

Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: El Centro Field Office **Lease/Serial/Case File No:** CACA-051552
1661 So. 4th Street **DNA Number:** DOI-BLM-CA-D070-2012-0068-DNA
El Centro, CA 92243 **Tiered Off EIS No.:** ES-2011-15+1793

Proposed Action Title/Type: Ocotillo Wind Energy Facility (OWEF) Micrositing Turbine and Access Road Locations.

Location of Proposed Action: The OWEF Project is on 10,151 acres of BLM-managed public lands near the town of Ocotillo, Imperial County, California. The proposed micrositing of turbine and access road locations contemplated by this Variance request are within the project boundaries analyzed in the Final EIS/EIR (March 2012). The proposed micrositing of individual turbines is shown in Table 1 below.

Applicant (if any): Ocotillo Express LLC (OE LLC)

A. Description of the Proposed Action and any applicable mitigation measures:

The proposed action is a request from OE LLC to microsite the location of 43 turbines and up to 31 road re-alignments from currently approved locations as shown on the variance request figure. Micrositing for purposes of OWEF Project consists of shifting project infrastructure up to 1,800 feet within areas previously surveyed as part of the Final EIS/EIR environmental review. The micrositing request for these project facilities has been made in order to comply with Final EIS/EIR Mitigation Measures (MM) in order to minimize disturbance to environmental resources. Specifically, micrositing changes to turbine locations were made to: avoid areas of high cultural resource sensitivity, consistent with MMs CUL-2 (*Avoid and protect potential significant resources*) and CUL-3 (*Develop and implement a Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects*); avoid areas of high paleontological sensitivity, consistent with MM PALEO-1, which states “where a high density of vertebrate fossils were found, areas containing the resource shall be avoided to the fullest extent practical through micro-siting turbines” (*Avoid Palm Springs Formation*); avoid potential seismic fault zones consistent with MM PHS-3 (*Avoid Geologic Hazards*), which states “the Applicant shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards”; and reducing the project’s overall disturbance footprint, consistent with MM VEG-1A (*Minimizing New Ground Disturbance*), which states “Final engineering of the project shall reduce the size of the permanent and temporary construction work areas where possible and minimize the impacts to sensitive vegetation communities and special status plant species”.

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Finally, as a result of micrositing turbine locations for one or more of the reasons listed above, some other turbine locations were microsited for the purpose of maintaining adequate distances between turbines to maximize wind resources for energy production and relative proximity among strings of turbines.

Table 1 summarizes the rationale for the proposed micrositing changes to these facilities within the OWEF project study area. As defined in the Record of Decision (ROD), the OWEF Project included the construction and operation of 112 wind turbines and associated access roads. The ROD for the approved OWEF Project adopted mitigation recommended in the Final EIS/EIR and incorporated them as terms and conditions in the ROW grant.

Table 1
Rationale for Proposed Micrositing Changes

Turbine Location	Turbine	Road	Description	Purpose for Change*
10	X		Move turbine 94' W-NW	Environmental Resource
11	X		Move turbine 207' N-NW	Environmental Resource
14	X		Move turbine 537' E-NE	Environmental Resource; Wind Resource - Maintain distance and relative proximity to T15
15		X	Modify Access to T15 to proceed SW from T69.	Environmental Resource
15	X		Move turbine 552' E-NE	Geotechnical - Provide additional buffer from potential water erosion from nearby wash
16	X	X	Move turbine 282' to NE; Shift road 282' NE to near parallel with original road alignment	Environmental Resource
17	X	X	Move turbine 225' to NE; Shift road 225' NE to near parallel with original road alignment; Shift road access point from Dos Cabeza Road 626' NW of original access point	Environmental Resource
18	X		Move turbine 336' to SE; Change access to stub road off Dos Cabeza Road approximately 446' E of the original access location	Environmental Resource
43	X		Move turbine 509' to S-SW; Change access to stub road off Dos Cabeza Road; Change reduces road length by 440'	Environmental Resource
44	X		Move turbine 538' to S-SW; Change access to stub road off Dos Cabeza Road;	Environmental Resource
50	X	X	Move turbine 1787' East	Environmental Resource
51	X	X	Move turbine 1551' East	Environmental Resource
64	X		Move turbine 147' NW	Wind Resource - Maintain distance and relative proximity to T65
65	X		Move turbine 155' NW	Wind Resource - Maintain distance and relative proximity to T66

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Table 1
Rationale for Proposed Micrositing Changes

Turbine Location	Turbine	Road	Description	Purpose for Change*
66	X		Move turbine 151' NW	Wind Resource - Maintain distance and relative proximity to T67
67	X		Move turbine 198' NW	Environmental Resource
69	X	X	Move turbine 517' E-NE Shift road easterly	Environmental Resource
70	X	X	Move turbine 513' E-NE; Shift road easterly	Wind Resource - Maintain distance and relative proximity to T69
71	X	X	Move turbine 512' E-NE; Shift road easterly.	Wind Resource - Maintain distance and relative proximity to T70
72	X	X	Move turbine 526' NE	Wind Resource - Maintain distance and relative proximity to T71; Environmental Resource
73	X	X	Move turbine 242' to N-NE; Shift access road westerly and extend road to new location	Environmental Resource
91	X		Move turbine 23' W-SW	Environmental Resource
92	X	X	Move turbine 97' N; Change access to directly from Dos Cabeza approximately 1100' NE of modified turbine location	Environmental Resource
93	X	X	Move turbine 1160' W-NW; Shift road access to extend from substation road (Variance 1) to modified turbine location.	Environmental Resource
98	X	X	Move turbine 191' E; Shift road approximately 191' E	Environmental Resource
103	X	X	Move Turbine 97' N-NW; Shift road to northerly to avoid rock terrace; Add stub road access for T103	Environmental Resource
105	X		Move turbine 693' to W-SW;	Environmental Resource
106	X	X	Move turbine 619' to W-SW; Extend road NW from the modified turbine 105	Wind Resource - Maintain distance and relative proximity to 105
107	X	X	Alternate: Move turbine 602' to W-SW; Shift road to SW to near parallel with original ROD	Wind Resource - Maintain distance and relative proximity to 106
120	X	X	Move turbine 1533' E-SE; Modify access to partly follow BLM road T670321 immediately to the east of the current proposed location	Environmental Resource; Wind Resource - Maintain adequate distance to T122; Geotechnical - Avoid potential seismic fault zone
122	X		Move turbine 169' E	Geotechnical - Avoid potential seismic fault zone
128	X	X	Move turbine 443' North; Change road access to follow route that intersects BLM road T670321 NW of the turbine location	Environmental Resource; Geotechnical - Avoid potential seismic fault zone
129	X	X	Move turbine 461' NW; Change road access to follow existing un-numbered road that intersects with BLM road T670322	Wind Resource - Maintain distance and relative proximity to T128

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Table 1
Rationale for Proposed Micrositing Changes

Turbine Location	Turbine	Road	Description	Purpose for Change*
130	X	X	Move turbine 499' to the W; Shift access road westerly.	Geotechnical - Avoid potential seismic fault zone
134	X		Move turbine 127' NW	Environmental Resource
135	X		Alternate: Move turbine 183' SE	Geotechnical - Avoid potential seismic fault zone
154	X		Move turbine 227' W; Shift road westerly; Modify road alignment to follow an existing un-numbered trail from BLM road T670229	Environmental Resource
155		X	Modify road alignment to follow an existing un-numbered trail from BLM road T670229	Disturbance Area - Utilize existing access corridors in order to minimize new ground disturbance
156		X	Shift road intersection with BLM road T670322 186' SW of original intersection point.	Disturbance Area - Utilize existing access corridors in order to minimize new ground disturbance
161	X	X	Move turbine 537' SW; Modify access for southerly access from T172; Modify crane walk from T168	Environmental Resources; Wind Resource - Maintain adequate distance to T122; Geotechnical - Avoid potential seismic fault zone
164	X	X	Move turbine 1051' E-NE; Shift road easterly and extend while avoiding rocking terraces.	Environmental Resource
165	X	X	Move turbine 212' S; Shift road southerly.	Environmental Resource; Wind Resource - Maintain adequate distance from T165 and T167
167	X	X	Move turbine 263' S-SW; Shift road easterly to avoid rock terrace and southerly to access turbine site.	Environmental Resource
168	X	X	Move turbine 327' SW; Shift road southerly to access turbine site; Follow existing road as much as possible.	Environmental Resource; Disturbance Area - minimize new disturbance areas by utilizing existing access corridors
172	X	X	Move turbine 145' S; Shift road southerly.	Environmental Resource; Wind Resource - Maintain adequate distance from T161
74-75		X	Shift road corridor 82' to the SW.	Environmental Resource
79-83		X	Modify road to avoid "snaking" through ESA area; Extend road SE for 1930' feet start at point approximately 540' east of existing transmission line and terminating along originally proposed road alignment between turbines 79 and 82	Environmental Resource

¹ As a result of micrositing turbine locations to minimize environmental impacts and avoid resources, turbine has been microsited for the purpose of maintaining adequate distances between turbines to maximize wind resources for energy production.

*Specific details related to each turbine location micrositing rationale provided in Attachment 1 (CONFIDENTIAL)

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Summary of Purpose for Change (Table 1):

- Cultural Resources (29)
- Wind Resources (14)
- Geotechnical (7)
- Paleontological Resources (4)
- Disturbance Areas (3)
- Wildlife Resource (1)

Mitigation measures incorporated as part of the ROD require that OE LLC continue to attempt to avoid resources and minimize environmental impacts in the final engineering and design for the Project. Implementation of these mitigation measures has resulted in further proposed micro-siting changes, beyond those approved in the ROD and ROW grant dated May 11, 2012. Project activities associated with micro-siting the turbine and access road locations 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 BLM's ROD, and approved plans and permits for specific types of activities.

The overall intent of the Mitigation Measures in the ROD is to minimize potential impacts to environmental, including cultural, resources. As such, Section 1.6 of the ROD identifies that at various times during construction and operation, the need may arise for project changes. The ROD recognizes that changes to the Project may be needed to provide more effective protection of resources or reflect changed circumstances associated with Project construction and/or operation. The variance request to micro-site some of the project turbines and access roads is the result of subsequent site investigations and studies conducted as part of the pre-construction surveys required by the ROD. In accordance with these procedures and guidance, OE LLC is requesting a level 2 variance to allow deviations in the siting of individual turbines and access roads to help further reduce potential impacts to cultural, paleontological, visual and sensitive wildlife and vegetative species as well as including adequate setbacks from geotechnical hazards.

The geographic and resource conditions in the affected areas where the proposed micro-siting changes will take place are the same as those addressed in the Final EIS/EIR. Therefore, any OWEF related project activities, including construction of the micro-sited turbines and access roads 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 BLM's ROD and approved plans and permits for specific types of related activities. Potential ground disturbance effects would be reduced commensurate with the reduction in the overall disturbance footprint. Consequently, potential disturbance for temporary

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construction related and long term operational impacts have been analyzed and, where feasible, mitigated through the measures analyzed in the Final EIS/EIR and adopted as part of the ROD.

B. Land Use Plan Conformance:

LUP Name: California Desert Conservation Area *Dates Approved:* 1980, as amended

Other documents: California Desert Conservation Area Land Use Plan Amendment
Date Approved: May 9, 2012

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

California Desert Conservation Area Plan, 1980, as amended (CDCA Plan). BLM lands in California Desert District are managed pursuant to the CDCA Plan. The CDCA Plan establishes four multiple-use classes (MUC); MUC guidelines; and plan elements for specific resources or activities, such as motorized vehicle access, recreation, and vegetation.

The majority of the project site is within the Multiple Use Class (MUC), Limited Use (L). MUC-L allows for low to moderate recreation activities, including non-competitive vehicle touring and events on approved routes of travel. Wind energy is an allowable use after NEPA requirements are met. The FEIS and ROD is the mechanism for complying with those NEPA requirements. Chapter 3, “Energy Production and Utility Corridors Element” of the CDCA Plan also requires that newly proposed power facilities that are not already identified in the CDCA Plan be considered through the plan amendment process. To accommodate the OWEF Project, the CDCA Plan was amended per Chapter 7, Plan Amendment Process. As stated in Chapter 7 of the CDCA Plan, “sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process”. As specified in CDCA Plan Chapter 7, Plan Amendment Process, there are three categories of Plan Amendments. Approval of the OWEF Project required a Category 3 amendment to the CDCA Plan to accommodate a request for a specified use or activity that requires analysis beyond the Plan Amendment Decision. In Chapter 3, the CDCA plan requires that new energy generation facilities have a plan amendment. The CDCA Plan applies to the approved OWEF Project and the proposed micro-siting changes that are situated on BLM-managed public lands as approved with the OWEF Final EIS/EIR and ROD (BLM/CA/ES-2011-15+1793). The proposed micro-siting changes are in conformance with the CDCA Plan because they would remain within the same BLM CDCA-designated area as the approved OWEF Project. Thus, a CDCA Plan amendment is not required for the proposed micro-siting change to the approved OWEF Project.

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C. Identify applicable NEPA document(s) and other related documents that cover the proposed action.

Bureau of Land Management and the County of Imperial. 2012. *Proposed Plan Amendment and Final Environmental Impact Statement/Final Environmental Impact Report for the Ocotillo Wind Energy Facility*. DOI Control No. DES 11-20, SCH No. 2010121055. February 2012.

Bureau of Land Management. 2012. Record of Decision for the Ocotillo Wind Energy Facility and Amendment to the California Desert Conservation Area Plan, DOI Control No. FES11-20, Case File Number: CACA-051552. El Centro, California: Bureau of Land Management, El Centro Field Office. May 2012.

U.S. Fish and Wildlife Service. 2012. *“Formal Section 7 Opinion on the Proposed Ocotillo Express Wind Project, Imperial County, California (3031-P) CAD000.06.”* Memorandum from the Field Supervisor, Carlsbad Fish and Wildlife Office, transmitting the Biological Opinion to the District Manager, California Desert District Office, Bureau of Land Management. April 2012.

Bureau of Land Management, U.S. Army Corps of Engineers, Ocotillo Express LLC, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. 2012. *Memorandum of Agreement Among the Bureau of Land Management- California, the U.S. Army Corps of Engineers, Ocotillo Express LLC, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Ocotillo Express Wind Energy Project*, Imperial County, California. May 8, 2012.

Bureau of Land Management. 2012. *Ocotillo Express Wind Energy Facility Environmental and Construction Compliance Monitoring Plan*. El Centro California: Bureau of Land Management, El Centro Field Office. May 2012.

Bureau of Land Management. 2012. *“Right-of-Way Grant.” Serial No. CACA-051552. El Centro California: Bureau of Land Management,*” El Centro Field Office.

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D. NEPA Adequacy Criteria

1. **Is the new proposed action of 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. As stated above, the proposed micrositing change to the approved OWEF Project would include minor relocations of 43 turbines and adjusting the path/location of on-site access roads at 31 different locations within the approved ROW. The shifting of these facilities to areas on-site where less impact would occur would not materially change the overall configuration of the project or the analysis area. To the extent that minor shifts are proposed in the locations of project facilities due to the implementation of required mitigation, these changes would not be substantial and would be sufficiently similar to those analyzed in the Final EIS/EIR. In particular, the geographic and resource conditions in the area where the microsited changes would take place are within the 12,435 acre study area identified in the Final EIS/EIR (see project boundaries on Figure 2.3-1).

The micrositing request to relocate some of the project turbines and access roads is being proposed to further reduce potential impacts to cultural, paleontological, visual and sensitive wildlife and vegetative species, including adequate setbacks from geotechnical hazards. More specifically, the micrositing request for these project facilities has been made in accordance with Final EIS/EIR MM CUL-2 (*Avoid and protect potential significant resources*) and MM CUL-3 (*Develop and implement a Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects*) in order to minimize disturbance to areas that have the potential for cultural resources. Other micrositing changes to turbine locations were made to: avoid areas of high paleontological sensitivity, consistent with MM PALEO-1 (*Avoid Palm Springs Formation*); avoid potential seismic fault zones consistent with MM PHS-3 (*Avoid Geologic Hazards*); and reducing the project's overall disturbance footprint, consistent with MM VEG-1A (*Minimizing New Ground Disturbance*). As a result of micrositing turbine locations for one or more of the reasons listed above, some other turbine locations were microsited for the purpose of maintaining adequate distances between turbines to maximize wind resources for energy production. Therefore, all of the proposed micrositing changes are a direct result of implementing mitigation measures required through the ROD and/or for the purpose of maintaining adequate distances between turbines to maximize wind resources for energy production. Therefore the proposed micrositing is considered part of the same action previously analyzed in the Final

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EIS/EIR and would not result in impacts beyond the scope of those analyzed in the Final EIS/EIR.

- 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. The proposed micrositing would be within the range of alternatives evaluated in the Final EIS/EIR. The Final EIS/EIR evaluated three full action alternatives, one no action alternative, and two no project alternatives. Each of the action alternatives evaluated in the Final EIS/EIR included the wind turbines and project access roads as described in Final EIS/EIR Section 2.1.3 Features Common to all Alternatives (Final EIS/EIR Section 2, Proposed Action and Alternatives). The range of alternatives considers alternative locations for wind turbines and associated infrastructure based on issues identified by the BLM as well as comments received during the public scoping process associated with the Final EIS/EIR. In addition, these facilities were considered in the impact analysis in Sections 4.2 through 4.21 of the Final EIS/EIR. Mitigation adopted from the Final EIS/EIR requires OE LLC to minimize disturbance to areas that have the potential of cultural importance. Mitigation Measures CUL-2 (*Avoid and protect potential significant resources*), CUL-3 (*Implement a Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects*), CUL-5 (*Monitor construction at known ESAs*) and CUL 8 (*Monitor construction in areas of high sensitivity for buried resources*) as applicable and consistent with CUL-1 based on prior and recent surveys of the micrositing areas would be implemented to ensure that project construction effects on historic and archaeological resources would be mitigated by ensuring identification, evaluation, avoidance, and protection of resources, PALEO-1 (*Palm Springs Formation*), PHS-3 (*Geologic Hazards*), VEG-1A (*Minimizing New Ground Disturbance*), would be implemented to ensure that project construction effects to environmental resources would be minimized per the intent of the Mitigation Measures included in the ROD. Shifting the location of the approved turbine locations and re-aligning the access roads to minimize impacts to environmental resources does not affect or indicate a need to modify the range of alternatives analyzed in the Final EIS/EIR. No additional NEPA review is required.

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

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YES. Shifting the location of the turbine and access road locations to minimize impacts to environmental resources will not result in the need to reexamine the impact analysis provided in the Final EIS/EIR. Data collection and record searches were performed for sensitive biological and cultural resources within the project area, which identified the need to employ specific and general mitigation for project related impacts to potentially occurring resources on-site. The analyses and conclusions in the Final EIS/EIR are valid as of March 2012 and apply to all project related activities, including the microsituated turbine and access road locations. Biological and cultural resource surveys were performed from 2009 through 2012 and recent pre-construction surveys were completed in May and June 2012 for both biological and cultural resources. These surveys helped shape the proposed turbine and access road location shifts in avoidance of impacts to sensitive environmental resources. The avoidance and minimization measures as well as compensatory mitigation to offset direct, indirect, and cumulative impacts on wildlife resources would assure compliance with state and federal laws aimed at protecting these resources. There is no new information and no new guidance of the proposed micrositeing changes that would trigger the need for additional analyses beyond the analyses 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 of proposed micrositeing change to the OWEF Project would be substantially the same to those analyzed in Section 4 of the Final EIS/EIR for the approved OWEF Project. OE LLC is requesting shifts to turbine and access road locations to minimize disturbance to areas that have the potential of cultural and paleontological significance, sensitive wildlife and vegetative species, and geotechnical hazards. The micrositeing of project facilities to avoid and protect resources is identified in the following mitigation measures which are considered in the Final EIS/EIR and are consistent with the ROD:

- MM CUL-2 - Avoid and protect potential significant resources
- MM CUL-3 – Implement Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects
- MM PALEO-1 - Palm Springs Formation
- MM PHS-3 - Geologic Hazards
- MM VEG-1A - Minimizing New Ground Disturbance.

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The micrositing of 43 turbines and the realignment of 31 access roads is the intended consequence of the implementation of the MMs CUL-2, CUL-3, MM PALEO-1, MM VEG-1A, and MM PHS-3 included in the ROD. As such, the micrositing of the turbine and access road locations to minimize disturbance to areas that have the potential of cultural and environmental significance was included in the environmental review completed for the approved OWEF Project. The proposed micro-siting of facilities is within the survey areas and study area evaluated in the Final EIS/EIR. Therefore, no additional mitigation measures beyond those identified in Appendix I of the Final EIS/EIR would be required.

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

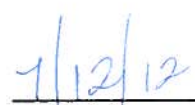
YES. Public review and comment on the OWEF Project were extensive. Public scoping and frequent agency meetings were completed as described in the Final EIS/EIR, Section ES.8: Public Participation. All public comments received on the Draft EIS/EIR were carefully analyzed and agency responses are included in the Final EIS/EIR (Appendix O (Comment Letters) and Appendix N (Response to Comments) include all of the written comment letters received by the BLM and County of Imperial in response to the Notice of Availability and the responses to these comment letters). Additionally, 12 protests to BLM's proposed plan amendments were considered and resolved by the Director of the BLM. The proposed micrositing of turbine and access road locations will not result in impacts beyond a minor shift to minimize disturbance to environmental resources identified in the OWEF Project EIS/EIR.

MMs CUL-2, CUL-3, PALEO-1, PHS-3 and VEG-1A identify the project applicant shall complete final engineering of the project to minimize potential impacts to cultural, paleontological, and sensitive wildlife and vegetative species, including adequate setbacks from geotechnical hazards. The above mentioned mitigation measures were fully disclosed in the EIS/EIR. Therefore, additional public involvement would not be warranted.

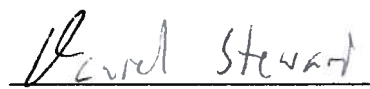
E. Persons/Agencies/BLM Staff Consulted



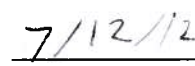
Nicollee Gaddis, Planning & Environmental Coordinator



Date



Daniel Stewart, Resources Branch Chief



Date

Documentation of NEPA Adequacy (DNA)

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 requirements of NEPA.

Daniel Stearns

Signature of Project Lead

AKKA

Signature of NEPA Coordinator

Thomas F. Zale

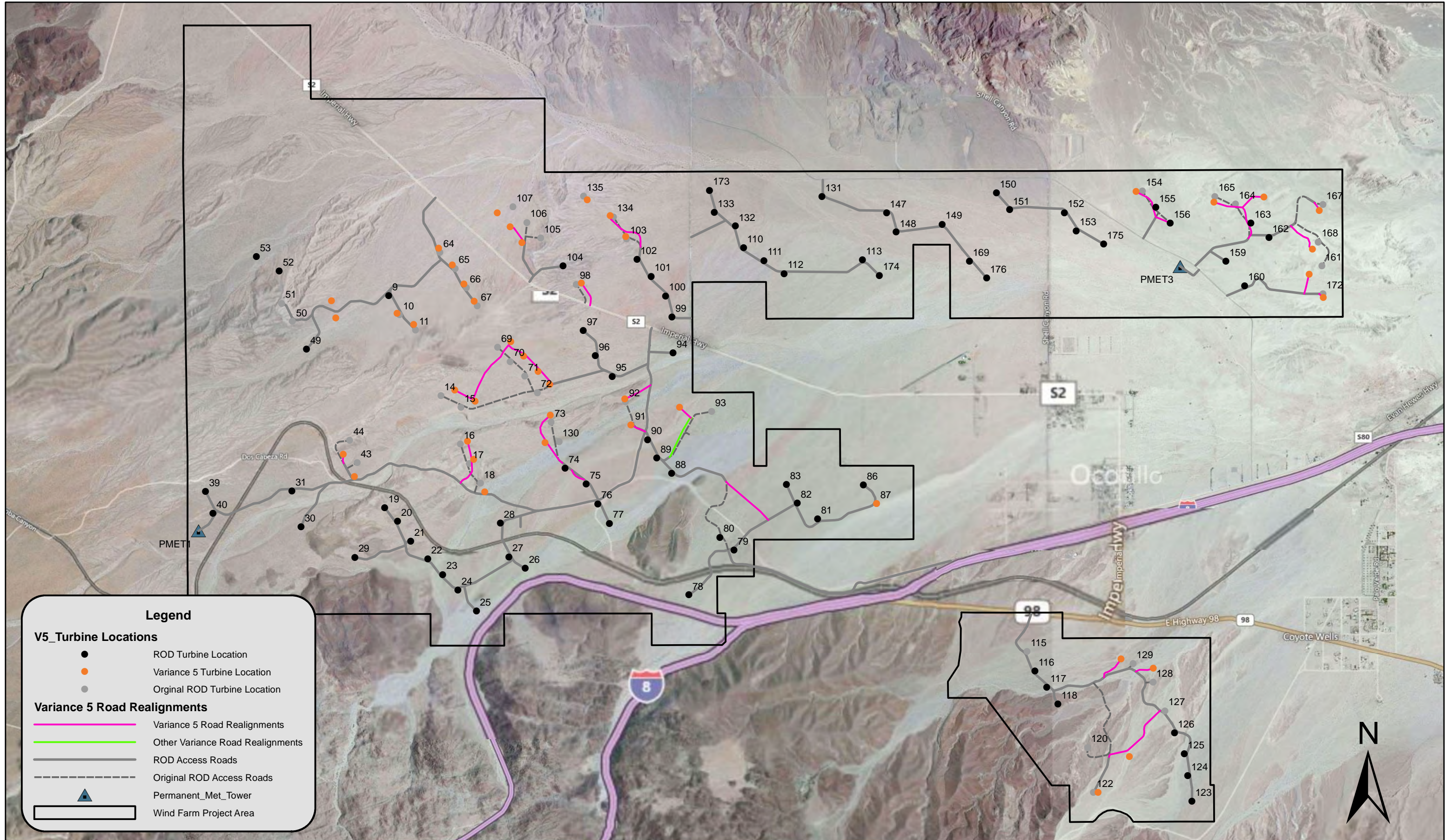
Signature of Responsible Official:
Thomas F. Zale, Acting Field Manager

7/12/2012

Date

OCOTILLO WIND PROJECT: IMPERIAL COUNTY, CALIFORNIA

VARIANCE 5 - JULY 10, 2012



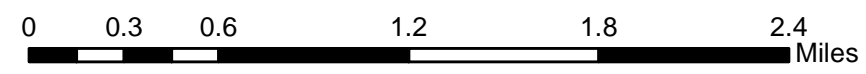
Legend

V5_Turbine Locations

- ROD Turbine Location
- Variance 5 Turbine Location
- Original ROD Turbine Location

Variance 5 Road Realignments

- Variance 5 Road Realignments
- Other Variance Road Realignments
- ROD Access Roads
- - - Original ROD Access Roads
- ▲ Permanent_Met_Tower
- ▭ Wind Farm Project Area



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

El Centro Field Office

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El Centro, CA 92243

www.blm.gov/ca/elcentro/

In Reply Refer To:

CA-670-12-098 and CA-670-10-075/CACA-051552/DOI-BLM-CA-D070-2012-0068-DNA
(8100)P

Memorandum

To: Field Manager, El Centro Field Office

From: Archaeologist, El Centro Field Office

Subject: Agency Findings and Determinations under Section 106 of the National Historic Preservation Act

Project: Ocotillo Wind Energy Project Variance 005-DNA, Imperial County, California

The Bureau of Land Management (BLM) El Centro Field Office has received a Variance request (005) from Ocotillo Express LLC to approve a set of micro-siting changes to the approved Ocotillo Wind Energy Facility Project (Project) as analyzed in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The proposed action is a request to micro-site the location of 43 turbines and up to 31 road re-alignments from currently approved locations. The micro-siting request for these Project facilities has been made in order to comply with Final EIS/EIR Mitigation Measures in order to minimize disturbance environmental resources.

Pursuant to the Project's Memorandum of Agreement (MOA),¹ fully executed on May 8, 2012, BLM professional cultural resources staff has reviewed this proposed Variance and made the following recommendations regarding historic properties that might be affected.

Identification and evaluation efforts for the Project are described in the draft BLM Class III report titled *Archaeological Survey Report for the Ocotillo Express Wind Energy Project, Imperial County, California* (Tierra Environmental Services, March 2012) and included the Project area covered by this Variance Request. As documented in that inventory report, no archaeological resources were recorded within the Variance 005 area of potential effects (APE).

In accordance with the Project's MOA and its Appendix F titled *Management Plan for Archaeological Monitoring, Post-Review Discovery and Unanticipated Effects* (April 2012),

¹ Memorandum of Agreement Among the BLM (California), the United States Army Corps of Engineers, Ocotillo Express LLC, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Ocotillo Express Wind Energy Project, Imperial County, California (May 8, 2012).

Tierra Environmental Services (Tierra) personnel conducted a re-survey of the proposed micro-siting footprints. No new archaeological sites were found within the areas proposed for micro-siting. This is documented in their letter report dated July 12, 2012. In regards to this Variance Tierra makes the following recommendations:

“Variance 005 would not result in any additional impacts to significant cultural resources in addition to those already identified/described in the Final Environment Impact Statement/Environmental Impact Report and associated documents. Similarly, even though the proposed Variance 005 APE is located within an area that has been identified as a Traditional Cultural Property (TCP), which the BLM has assumed is eligible to the National Register of Historic Places for purposes of analysis; it is our recommendation that Variance 005 would not change the previously identified adverse effects to this TCP.”

The BLM concurs with the contractor’s recommendations and based on the above documentation, the MOA, and the BLM Record of Decision for this Project, the following actions are required as part of issuance of an approval for the above micro-siting requests included in Variance 005:

- **CUL-2 – Avoid and protect potentially significant resources**
- **CUL-3 – Implement Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects**
- **CUL-5 – Monitor construction at known ESAs**
- **CUL-8 – Monitor construction in areas of high sensitivity for buried resources as applicable and consistent with CUL-1 based on prior and recent surveys of the shift area**

- **Ocotillo Express LLC will also continue to comply with all other relevant cultural resources mitigation measures as outlined in the Memorandum of Agreement and the ROD as appropriate.**

Archaeological sites and all potentially culturally sensitive areas that are within 150 feet of construction activities shall be demarked as ESAs and protected as exclusionary zones. Additionally, archaeological and Native American monitors are to be on-site during the temporary fencing and during any ground disturbing activities near designated ESAs.

The BLM has determined that the previous inventory efforts and required mitigation measures as listed above are adequate to identify and protect historic properties on public lands that might be affected by Variance 005. Therefore, the BLM staff archaeologist has recommended that with the proposed micro-siting changes there would be no additional adverse effect on historic properties if the above measures are implemented.

The BLM makes the following findings for this undertaking.

1. The microsites areas were previously surveyed for archeological resources in connection with the Project and, as a result, the area in question was the subject of Section 106 consultation in connection with the Project; and
2. The BLM finds that there will be *no additional adverse effects to historic properties* by these microsites modifications to the Project provided the above mitigation measures are implemented.

This memorandum documents the recommendations of the cultural resources staff, the acceptance of these recommendations by the Agency Official (as defined in 36 CFR §800.2(a), Protection of Historic Properties), and constitutes the formal statement of Agency findings and determinations for Section 106 of the National Historic Preservation Act with respect to the microsites requests. As explained above, the area in question has been previously surveyed, subjected to consultation, and therefore the BLM has satisfied its responsibilities to take into account the effects of this undertaking on historic properties that may be included or eligible for inclusion on the National Register of Historic Places.

Recommended by:

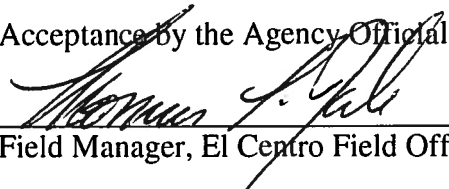


Archaeologist, El Centro Field Office

7/12/12

Date

Acceptance by the Agency Official:



Field Manager, El Centro Field Office

ACTING

7/12/2012

Date