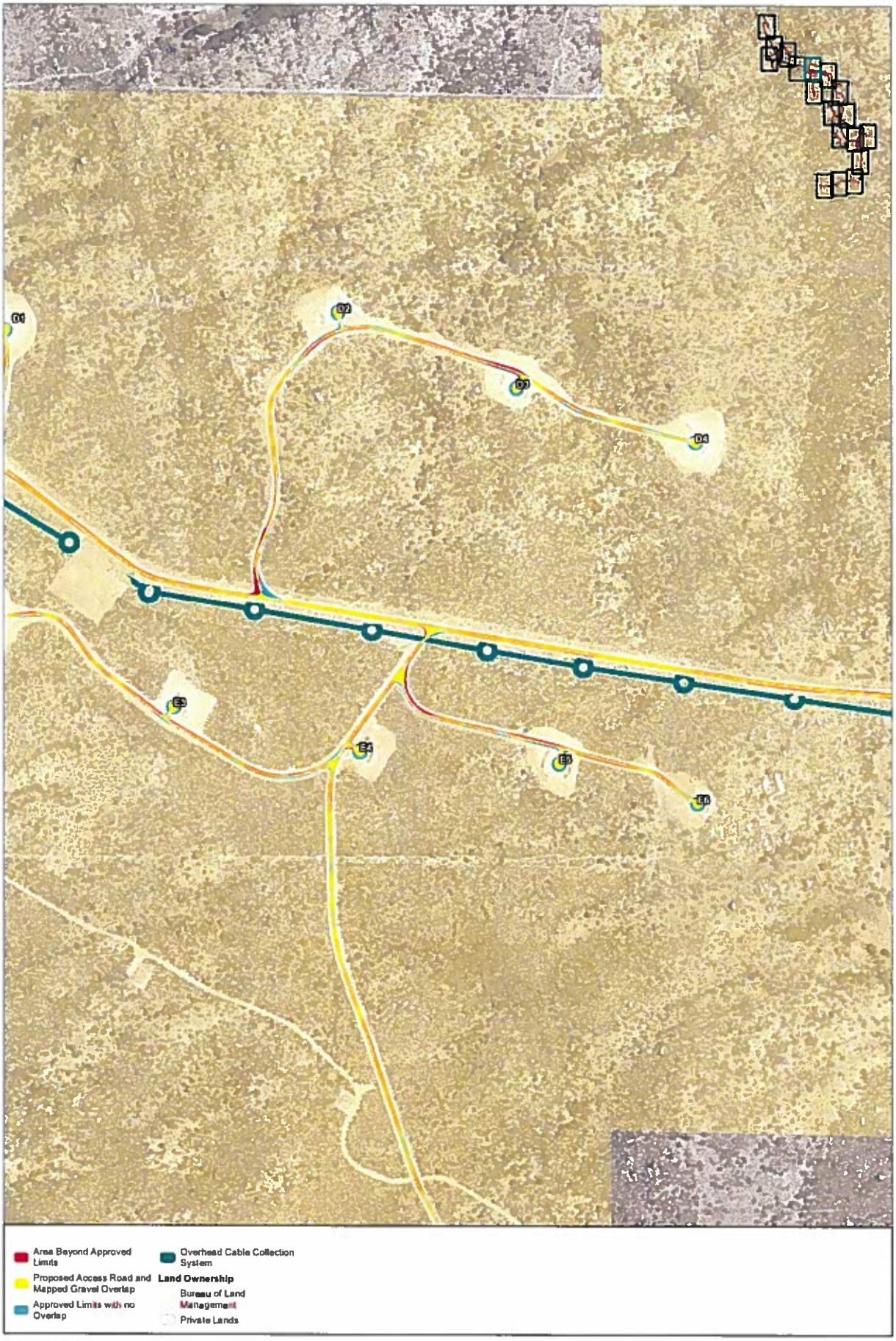
SOURCE: SANGIS 2011

DUDEK

SHEET - 5

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



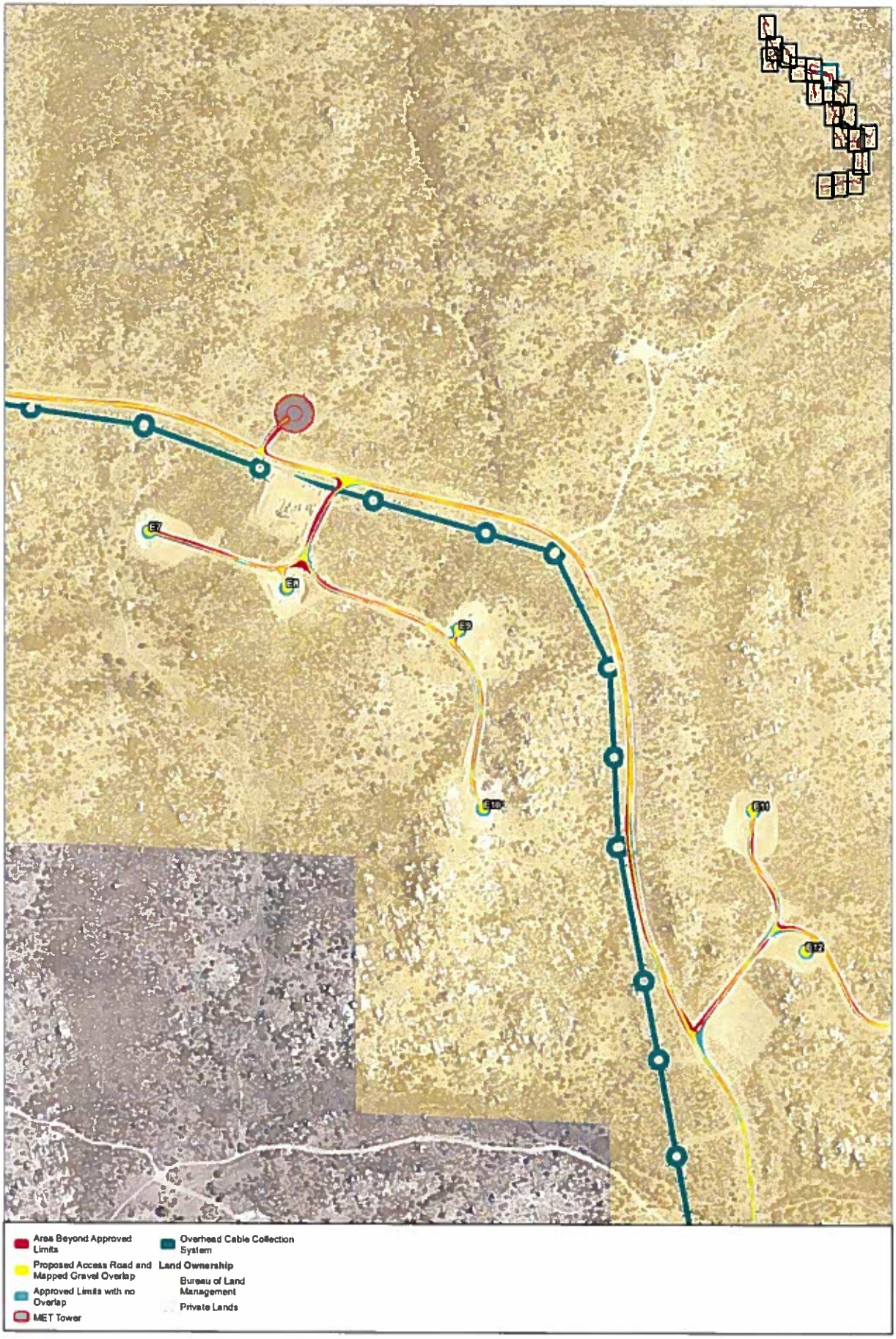
SOURCE: BAILIS 2017

DUDEK

SHEET - 6

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



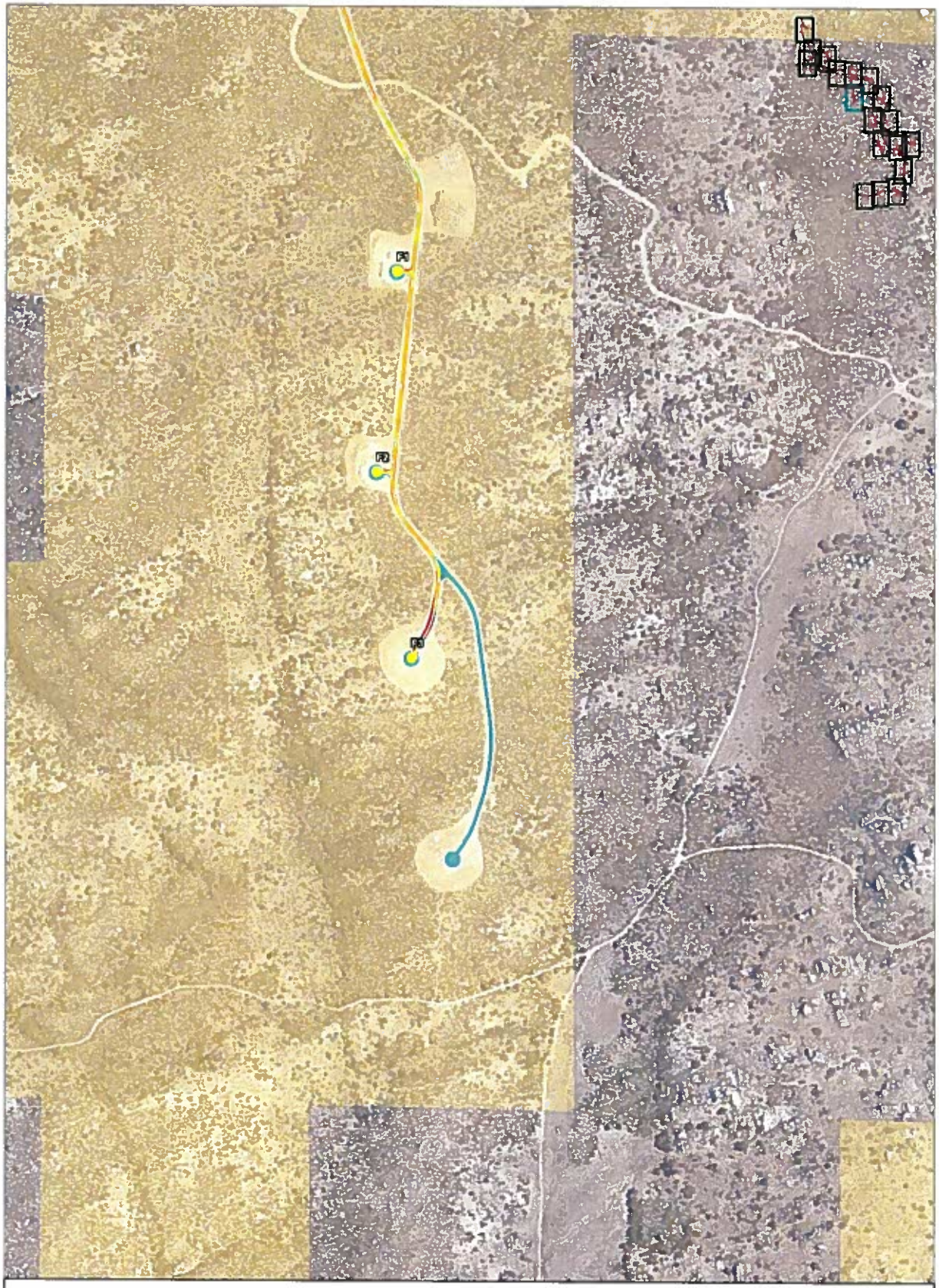
SOURCE: BAILOS 2017

DUDEK

SHEET - 7

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



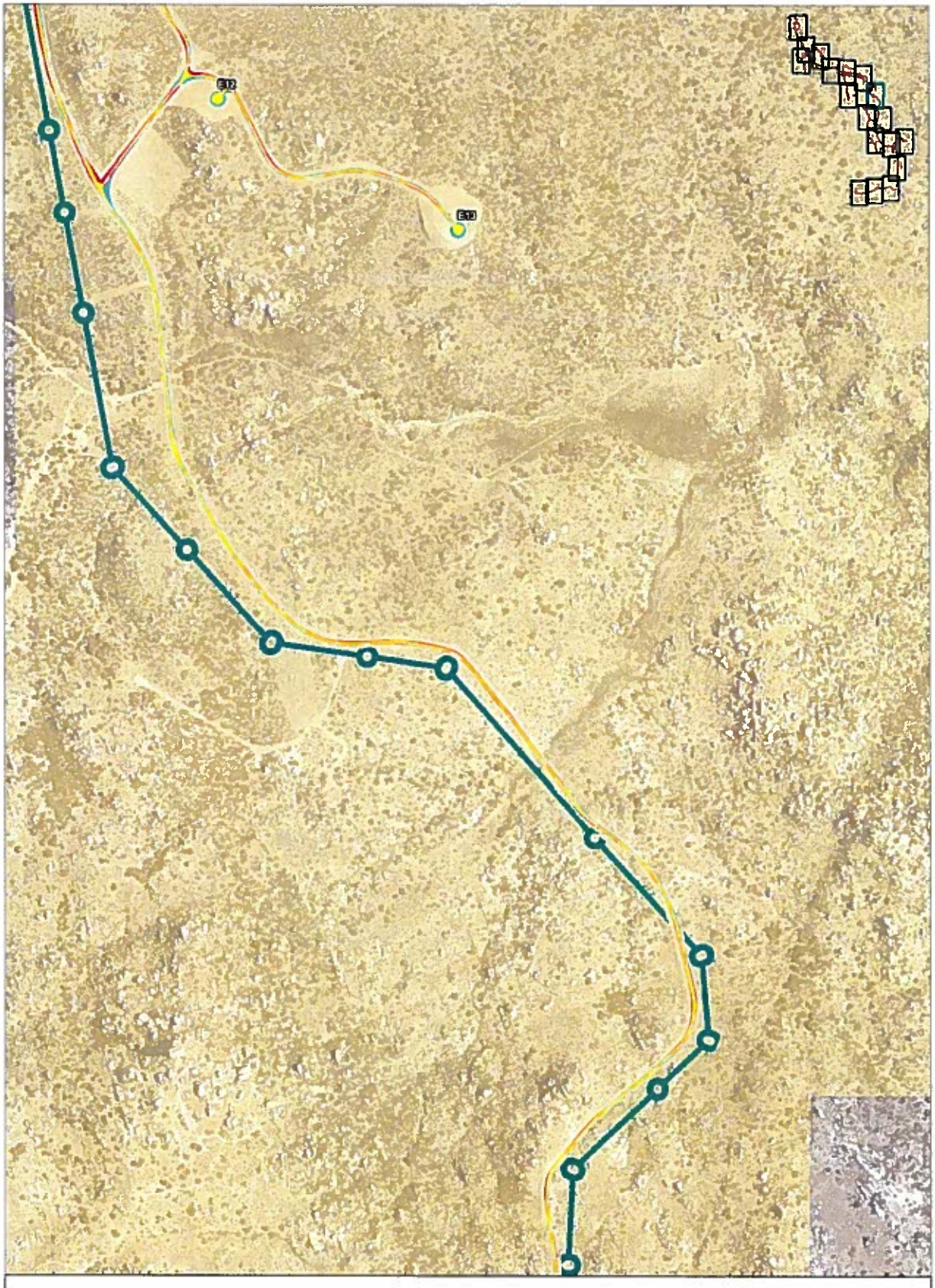
SOURCE: ESRI Data 2017

DUDEK

SHEET - 8

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: SANGIS 2017

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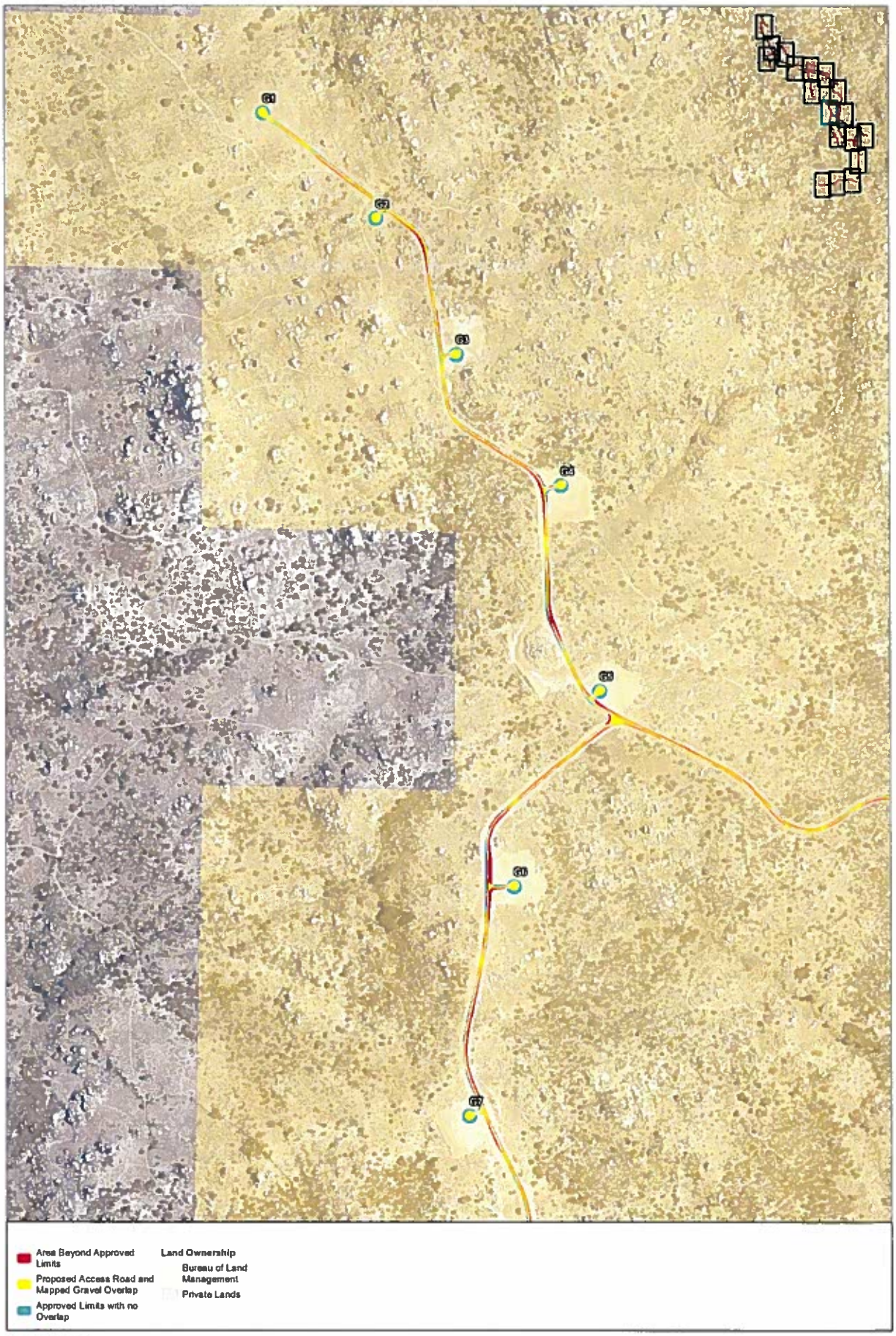
SHEET - 9

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

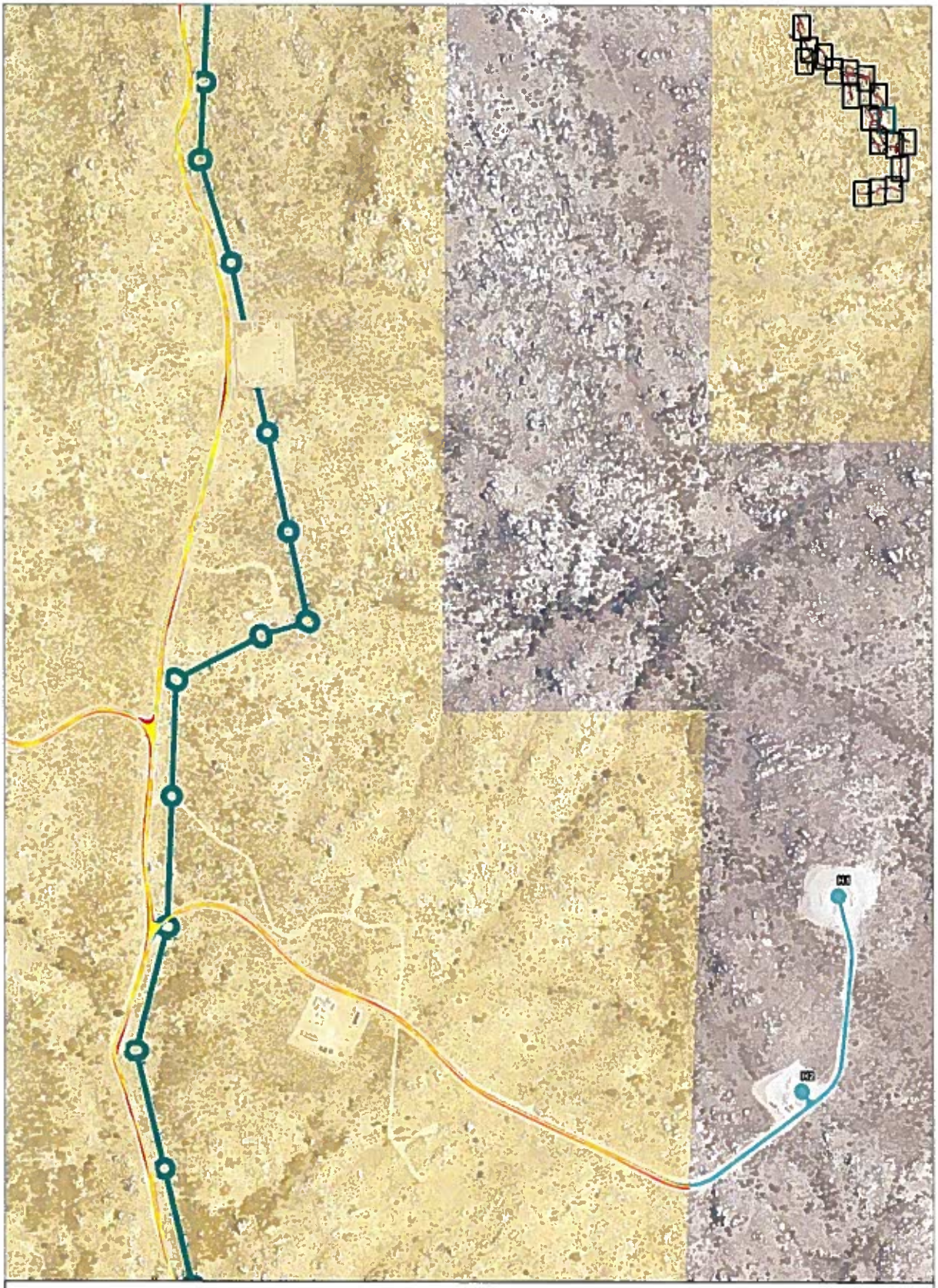


SHEET - 10

Areas Beyond Approved Permanent Disturbance Limits

DUDEK

Tule Wind

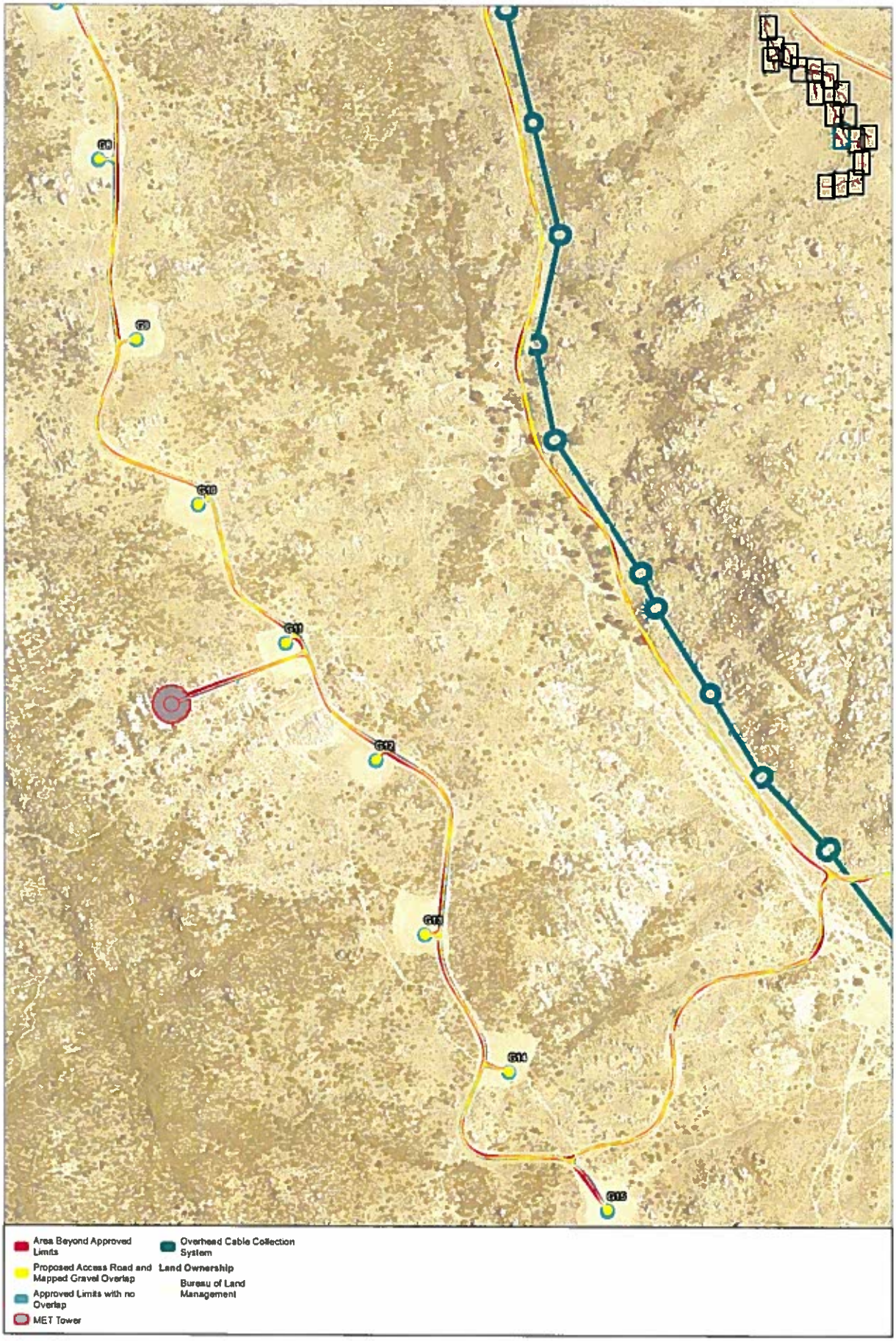


SHEET - 11

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

DUDEK



SOURCE: SANGIS 2017

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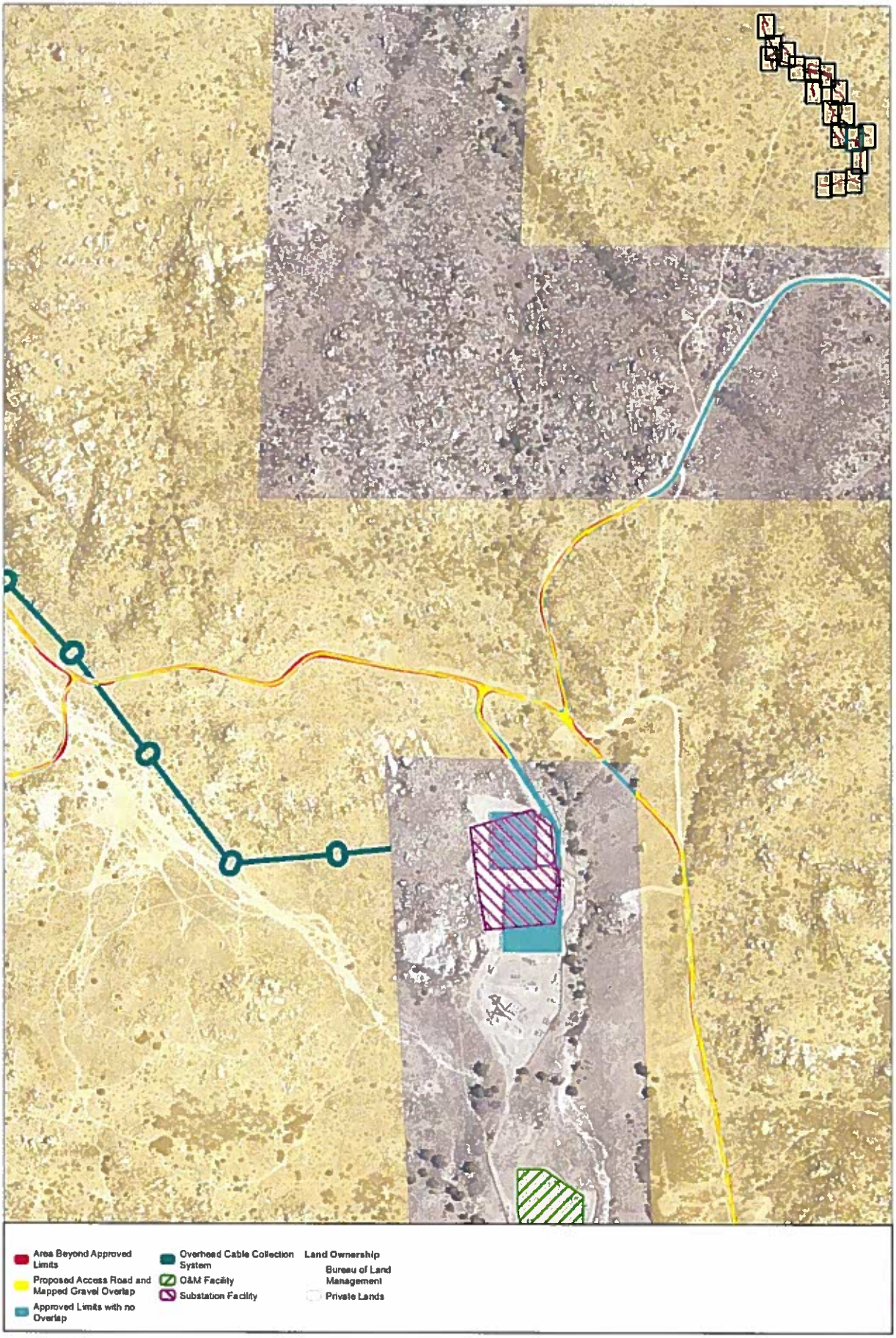
SHEET - 12

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: BAN 09.2017

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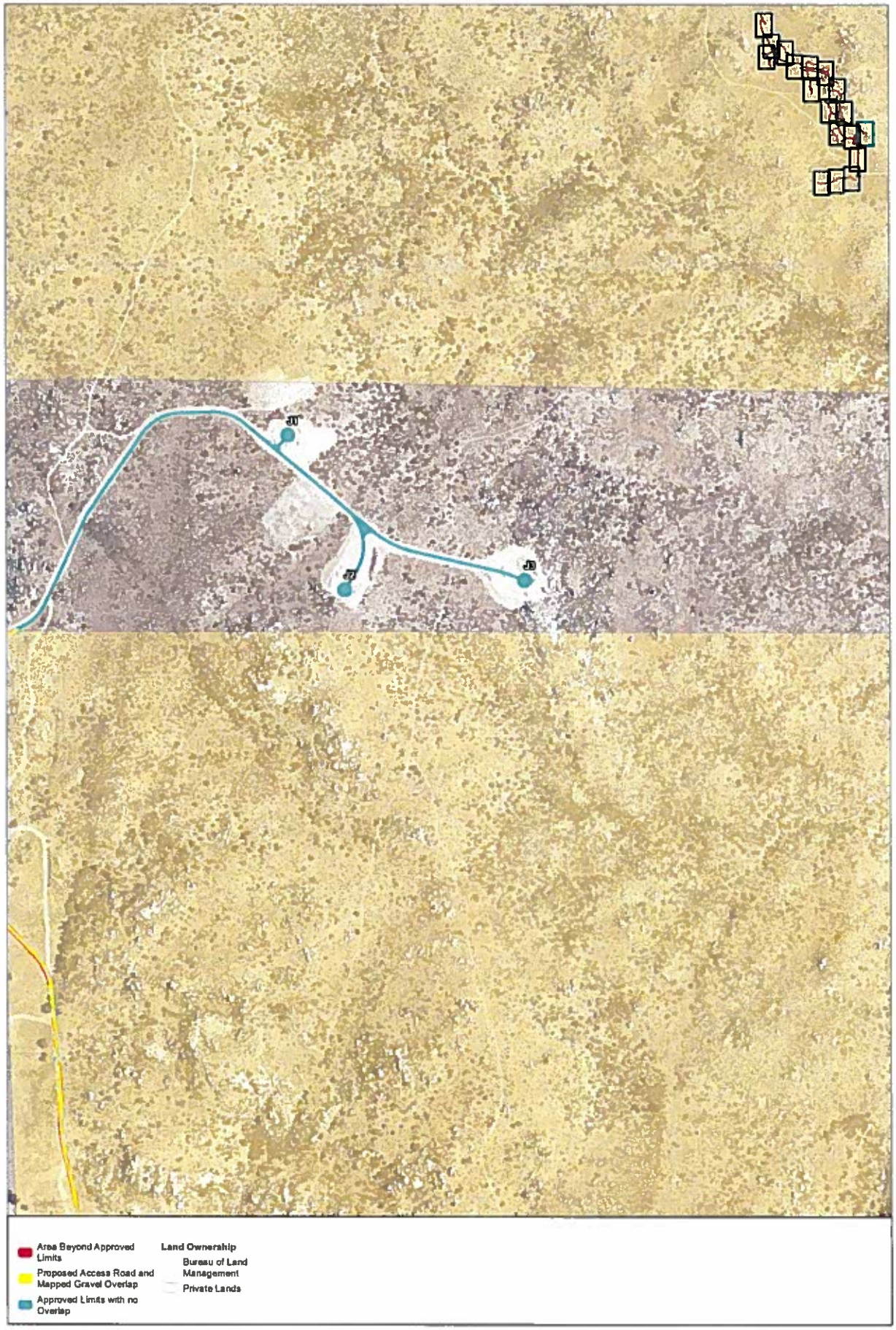
SHEET - 13

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: SAN 2017

DUDEK

SHEET - 14

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

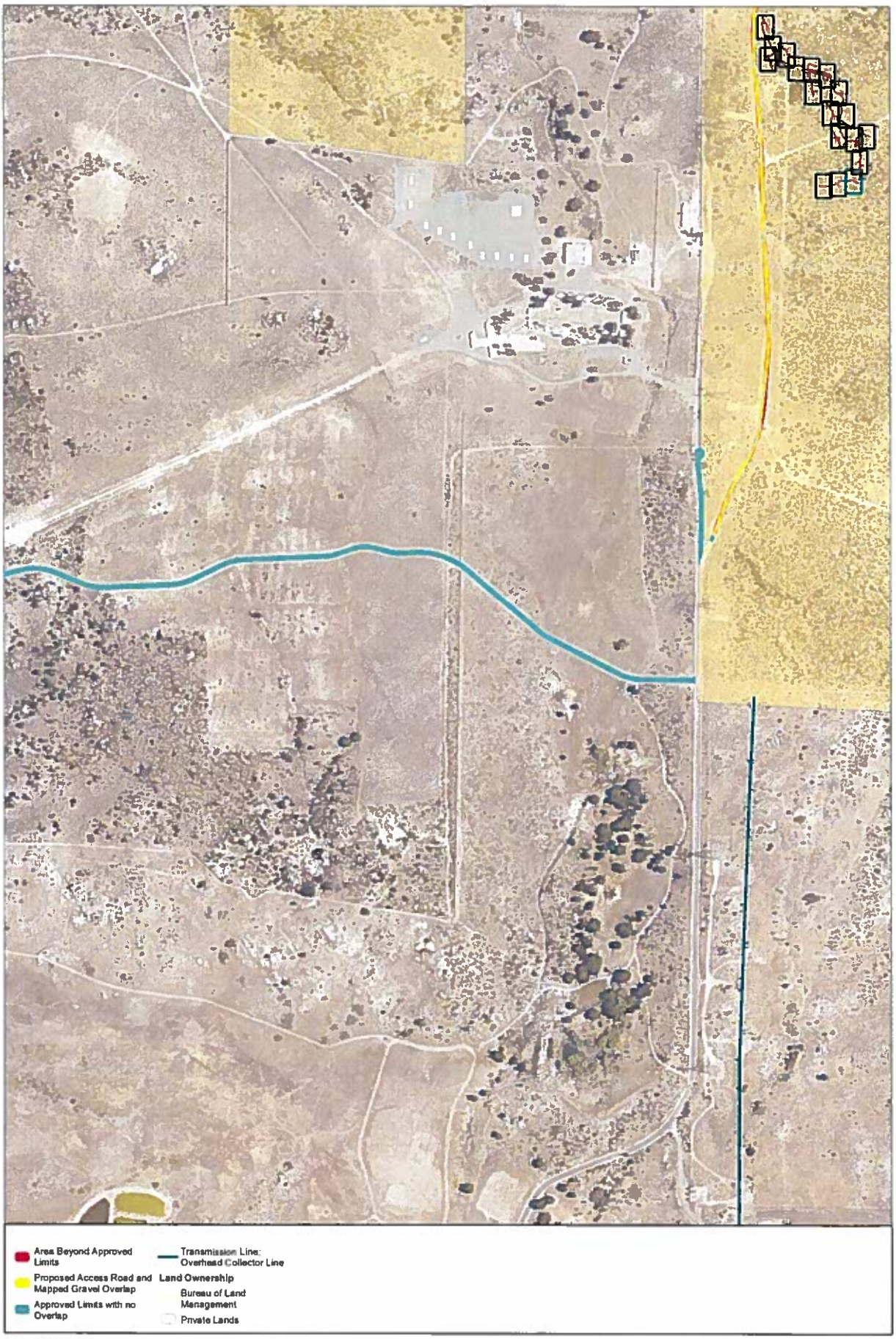
SOURCE: IMAGERY

DUDEK

SHEET - 15

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: [illegible]

DUDEK

SHEET - 16

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind

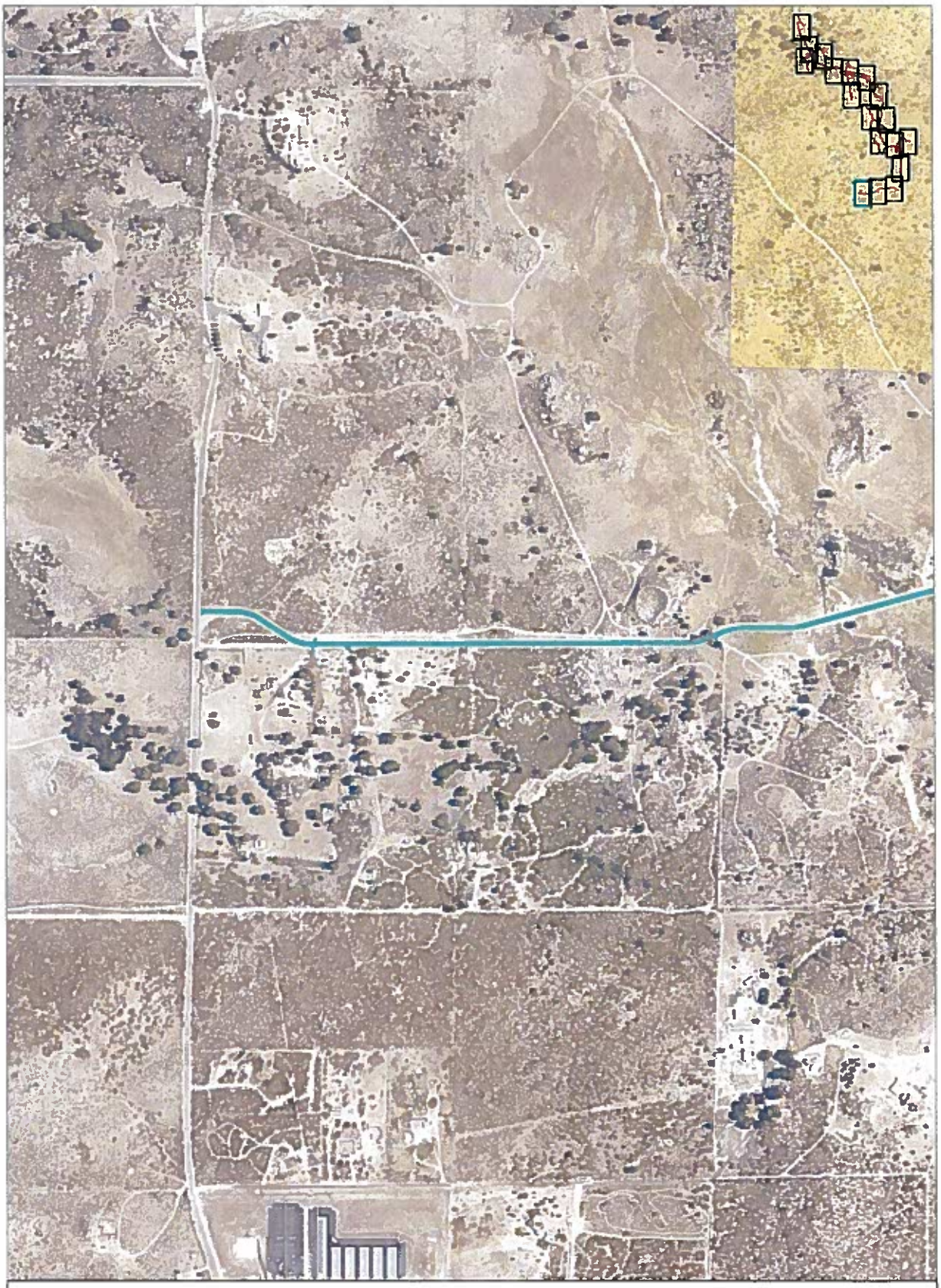
SOURCE: BANGIS 2017

DUDEK

SHEET - 17

Areas Beyond Approved Permanent Disturbance Limits

Tule Wind



SOURCE: BANGIS 2017

DUDEK

SHEET - 18

Areas Beyond Approved Permanent Disturbance Limits