



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

El Centro Field Office
1661 S. 4th Street
El Centro CA 92243
www.blm.gov/california



August 1, 2019

In Reply Refer To:

CACA 049698/2800(P)
CA 670.60

**CERTIFIED MAIL No: 7017 1000 0000 9367 7246
RETURN RECEIPT REQUESTED**

DECISION

Avangrid Renewables	:	Right-of-Way Grant
Tule Wind LLC	:	CACA 049698
1125 NW Couch St., Suite 700	:	FLPMA
Portland, OR 97209	:	

Right-of-Way Grant Amended

Tule Wind LLC is the holder of right-of-way (ROW) grant serial number CACA 049698. The ROW grant dated April 10, 2012, as amended, authorizes a wind energy facility on 12,360 acres of Bureau of Land Management (BLM) administered public lands in San Diego County, California.

On April 3, 2018 the BLM notified Tule Wind LLC that as-built project access roads exceeded the maximum width authorized in the approved Plan of Development (POD) and ROW grant (see ROW Grant Exhibit B – Stipulation 104). In response, Tule Wind LLC submitted variance request 17 to allow project access roads to exceed the limits set forth in the POD and ROW grant. The variance request was approved on September 7, 2018.

Per the variance request, Tule Wind LLC was required to amend the POD to reflect the as-built road widths. An amended POD was accepted on June 19, 2019. Based on the amended POD and the approved variance request, the reference to a maximum allowable road width in ROW grant Exhibit B - Stipulation 104(a) is no longer valid.

The ROW grant is hereby amended in conjunction with approved variance request 17. Accepted road widths for the project are detailed in the amended POD and as-built drawings submitted June 4, 2018.

How to Appeal This Decision

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an

appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions please contact Tristan Riddell, BLM Realty Specialist, by telephone (760) 337-4436 or by email at triddell@blm.gov.



For

Ryan Chatterton
Acting Field Manager

Enclosure:
Form 1842-1