



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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



October 21, 2015

In Reply Refer To:

CACA-49698/2800 (P)
CA670.25

CERTIFIED MAIL/ RETURN RECEIPT REQUESTED

DECISION

Rany Raviv

Vice President, Business Development and M&A	:	Right-of-Way Grant
Iberdrola Renewables, Inc.	:	CACA-49698
1125 NE Couch St., Suite 700	:	Amendment
Portland, Oregon 97209	:	

Right-of-Way Grant Amendment Issued

Tule Wind LLC (Tule Wind), a wholly owned subsidiary of Iberdrola Renewables, LLC, holds a right of-way (ROW) grant, serial number CACA-49698, with the Bureau of Land Management (BLM) for the Tule Wind Project, located on public lands in San Diego County, California. The original ROW grant was issued on April 10, 2012, and most recently amended on January 2, 2015.

As required by condition 5e of the ROW grant, construction on the project must begin within 90 days of issuance of the Notice to Proceed (NTP). Per BLM Policy IM-2009-43, if construction on a wind energy development authorization has not commenced within two years from the date of the grant signing, the ROW holder must provide to the BLM good cause as to the nature of any delay, the anticipated date of construction, and evidence of progress toward commencement of construction. On February 17, 2015 and June 18, 2015, Iberdrola provided to the BLM detailed information about their progress towards receiving a County of San Diego Major Use Permit and completion of preconstruction plans. In addition, Iberdrola has secured a power purchase agreement with Southern California Edison for 15 years. Therefore, the BLM agrees to amend the Tule Wind Project (CACA-49698) Grant Terms and Conditions 5e. (page 4, only) to read:

The holder shall obtain a Notice to Proceed (NTP) from the BLM no later than, December 31, 2016. The holder shall start construction on the initial phase of development within 90 days of BLM's issuance of a NTP. The holder shall submit a construction schedule to the BLM prior to the NTP, and shall complete construction no later than 24 months after the start of construction. Failure of the holder to comply with this diligent development provision may cause the Authorized Officer to suspend or

terminate the authorization in accordance with 43 CFR 2807.17 - 2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities and reclamation of the site. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the Suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the timelines in the approved Plan of Development.

A copy of the revised page 4 of the ROW Grant is included with this letter. Please replace page 4 of your copy of the Grant with the enclosure.

How to Appeal This Decision

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary of the Interior, 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 the Office of the Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, CA 95825. The appellant has the burden of showing that the decision appealed from is in error.

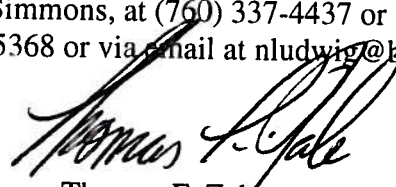
If you wish to file a petition (request) pursuant to regulations 43 CFR §2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required 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 §4.413) 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.

Should you have any questions, please contact Carrie Simmons, at (760) 337-4437 or via e-mail at clsimmon@blm.gov, or Noel Ludwig, at (951) 697-5368 or via e-mail at nludwig@blm.gov.


Thomas F. Zale
Field Manager

Enclosure: Revised page 4 of CACA-49698

cc:

Greg Miller, California Desert District
Noel Ludwig, California Desert District
Veronica Vogan, El Centro Field Office

- d. The holder will not initiate any construction or other surface disturbing activities on the right-of-way without prior written authorization of the Authorized Officer. Such authorization will be a written NTP issued by the Authorized Officer or his/her delegated representative. NTP's will be required during construction, and each will authorize construction or use and occupancy only as therein expressly stated and only for the particular location or use and occupancy therein described, i.e., a construction phase or site location. The Authorized Officer will issue a NTP subject to such terms and conditions as deemed necessary when the design, construction, use, occupancy, and operation proposals are in conformity with the terms and conditions of this instrument.
- e. The holder shall obtain a Notice to Proceed (NTP) from the BLM no later than, December 31, 2016. The holder shall start construction on the initial phase of development within 90 days of the BLM's issuance of a NTP. The holder shall submit a construction schedule to the BLM prior to the NTP, and shall complete construction no later than 24 months after the start of construction. Failure of the holder to comply with this diligent development provision may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.17 - 2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities and reclamation of the site. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the timelines in the approved Plan of Development.
- f. Upon termination by the Authorized Officer or expiration of this instrument, all improvements shall be removed from the public lands within 180 calendar days or otherwise disposed of as provided for in the approved Plan of Development, or as directed by the Authorized Officer.
- g. This instrument shall, at a minimum, be reviewed by the Authorized Officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that this instrument may be reviewed at any time deemed necessary by the Authorized Officer in accordance with the regulations.
- h. This instrument may be assigned consistent with the regulations, but all assignments are subject to approval by the Authorized Officer. In addition, the qualifications of all assignees must comply with the requirements of the regulations. A partial assignment of this instrument shall not be approved if such action would hinder the Authorized Officer's management of the authorization or the associated public lands.
- i. Upon the request of the Authorized Officer, the holder shall provide access to environmental, technical, and financial records, reports, and other information related to construction, operation, maintenance, and decommissioning of the right-of-way. Any information marked confidential or proprietary will be kept confidential to the extent allowed by law. Failure of the holder to cooperate with such request, provide data, or grant access to such records, reports, and information may, at the discretion of the Authorized Officer, result in suspension or termination of the right-of-way grant in accordance with the regulations.