

Variance Request Form



Ocotillo Express Wind LLC
Pier 1 Bay 3
San Francisco CA 94111
415-283-4000

Variance: 009
Request No.: Rev 0
Date Submit: 7/19/2012
Date Approval Needed: 7/25/2012
Date Agency Received: _____
Agency Approval Reference No.: _____

Request Prepared by: Joan Inlow / James Dermody
Spread/ Location: Collection Cabling near Turbine 94
(Milepost):
Alignment Sheet/Sta. see figure
No.:

Net acreage affected: -0.7 acres

Landowner: BLM

Tract No:

In or within 50 feet of a wetland: Yes No
Within 50 feet of a water body: Yes No

Current Land Use/ Vegetative Cover: Desert vegetation
Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed): Water of the U.S.
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 009 includes the realignment of two segments of the collection line corridor between Dos Cabeza Road and Imperial Highway S2 near Wind Turbine 94 (see map attached). The total length of the realigned collection line corridor segments is 1,130 feet, with a maximum distance of 330 feet from the collection line corridor included in the ROD and ROW grant dated May 11, 2012.

Variance Justification: The collection line corridor design in the ROD is incompatible with technical features of the collection lines (specifically, the ability to bend large, underground cables at 90 degree angles within the ROD corridors). The new alignment provides technical feasibility while minimizing the size of temporary construction work areas in accordance with Mitigation Measure Veg-1a (Reduce size of permanent and temporary construction work areas where possible).

As identified in Section 5 of the ECCMP, the need for route realignments or changes to previously approved construction work areas may arise during construction. Changes to previously approved work spaces are handled in the form of variance requests submitted by OE LLC to be reviewed and approved or denied by the BLM. The variance procedures outlined in Section 5 of the ECCMP specify three different levels that a variance request may fall under.

In accordance with the procedures and guidance provided in the ECCMP, OE LLC is requesting a level 1 variance to modify temporary disturbance areas between Dos Cabeza Road and Imperial Highway S2 near Wind Turbine 94. As identified in Section 1.6, Level 1 variances are minor changes to the project that provide equal or better protection to environmental resources or better constructability. Variance 009 reduces the disturbance area associated with the collection line corridor by 0.7 acres, thereby providing better protection for environmental resources as well as better constructability compared to the collection line corridor submitted as part of the ROD. As seen in Section 1.6 of the ECCMP a Level 1 Variance does not require any further NEPA review. The area where the proposed shift in infrastructure will occur was previously surveyed during preparation of the Final EIS/EIR and will not adversely affect any environmentally sensitive areas.

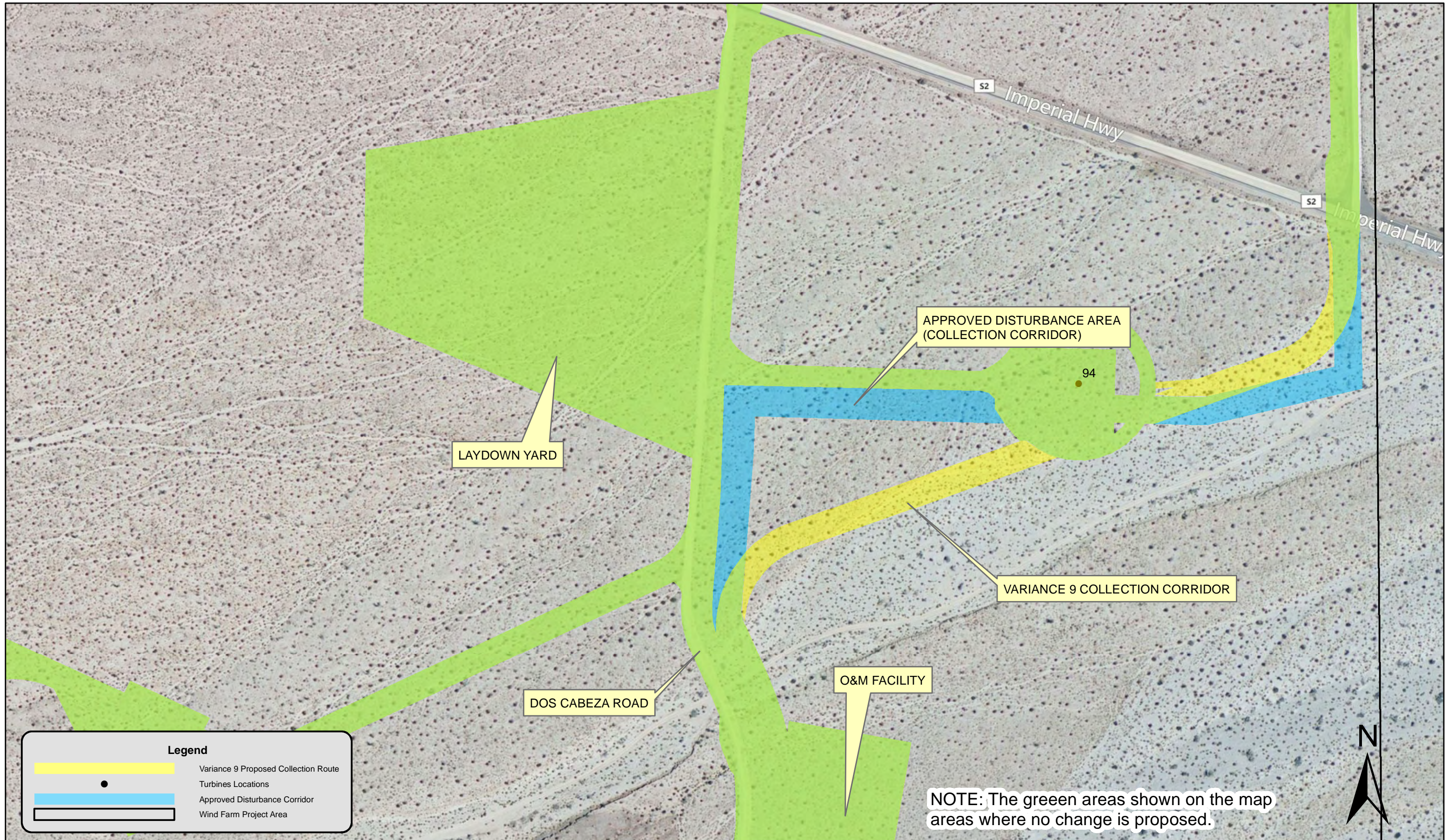
Mitigation measures incorporated as part of the Final EIS/EIR require efforts to be completed by OE LLC in order to minimize environmental impacts. Although Variance 009 was designed to correct for a technical error submitted as part of the ROD, the design of the correction was made in concurrence with Mitigation Measure Veg-1a (Reduce size of permanent and temporary construction work areas where possible). The proposed realignment of the collection line corridor 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.

Name: Title: Organization:

Conditions: The Contractor Sup't., Lead Environmental Inspector (Bio), Archeology Principal Investigator, and/or Environmental Field Manager did not identify any variance conditions.

OCOTILLO WIND PROJECT: IMPERIAL COUNTY, CALIFORNIA

VARIANCE 9 - JULY 19, 2012



0 0.02 0.04 0.08 0.12 0.16 Miles