

# Variance Request Form



Company: Avangrid Renewables  
 Address: 1125 NW Couch Street, Suite 700  
 City, State, Zip : Portland, OR, 97209

Variance: VAR- 013  
 Request No.: Rev 1  
 Date Submit: 06/13/17  
 Date Agency Received:  
 Agency Reference No.:

Request Prepared by: Kamber McAllister (ICF)  
 Spread/Location (Milepost): N/A

Net Acreage Affected: 4.18 (2.04 additional)

Alignment Sheet/Sta. No.:

Tract No.: N/A

Landowner: BLM

In or Within 50ft of a Wetland:  Yes  No

Current Land Use/Vegetative Cover: Big Sagebrush Scrub, Dense Coast Live Oak Woodland, Disturbed Habitat, Open Coast Live Oak Woodland, Redshank Chaparral, Scrub Oak Chaparral, Semi Desert Chaparral, Upper Sonoran Subshrub Scrub

Within 50ft of a Water Body:  Yes  No

Nearby Features (Water body, T&E Habitat, Wetlands, Noxious Weed):

Waters are included on Figure 3 - REDACTED.

Area, Residence, Cultural Resource Site (distance, etc.):

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

Variance 13 (VAR-013) includes adjustments to the overhead collector line pole locations, associated access roads, and construction areas for poles [REDACTED] to reduce impacts to newly identified environmentally sensitive areas (ESAs) while maintaining constructability (Attachment A, Figures 1 and 2 - REDACTED).

The original design had impacts to newly discovered ESAs at collector line pole locations [REDACTED]. Because electrical line design has a high potential for a cascading effect, meaning slight shifts to one structure location has a high probability of affecting other structures, the entire length of the electrical line from pole [REDACTED] was analyzed in multiple configurations to accommodate structures [REDACTED]. For the entire transmission and collector line, each pole structure is individually fabricated to meet the strength and design standards required specific to the configuration of the line at that location; i.e. poles are all unique. The design was finalized in October 2016 therefore, all structures have been fabricated, ordered, and are either on site or en-route to site. The finality of the pole design added additional complexity of re-configuring the structures. The challenge was to keep the same pole specifications, meet line standards, and minimize the domino effect while avoiding existing ESAs. In many alternate configurations examined one or more poles were either too short (due to the very rugged terrain and line sag clearance) or could not handle the tension from the angle adjustments; therefore, did not meet the required strength and were removed from further consideration.

Once the electrical design was solved for (i.e., where the poles could go, avoid ESAs to the extent possible, and meet the design standards), the construction limits of disturbance and access were then designed in conjunction with the newly proposed line and conflicts with cultural ESAs and constructability elements were resolved wherever possible.

Structure locations [REDACTED]

Structure location [REDACTED] and associated construction zone were relocated to completely avoid a newly expanded ESA. To meet strength and height requirements, this also required a shift to structure location [REDACTED] to bring it closer to McCain Valley Road. That shift brings the construction zone directly adjacent to a previously known ESA. The construction zone for structure location [REDACTED] is reduced to the east of the pole, where it is adjacent to the ESA, with the assumption that construction staging activities at that location would be allowed within McCain Valley Road for staging equipment (Figure 2 - REDACTED). Construction activities at these collector pole locations are consistent with the project NTPs and include excavation of the pier formations; fabrication and installation of rebar, anchor bolt cages, and forms and tables; and concrete placement. Equipment anticipated to be used includes Lodrill, forklifts, crane, crew trucks, backhoes, concrete trucks, concrete pump trucks, and concrete material trailers. All clearing and any necessary grading would occur during the day. Pole construction would occur during the day and could also occur at night. The road will be partially closed with single lane access during structure construction. In this location, staging equipment will line the east side of MVR and traffic would be able to navigate the western side of the road. Flaggers will be provided during the entire time MVR would be partially blocked. The Variance Areas for structures [REDACTED] total 1.26 acres, including 0.65 acres of additional impacts.

### Structure locations [REDACTED]

Structure locations [REDACTED] were also designed to avoid impacts to a recently discovered ESA. With the shift of structure location [REDACTED] from its designed location further east/northeast, structure location [REDACTED] became a challenge due to the height of the pole. Structure location [REDACTED] itself avoids all cultural ESAs identified at that time; however, the location of the structure was 12 feet above the adjacent centerline elevation of McCain Valley Road. This resulted in a steep access to the structure, making it difficult to safely get equipment and vehicles to access and build the construct. It was determined that the structure location could be brought closer to McCain Valley Road (and within the existing permitted limits of disturbance); however, a known cultural ESA would be impacted. Additionally, as a result of design iterations and field reviews, this ESA was recently expanded from [REDACTED]. Due to the expansion of the ESA, the structure location cannot be moved to avoid impacts to the newly expanded ESA completely and 907 SF will be tested. However, if kept closer to McCain Valley Road, the Road could be used for construction staging avoiding additional grading on the east side of the structure location. Construction activities are consistent with those described for Structure Locations [REDACTED]. In this location, staging equipment will attempt to line the east side of MVR with the intent to allow for navigation on the western side of the road. Flaggers will be provided during the entire time MVR would be partially or fully blocked and equipment would be staged for quick removal allowing for passage if an emergency arouse.

Although structure location [REDACTED] did not move, the access road to the structure did move as it would have impacted a newly discovered ESA. Due to the steep slope on the west side of the structure location, several options for access to structure location [REDACTED] were examined. Ultimately it was determined that accessing structure location [REDACTED] via a new access road to the east that connects structure location [REDACTED] and structure location [REDACTED] is preferred, as it avoids both the cultural ESA and additional impacts to Jurisdictional Feature [REDACTED] (Figure 3 - REDACTED).

The variance areas for structure locations [REDACTED] total 1.53 acres, including 0.69 acres of additional impacts.

### Structure Location [REDACTED]

VAR-013 includes the additional pull areas at structure location [REDACTED]. Structure location [REDACTED] is a dead end structure meaning that the conductors terminate at this structure location. At a dead end structure, lines are pulled in both directions. The pull area requires equipment to pull large spools of wire from the last dead end structure, through the middle structures and to the next dead end structure. At a dead end structure location an area approximately 300 feet away from the structure location is needed to stage the pulling equipment. Staging equipment consists of a tensioner, a trailer with the spool of wire being pulled, additional spools of wire, and a rubber tire crane to lift the spools onto the trailer.

At structure location [REDACTED] cultural and biological ESAs have mostly been avoided by the contractor agreeing to constrain work space; however, the structure itself and the associated construction zone of that structure are within a new cultural ESA. This would result in approximately 2,008 SF of impacts to this new ESA. This is unavoidable as movement of the structure location west is not possible due to proximity to a turn in MVR. Additionally shifting would place the pull area closer to a different new ESA would place pulling equipment for the most part directly in McCain Valley Road. The variance areas for structure location [REDACTED] totals 1.39 acres, including 0.70 acres of additional impacts.

**Variance Justification:**

VAR-013 is required to complete construction of the Tule Wind Project safely. This variance has taken into account opportunities for reductions in area disturbance while balancing economic viability and constructability. Other engineering options were reviewed and found to be unviable due to large impacts to the ESA or limitations of pole strength and/or height within this stretch.

**Structure Location**

Shifting Pole required a shift to structure location. Structure location will move closer to McCain Valley Road to meet pole strength and height requirements.

**Structure Location**

Structure location and associated construction zone were relocated to completely avoid a newly expanded ESA.

**Structure Location**

Shifting Pole required Structure Location to shift due to pole height constraints. Structure location was sited to limit ESA impacts as much as possible while maintaining constructability.

**Structure Location**

While there is no change in the structure location for Pole, the access road to the structure was redesigned to avoid impacts a newly discovered ESA. Conversations with the aquatics resource agencies indicated that the aquatic resource permit amendments would take longer than initially anticipated and that impacts to the jurisdictional feature should be avoided. After looking at several options and taking account slope and cultural and jurisdictional aquatic resources in the area it was determined that accessing structure location using an access road that connects structure location and structure location along the east side provides the least impact while avoiding the resources.

**Structure Location**

The additional pull areas are needed at structure location due to the pole being a dead-end structure. The pull areas have been designed to avoid known ESAs.

The existing structure location and associated construction zone are within a new cultural ESA, and would result in approximately 2,008 SF of impacts to this new ESA. This is unavoidable as movement of the structure location west is not possible due to roads and east places the pull area closer to a different new ESA and would place pulling equipment for the most part directly in McCain Valley Road. The testing plan for this area will be submitted to the BLM.

**For Avangrid Renewables Use Only**

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The variance is within existing cultural and biological resources survey areas, so additional surveys were not required. Supplemental confidential reporting associated with the cultural ESAs is being submitted separately.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
T & E Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Report Document Survey:**

Sign-Off (as appropriate)	Name (print)	Approval Signature	Conditions (see attached)
Avangrid Permit Manager	Kristen Goland	<i>K. Goland</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lead Environmental Inspector	Talia Haley	<i>Talia Haley</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Designated Biologist	James Hickman	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural Resource Specialist	Brian Williams	<i>Brian Williams</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**For BLM Project Manager or Compliance Contact Use Only**

Variance Approved:  Variance Denied:  Date:

Signature:

*Thomas F. Gale*

6/21/2017

NOTE CONDITIONS ON NEXT PAGE

**For Compliance Manager and Monitor Use Only**

Variance Approved:  Variance Denied:  Date: 6/20/17

Signature:

*Paul Hart*

Stipulations: Yes, please see Variance Conditions below.

Spread: See attached maps.

Variance Request No.: 013

## VARIANCE CONDITIONS

Name: N/A

Title: N/A

Organization: BLM

Conditions:

No work within any ESA boundary is permitted until the BLM has made its Section 106 determinations and findings regarding eligibility to the National Register of Historic Places (NRHP) and the BLM has authorized the beginning of work within the ESA boundary.

Name:

Title:

Organization:

Conditions:

Name:

Title:

Organization:

Conditions:

# Attachment A

Figures - REDACTED

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

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**Determination of NEPA  
Adequacy (DNA)**

**DOI-BLM- CA- D070-2017-0066-DNA  
Tule Wind Project - Variance Request  
(VAR)-013**

**PREPARING OFFICE**

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



# **Determination of NEPA Adequacy (DNA)**

DOI-BLM- CA-D070-2017-0066-DNA

**Tule Wind Project - Variance Request  
(VAR)-013**

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## ***1. Determination of NEPA Adequacy (DNA)***

### **Worksheet**

U.S. Department of the Interior

Bureau of Land Management

OFFICE: El Centro Field Office, 1661 S. 4<sup>th</sup> Street, El Centro, California 92243.

TRACKING NUMBER: DOI-BLM- CA- D070-2017-0066-DNA

CASE FILE/PROJECT NUMBER: CACA-049698

PROPOSED ACTION TITLE/TITLE: Adjustments to the overhead collector line pole locations, associated access roads, and construction areas for poles [REDACTED].

#### **LOCATION:**

The Tule Wind 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<sup>1</sup>. The proposed project refinements identified in Variance Request (VAR) -013, are located within the Tule Wind project right-of-way (ROW) grant boundary. Portions of VAR-013 are within the limits of disturbance identified in the approved Plan of Development (POD) while some areas are outside the limits of disturbance identified in the POD (please refer to Table 1, below).

APPLICANT: Tule Wind LLC

### **Description of Proposed Action and any applicable mitigation measures**

#### **Variance Request (VAR)- 013 – Description**

VAR-013 includes adjustments to the overhead collector line pole locations, associated access roads, and construction areas for poles [REDACTED] to reduce impacts to newly identified environmentally sensitive areas (ESAs) while maintaining constructability (see Attachment A of VAR-013, Figures 1 and 2 - REDACTED).

The project design approved as part of the POD has the potential to impact recently discovered ESAs at collector line pole locations [REDACTED]. As electrical line design has a high potential for a cascading effect, meaning slight shifts to one structure location has a high probability of affecting other structures, the entire length of the electrical line from pole [REDACTED] was analyzed in multiple configurations to accommodate structures [REDACTED] and to limit impacts to ESAs. For the entire transmission and collector line, each pole structure is individually fabricated to meet the strength and design standards required specific to the configuration of the line at that location; i.e. poles are all unique. The design was finalized in October 2016 therefore, all structures have been fabricated, ordered, and are either on site on en-route to site. The finality of the pole design added additional complexity of re-configuring the structures. The challenge was to keep the same pole specifications, meet line standards, and minimize

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<sup>1</sup> A project location map can be found at the Environmental Compliance Monitoring Program (ECMP) website at <http://tulewindecomp.com/>.

the cascading effect while avoiding existing ESAs. In many alternate configurations examined, one or more poles were either too short (due to the rugged terrain and line sag clearance) or could not handle the tension from the angle adjustments; therefore, did not meet the required strength and were removed from further consideration.

Once the electrical design was solved for (i.e., where the poles could go, avoid ESAs to the extent possible, and meet the design standards), the construction limits of disturbance and access were then designed in conjunction with the newly proposed line and conflicts with cultural ESAs and constructability elements were resolved wherever possible.

### **Structure Locations** [REDACTED]

Structure Location [REDACTED] and its associated construction zone are proposed to be relocated to completely avoid a newly expanded ESA. To meet strength and height requirements, this also requires a shift to structure location [REDACTED] to bring it closer to McCain Valley Road. That shift brings the construction zone directly adjacent to a known ESA. This variance proposes to reduce the construction zone for Structure Location [REDACTED] east of the pole, where it is adjacent to the ESA, and staging equipment for construction within McCain Valley Road (Figure 2 of VAR-013 - REDACTED). Construction activities at these collector pole locations would be consistent with the project Notices to Proceed (NTPs) and include excavation of the pier formations; fabrication and installation of rebar, anchor bolt cages, and forms and tables; and concrete placement. Equipment anticipated to be used includes Lodrill, forklifts, crane, crew trucks, backhoes, concrete trucks, concrete pump trucks, and concrete material trailers. All clearing and any necessary grading would occur during the day. Pole construction would occur during the day and could also occur at night. The road would be partially closed with single lane access during structure construction. In this location, staging equipment will line the east side of McCain Valley Road and traffic would be able to navigate the western side of the road. Flaggers would be provided during the entire time McCain Valley Road is partially blocked.

The Variance Areas for structures [REDACTED] totals 1.26 acres, including 0.65 acres of additional impacts beyond the previously approved limits of disturbance.

#### *Justification (Structure Location [REDACTED]):*

Shifting Pole [REDACTED] requires a shift to Structure Location [REDACTED]. Structure Location [REDACTED] would move closer to McCain Valley Road to meet pole strength and height requirements.

#### *Justification (Structure [REDACTED]):*

Structure Location [REDACTED] and its associated construction zone are proposed to be relocated to completely avoid a recently expanded ESA.

### **Structure Locations** [REDACTED]

Structure Locations [REDACTED] are proposed to be redesigned to avoid impacts to a recently discovered ESA. With the shift of Structure Location [REDACTED] from its designed location further east/northeast, Structure Location [REDACTED] became a challenge due to the height of the pole. Structure Location [REDACTED] avoids all cultural ESAs identified; however, the location of the structure is 12 feet above the adjacent centerline elevation of McCain Valley Road. This would result in a steep access path to the structure, making it difficult to safely get equipment and vehicles to access and build the structure. The structure location could be brought closer to McCain Valley Road (and within the existing permitted limits of disturbance); however, a known cultural ESA would be impacted. Additionally, as a result of design iterations and field reviews,

this ESA was recently expanded from [REDACTED]. Due to the expansion of the ESA, the structure location cannot be moved to completely avoid impacts to the recently expanded ESA and approximately 907 SF will be impacted. However, if kept closer to McCain Valley Road, the road could be used for construction staging, avoiding additional grading on the east side of the structure location. Construction activities would be consistent with those described for Structure Locations [REDACTED]. In this location, staging equipment would attempt to line the east side of McCain Valley Road with the intent to allow for navigation on the western side of the road. Flaggers would be provided during the entire time McCain Valley Road would be partially or fully blocked, and equipment would be staged for quick removal to allow passage in the event of an emergency.

Although Structure Location [REDACTED] is not proposed to be moved, the access road to the structure would be relocated as it would otherwise impact a recently discovered ESA. Due to the steep slope on the west side of the structure location, several options for access to Structure Location [REDACTED] were examined. Ultimately it was determined that accessing Structure Location [REDACTED] via a new access road to the east that connects structure location [REDACTED] and structure location [REDACTED] is preferred, as it avoids both the cultural ESA and additional impacts to Jurisdictional Feature [REDACTED] (see Attachment A of VAR-013, Figure 3 - REDACTED).

The variance areas for Structure Locations [REDACTED] totals 1.53 acres, including 0.69 acres of additional impacts beyond the previously approved limits of disturbance.

*Justification (Structure Location [REDACTED]):*

Shifting Structure Location [REDACTED] requires Structure Location [REDACTED] to shift due to pole height constraints. The new site for Structure Location [REDACTED] was meets height requirements and limits ESA impacts as much as possible while maintaining constructability.

*Justification (Structure Location [REDACTED]):*

While there is no change in the structure location for Pole [REDACTED], the access road to the structure was redesigned to avoid impacts a newly discovered ESA. Conversations with the aquatics resource agencies indicated that the aquatic resource permit amendments would take longer than initially anticipated and that impacts to jurisdictional features should be avoided. After looking at several options and taking account slope and cultural and jurisdictional aquatic resources in the area it was determined that accessing structure location [REDACTED] using an access road that connects structure location [REDACTED] and structure location [REDACTED] along the east side provides the least impact while avoiding the resources.

**Structure Location [REDACTED]**

VAR-013 proposes additional pull areas at Structure Location [REDACTED]. Structure Location [REDACTED] is a dead end structure, meaning that the conductors terminate at this structure location. At a dead end structure, lines are pulled in both directions. The pull area requires equipment to pull large spools of wire from the last dead end structure, through the middle structures, and to the next dead end structure. At a dead end structure location, an area approximately 300 feet away from the structure location is needed to stage the pulling equipment. Staging equipment consists of a tensioner, a trailer with the spool of wire being pulled, additional spools of wire, and a rubber tire crane to lift the spools onto the trailer.

At Structure Location [REDACTED], cultural and biological ESAs have mostly been avoided by the contractor agreeing to constrain work space and limit the size of the construction zone; however, the structure itself and its associated construction zone are within a recently discovered cultural ESA. The construction zone associated with Structure Location [REDACTED] would result in approximately 2,008 SF of impacts to this new ESA. This is unavoidable; moving the structure location west is not possible because of a curve in

McCain Valley Road. Additionally, shifting would place the pull area closer to a different ESA and would place pulling equipment directly in McCain Valley Road.

The variance areas for Structure Location ■ total 1.39 acres, including 0.70 acres of additional impacts beyond the previously approved limits of disturbance.

*Justification (Structure Location ■):*

The additional pull areas are needed at Structure Location ■ due to the pole being a dead-end structure. The proposed additional pull areas have been designed to avoid known ESAs.

The existing structure location and associated construction zone are within a recently discovered cultural ESA, and would result in approximately 2,008 SF of impacts to this ESA. This is unavoidable due to the environmental and construction constraints discussed above.

Table 1 provides a summary of each of the variance requests and its proposed impacts beyond the approved project limits of disturbance and to each of the known ESAs.

**Table 1 – Summary of Proposed Action**

<b>Structure Location</b>	<b>Acreage Impact (Acre)</b>	<b>Additional Impacts Outside Project Limits of Disturbance (Acre)</b>	<b>Impacts to ESAs (Sq. Ft.)</b>
■	1.26	0.65	N/A
■	1.53	0.69	907
■	1.39	0.70	2,008
<b>Totals</b>	<b>4.18</b>	<b>2.04</b>	<b>2,915</b>

The proposed areas of disturbance are within previously surveyed areas for biological and archaeological resources (see Attachment A of VAR-013, Figures 1 and 2 - REDACTED). The construction activities associated with VAR-013 would be performed at the same time as the Tule Wind 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 include those specified in the Project's Environmental Compliance Monitoring Program (ECMP), BLM's Record of Decision (ROD), the Project's ROW grant, MOA, and approved plans and permits for specific activities related to the construction of the Project.

### **Land Use Plan (LUP) Conformance**

<b>LUP Name*</b>	<b>Date Approved:</b>
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 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.<sup>2</sup> 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. Development of the Proposed Action, which includes additional disturbance areas along McCain Valley Road remains consistent with BLM's land use designation for wind energy development, as the project remains within the area designated as available for wind energy development (McCain Valley East)<sup>3</sup>. 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), would not be sited within a special designation (wilderness area, wilderness study area)<sup>4</sup> (RNE-03 and RNE-11). Final EIR/EIS mitigation measures would apply to avoid/minimize impacts to sensitive resources consistent with (RNE-09).

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<sup>2</sup> 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 been 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 Resource Management Plan and Record of Decision (BLM 2008)

<sup>3</sup> Ibid

<sup>4</sup> 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.**

- ASM Affiliates. 2017. Memo from B. Williams (ASM) to T. Arend (Bureau of Land Management) and D. Beddow (County of San Diego): *Identification and Evaluation Plan for Unavoidable Discoveries (UND) (CA-SDI-19,042 Update, Tule-ABF-S1, Tule-AWL-S-04, Tule-KM-S-01, Tule-LP-S40, Tule-LT-S-317b, Tule-MH-S1, Tule-PH-S008, Tule-TRT-S-3, and Tule-TRT-S-04) along the Proposed Electrical Components in the Tule Wind I Project Area, San Diego County, California.* May 17, 2017.
- 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. [http://www.blm.gov/style/medialib/blm/ca/pdf/elcentro/planning/2007/fesdrmp.Par.29969.File.dat/ESDC\\_RMP26ROD.pdf](http://www.blm.gov/style/medialib/blm/ca/pdf/elcentro/planning/2007/fesdrmp.Par.29969.File.dat/ESDC_RMP26ROD.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, Ewiiapaayp 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, Ewiiapaayp 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 Project, 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. Proposed additional disturbance areas are associated with safe construction and greatest avoidance, to the extent feasible, of cultural resources along the project alignment. Portions of the VAR-013 would extend beyond, but adjacent to the previously approved limits of disturbance. The variance areas are within previously surveyed areas for biological and archaeological resources.

Total impacts associated with VAR-013 are 4.18 acres, of which 2.04 acres would include new disturbance beyond the previously approved limits of disturbance.

New minor impacts to biological resources outside of the approved engineering limits for all locations would be similar to those identified and surveyed in the Final EIR/EIS (see Attachment A of VAR-013, Figure 3 - REDACTED), and would include the same covered vegetation communities: Big Sagebrush Scrub, Dense Coast Live Oak Woodland, Disturbed Habitat, Open Coast Live Oak Woodland, Redshank Chaparral, Scrub Oak Chaparral, Semi Desert Chaparral, 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-013. The proposed action would not impact jurisdictional features.

Finally, consistent with 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 MOA, an archaeological identification and evaluation plan that covers project activities potentially affecting 10 newly recorded or expanded resources observed during staking, clearing/grubbing, and grading activities has been submitted concurrent with VAR-013. Structure ■ would affect a recently expanded ESA resulting in approximately 907 SF of impacts. Structure ■ would affect recently recorded resource resulting in approximately 2,800 SF of impact to the ESA. The results from recommended testing would be used to determine whether or not the resource is recommended eligible for inclusion in the National Register of Historic Places or California Register of Historical Resources (NRHP/CRHR). If the site affected by Structures ■ is identified for inclusion in the NRHP, a treatment or data recovery plan will be prepared. The treatment or data recovery plans would be approved by the BLM in consultation with the participating tribal parties and Consulting Parties identified in the MOA. Prior to impacting an ESA, the BLM shall make its Section 106 determinations and findings regarding eligibility to the NRHP.

To the extent that modifications to the disturbance areas are proposed, these changes would be similar to those analyzed in the Final EIR/EIS. In particular, the geographic and resource conditions in the area where the changes would take place are the same as those approved in the Final EIR/EIS. Therefore, the proposed disturbance is considered part of the same action previously analyzed in the Final EIR/EIS and with implementation of Final EIR/EIS mitigation measures including CUL-1A, CUL-1B, CUL-1E and CUL-2 would not result in impacts beyond the scope of those analyzed in the Final EIR/EIS. Additionally, the MOA, which was an appendix to the ROD, provides a process for treatment of post-review discoveries and unanticipated effects.

**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 value?**

**Yes.** Impacts associated with overhead structures and access roads 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 including BIO-1e, CUL-1A, CUL-1B, CUL-1E and CUL-2, impacts beyond the scope of those analyzed in the Final EIR/EIS would not occur. Current environmental concerns, interests, and resource value will be addressed through implementation of the aforementioned mitigation measures including implementation of the testing program to evaluate resources for NRHP inclusion and treatment or data recovery as necessary.

The variance request process as discussed in Section 6 *Deviations (Variances) and Amendments* of the ECMP defines the procedures to address unforeseen or unavoidable site conditions. This includes changes to previously approved construction areas including the Proposed Action. Avoidance has and will continue to be the first priority for environmental and cultural resources. In cases where avoidance is not feasible, implementation of the evaluation, testing, and treatment programs evaluated as part of the Final EIR/EIS will be implemented. The proposed action to adjust the overhead collector line pole locations, associated access roads, and construction areas for poles [REDACTED] 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 variance areas are within the Project's ROW grant boundary and within previously surveyed areas for biological and archaeological surveys. As previously discussed, in accordance with Appendix F of the MOA, an identification and evaluation plan for newly recorded or expanded resources observed during staking, clearing/grubbing, and grading activities has been submitted concurrent with VAR-013 to evaluate 10 ESAs, two of which would be affected by VAR-013 (Structures [REDACTED]). For any sites identified for inclusion in the NRHP, a treatment or data recovery plan will be prepared. The treatment or data recovery plans shall be approved by the BLM in consultation with the participating tribal parties and Consulting Parties identified in the MOA. Prior to impacting an ESA where cultural resources have been identified, the BLM shall make its Section 106 determinations and findings regarding unavoidable archaeological sites located within the ESAs.

The MOA, which was an appendix to the ROD, provided a process to handle post review discoveries and unanticipated effects to cultural resources. With the avoidance measures, testing, and data recovery process that would be followed in accordance with the MOA and Final EIR/EIS mitigation measures, the additional disturbance areas and impact to two ESAs is within the scope of the existing NEPA documents. Thus the analyses and conclusions in the Final EIR/EIS and ROD are valid as of January 2014 and apply to all project related activities, including the proposed action.

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 EIR/EIS.

**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 the overhead powerline structures and affiliated access roads are substantially the same to those analyzed in the Final EIR/EIS for the approved project. Any Tule Wind related project activities, including modification to the disturbance areas and impacts to ESAs would be conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to all other Project impact areas. Such measures include those specified in the Project's ECMP, BLM's ROD, and approved plans and permits. Consequently, the direct, indirect, and cumulative effects of impacting areas in VAR-013 beyond the previously approved project engineering footprint would be within the scope of those analyzed and mitigated for in the Final EIR/EIS for the approved Tule Wind 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 Report/Environmental Impact Statement (EIR/EIS) East County (ECO) 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 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 Tule Wind 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.

As required by Final EIR/EIS mitigation measures CUL-1A, CUL-1B, CUL-1E and CUL-2 and in accordance with the requirements of Section 106 of the National Historic Preservation Act (NHPA), the BLM has conducted and is continuing to conduct formal consultation with tribal governments about on-going activities associated with the Tule Wind Project including the proposed action.

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**

<b>Name</b>	<b>Role</b>	<b>Discipline</b>
Carrie Sahagun	Assistant Field Manager, BLM	General
Miriam Liberatore	Planning and Environmental Coordinator, BLM	General
Derek Eysenbach	Planning and Environmental Coordinator, BLM	General
Camden Bruner	Wildlife Biologist, BLM	Biology
Micah Hale	Archaeologist, Dudek	Archaeology

<b>Name</b>	<b>Role</b>	<b>Discipline</b>
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.

### **Cooperating Agencies**

<b>Agency Type</b>	N/A
<b>Contact Name</b>	N/A
<b>Contact Date</b>	N/A
<b>MOU Number</b>	N/A
<b>MOU Signed Date</b>	N/A
<b>Address</b>	N/A
<b>Parts Jointly Developed</b>	N/A

### **Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirement of NEPA.

\_\_\_\_\_  
Signature of Project Lead

\_\_\_\_\_  
Signature of NEPA Coordinator

\_\_\_\_\_  
Signature of Responsible Official:

\_\_\_\_\_  
Date

#### **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.