

Variance Request Form



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

Variance: 006
 Request No.: Rev 0
 Date Submit: 7/03/2012
 Date Approval Needed: 7/6/2012
 Date Agency Received: _____
 Agency Approval Reference No.: _____

Request Prepared by: Joan Inlow / James Dermody

Spread/ Location: Substation and Switchyard

(Milepost): all

Net acreage affected: 3.14

Alignment Sheet/Sta. All

No.:

Tract No:

Landowner: BLM

In or within 50 feet of a wetland: Yes No

Within 50 feet of a water body: Yes No

Current Land Use/ Vegetative Cover: undeveloped desert vegetation adjacent to Sunrise Powerlink (SRPL).

Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed): SRPL directly to the east

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

This variance is a result of detailed engineering at the substation/switchyard and includes modified permanent access, additional temporary work space for construction and permanent access to the transmission line turning structures. Specifically, two permanent access components are proposed that include improvements associated with an access road to Turbine 93 to maintain the required width for future operation and maintenance activities and a permanent access road from the eastern limits of the substation to the Sunrise Powerlink access road (see variance request exhibit). The proposed permanent access road to the Sunrise Powerlink access road is being proposed to provide access to turning structures that will provide interconnection from the OWEF substation to the Sunrise Powerlink. Temporary access is also being proposed along the southern, western and northern portions of the substation to complete construction activities associated with constructing the berm along the substation limits. The proposed changes are shown in the attached maps. The SDG&E access area represents a refinement in the SRPL Turning Structure area approved in Variance 001. Variance 006 will result in a permanent disturbance area of 0.74 acres and 2.4 acres in temporary disturbance area.

Variance Justification: As identified in Section 5 of the ECCMP, during construction site conditions could result in the need for changes from the approved work spaces and construction procedures. Changes to previously approved work spaces and construction procedures are handled in the form of variance requests submitted from the project applicant 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.

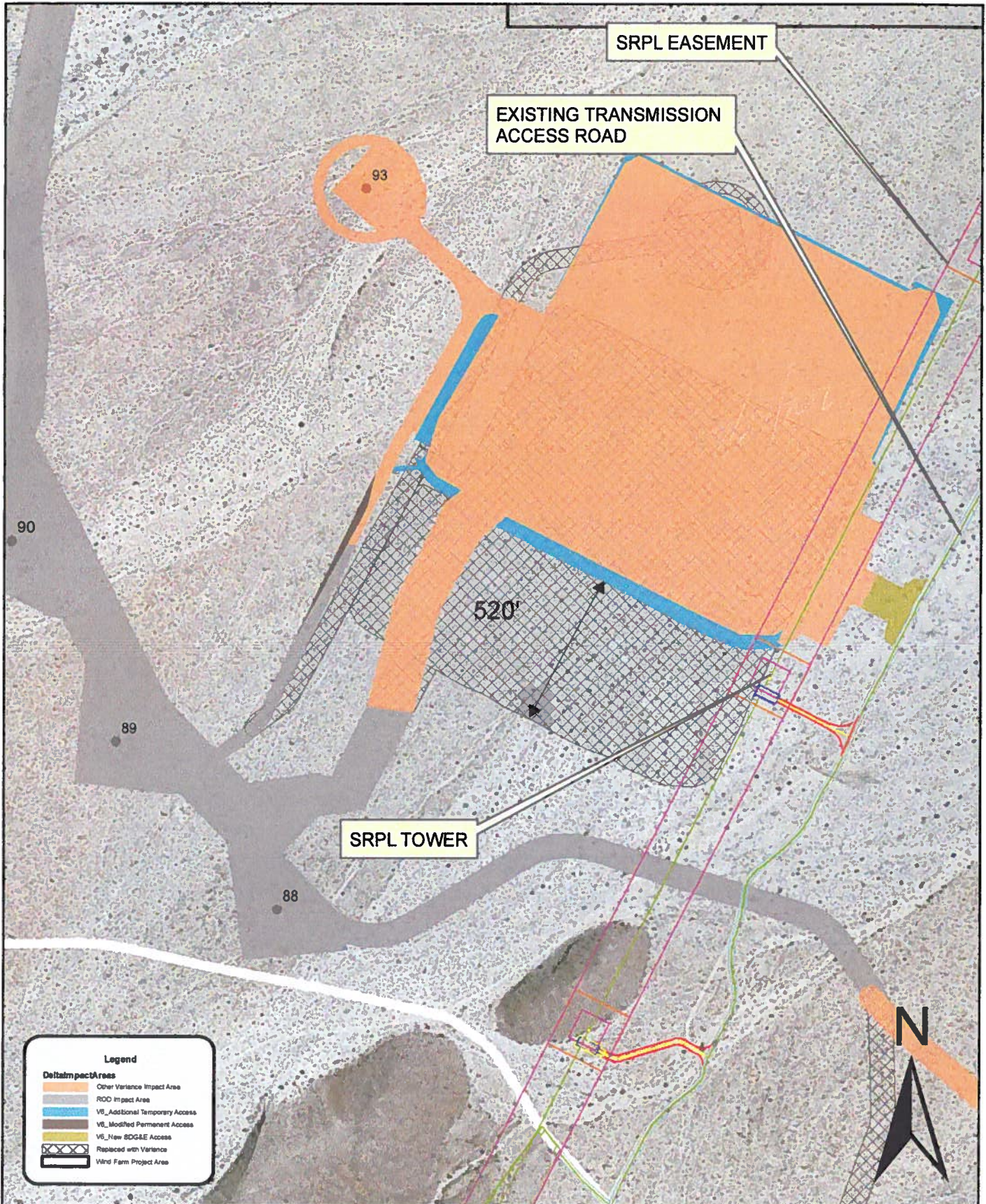
In accordance with the procedures and guidance provided in the ECCMP, OE LLC is requesting a level 2 variance to modify permanent access and provide additional temporary work space for construction and permanent access to the transmission line turning structures associated with the substation/switchyard. The proposed temporary and permanent work spaces are located in areas that have been surveyed previously. Therefore, no additional biological or cultural surveys are required.

For (Company Name) Use Only

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No T&E(biological) Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reporting Document Survey:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Sign-off (as appropriate)	Name (print)	Approval Signature	Conditions (See Attached)
Contractor Sup't. Lead Environmental Inspector (Bio) Archeology Principal Investigator Environmental Field Manager	Derek Price <i>RKH</i> Shelby Howard Michael Baksh Natalie McCue	<i>[Handwritten Signatures: Derek Price, Shelby Howard, Michael Baksh, Natalie McCue]</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For BLM Project Manager or Compliance Contact Use Only			
Variance Approved: <input checked="" type="checkbox"/>		Variance Denied: <input type="checkbox"/>	
Signature: <i>[Handwritten Signature]</i>		Date: <i>7/24/2012</i>	
For Compliance Manager Use Only			
Variance Approved:		Variance Denied:	
Signature:		Date:	
Stipulations			
Spread:		OWEF Variance Request No.: 006	
VARIANCE CONDITIONS			
Name:	Title:	Organization:	
Conditions: The Contractor Sup't., Lead Environmental Inspector (Bio), Archeology Principal Investigator, Environmental Field and/or Manager did not identify any variance conditions.			
Name:	Title:	Organization:	
Conditions: The Contractor Sup't., Lead Environmental Inspector (Bio), Archeology Principal Investigator, Environmental Field and/or Manager did not identify any variance conditions.			
Name:	Title:	Organization:	
Conditions: The Contractor Sup't., Lead Environmental Inspector (Bio), Archeology Principal Investigator, Environmental Field and/or Manager did not identify any variance conditions.			

OCOTILLO WIND PROJECT: IMPERIAL COUNTY, CALIFORNIA VARIANCE 6 - JULY 2, 2012



0 145 290 580 870 1,160
Feet

Documentation of Land Use Plan Conformance and 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-D070-2012-0076-DNA
El Centro, CA 92243 **Tiered Off EIS No.:** ES-2011-15+1793

Proposed Action Title/Type: The proposed action is to approve a micrositing request from Ocotillo Express LLC to modify permanent access and temporary work space at the substation/switchyard facility that is currently being constructed. The Ocotillo Wind Energy Facility (OWEF) Project right-of-way (ROW) grant and associated amendment to the California Desert Conservation Area Plan (CDCA Plan) was approved in a Record of Decision (ROD) signed on May 11, 2012. The ROD approved the Project configuration identified as the Preferred Alternative in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), referred to as the Refined Project. Micrositing changes to the substation/switchyard facilities were approved by the BLM under Variance 001 (June 4, 2012), which resulted in shifting the location of the substation/switchyard approximately 565 feet to the northeast of the originally approved location in order to minimize impacts to environmental resources.

As a result of detailed engineering and consultation with San Diego Gas & Electric (SDG&E) regarding their specific access needs to the Sunrise Power Link (SRPL) located east of the substation, additional modifications to permanent access and temporary work space areas on/around the substation/switchyard are required. The location of the additional areas to be affected under this variance request in relation to the approved disturbance areas per the ROD and Variance 001 are shown in the variance request exhibit.

Location of Proposed Action: The OWEF Project and its associated ancillary facilities are located on 10,151 acres of BLM-managed public lands near the town of Ocotillo in Imperial County, California. The proposed micrositing change described herein to the approved OWEF Project and Variance 001 are within the Project footprint analyzed in the Final EIS/EIR and would not change the location of the approved OWEF Project or its facility. The proposed micrositing change to the substation/switchyard and associated facilities is within section 28 of Township 16 South, Range 9 East (SBBM).

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

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

As defined in the Final EIS/EIR and approved in the ROD, the OWEF Project included the construction and operation of the substation/switchyard approximately 2,500 feet south of County Route S2. The ROD for the approved OWEF Project adopted mitigation recommended in the Final EIS/EIR and incorporated it as terms and conditions in the ROW grant.

The approved micrositing change for the substation/switchyard under Variance 001 resulted in the relocation of the substation/switchyard approximately 565 feet to the northeast, and also included a 20-foot wide temporary access road for construction within the work limits approved as part of the ROD. Detailed engineering and consultation with SDG&E has resulted in the need for further modification to the temporary work areas surrounding the substation/switchyard site and the permanent access routes associated with the SRPL Turning Structure area approved in Variance 001. Specifically, two permanent access components are proposed that include improvements associated with an access road to Turbine 93

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

to maintain the required width for future operation and maintenance activities and a permanent access road from the eastern limits of the substation to the Sunrise Powerlink access road (see variance request exhibit). The proposed permanent access road to the Sunrise Powerlink access road is being proposed to provide access to turning structures that will provide interconnection from the OWEF substation to the Sunrise Powerlink. Temporary access is also being proposed along the southern, western and northern portions of the substation to complete construction activities associated with constructing the berm along the substation limits. The additional areas to be disturbed are just outside the approved work areas under Variance 001, but within the areas previously surveyed for cultural, and sensitive wildlife and plant species in support of the OWEF Final EIS/EIR. Variance 006 includes 3.14 acres of improvements, of which 0.74 acres is permanent and 2.4 acres is temporary. All facilities to be constructed within and connected to the substation/switchyard areas will remain as currently approved under the ROD and Variance 001, and no new facilities would be constructed under this request.

The slight increase in disturbance (3.14 acres) associated with the proposed modifications to the approved micro-siting changes for the Project substation/switchyard facilities would not result in new impacts or substantially intensify impacts analyzed in the DNA for Variance 001 or the Final EIS/EIR. As noted above, the modified work and access areas are located just outside the approved work areas under Variance 001, but are within the areas previously surveyed for cultural and sensitive wildlife and plant species in support of the OWEF Final EIS/EIR. The geographic and resource conditions in the affected areas are the same as those addressed in the Final EIS/EIR. The associated grading and construction of the additional temporary work area and permanent access roads would be performed at the same time as the substation/switchyard 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 ECCMP, BLM's ROD, the Project's ROW grant, and approved plans and permits for specific activities related to the construction of the Project. Consequently, the potential impacts associated with the modified disturbance footprint of the Project's substation/switchyard have been addressed and analyzed in the Final EIS/EIR and have been mitigated through measures identified in the Final EIS/EIR and adopted by the ROD.

B. Land Use Plan Conformance:

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

Other documents: N/A *Date Approved:* N/A

The proposed action is in conformance with the applicable LUP, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

CDCA Plan. BLM lands in California Desert District are managed pursuant to the CDCA Plan, as amended. The CDCA Plan establishes four multiple-use classes (MUC); MUC guidelines; and plan elements for specific resources or activities with the CDCA Plan area, such as motorized vehicle access, recreation, and vegetation. The CDCA Plan applies to the proposed micro-siting identified herein changes that are situated on public lands administered by BLM in Imperial County.

The proposed modifications to the approved micro-siting changes for the Project substation/switchyard facilities are in conformance with the CDCA Plan, as amended because they are within the same area designated by the BLM for the Project. Thus, a CDCA Plan amendment is not required for the proposed modifications to slightly increase the temporary work areas and permanent access areas associated with the approved micro-siting changes to the Project's substation/switchyard under Variance 006.

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

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

Bureau of Land Management and the County of Imperial. 2011. *Draft Plan Amendment and Draft Environmental Impact Statement/Environmental Impact Report for the Ocotillo Wind Energy Facility*. DOI Control No. DES 11-20, SCH No. 2010121055. June 2011.

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.

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 modifications to the temporary work areas and permanent access roads for the substation/switchyard facilities are being requested in response to detailed engineering analysis and consultation with SDG&E subsequent to approval of Variance 001, which addressed a lateral shift of the substation/switchyard and associated facilities to the northeast. The proposed modifications to the approved micro-siting changes would not result in new facilities or substantially change the geographic location of any proposed Project facilities or result in modifications to the Project boundary. To the extent that minor expansions are proposed in the locations of temporary work areas and permanent access roads, these changes would not be substantial and would be sufficiently similar to those analyzed in the Final EIS/EIR and Variance 001. In particular, the geographic and resource conditions in the area where the

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

changes would take place are virtually the same as those approved for the micro-siting changes to the substation/switchyard under Variance 001, which was implemented to minimize disturbance in Project areas that have potential cultural significance consistent with Mitigation Measure (MM) CUL-2.

The micro-siting changes are proposed as the result of interested parties to further minimize disturbance to areas that have the potential of cultural importance. The habitat and environmental conditions within the proposed micro-siting areas would be essentially the same as the location of the substation/switchyard location as analyzed in the Final EIS/EIR.

Archival documentation including the Phase I inventory report, *Archaeological Survey Report for the Ocotillo Express Wind Energy Project, Imperial County, California, March 2012*, was reviewed to identify resources of potential concern. Additionally, a re-survey of the proposed substation/switchyard shift footprint was conducted on July 20, 2012 to confirm no additional resources are located within the proposed limits of the re-located substation/switchyard. Based on existing project documentation detailing the original survey coverage and subsequent re-survey, no significant archaeological or historical resources would be affected by the proposed micro-siting of the substation/switchyard and associated facilities. In addition, as identified in Final EIS/EIR Section 4.4, Cultural Resources, MMs CUL-1 (*Identify and evaluate cultural resources in final APE*), CUL-2 (*Avoid and protect potentially significant resources*), and CUL-3 (*Develop and Implement a Management Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects*) 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. Therefore, based on the additional archival research and re-survey of the proposed micro-siting location, no significant archaeological or historical resources are located within the proposed work areas associated with Variance 006.

As noted above, the proposed micro-siting changes do not substantially change the project location. 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 changes would take place are virtually the same as those of the approved substation/switchyard location. The substation/switchyard shift to minimize disturbance to areas that have the potential of cultural importance was the intended consequence of the implementation of the MMs CUL-2 and CUL-4 included in the ROD.

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 slight modification to the Project's substation/switchyard to allow 3.14 acres of additional disturbance to expand the temporary work areas and permanent access roads would be within the range of alternatives evaluated in the Final EIS/EIR. Each of the action alternatives evaluated in the Final EIS/EIR included the substation/switchyard and associated facilities as described in Final EIS/EIR Section 2.1.3 Features Common to all Alternatives (Final EIS/EIR Section 2, Proposed Action and Alternatives). In addition, these facilities were considered in the impact analysis in Sections 4.2 through 4.21 of the Final EIS/EIR. The slight expansion to approved disturbance areas to accommodate the additional temporary work area and permanent access roads 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.

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

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?

YES. The slight expansions to the Project's substation/switchyard facility to include 3.14 acres of additional work areas and improved access roads would not warrant reexamining the impacts analysis. Data collection and record searches were performed for sensitive biological and cultural resource 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, conclusions, and mitigation identified in the Final EIS/EIR are valid as of March 2012 and apply to all Project-related activities, including the required pre-construction geotechnical investigations. The avoidance and minimization measures as well as compensatory mitigation to offset direct, indirect, and cumulative impacts on wildlife and other resources would assure compliance with state and federal laws aimed at protecting these resources. There is no new information and/or no new guidance that would trigger the need for additional analyses, or mitigation requirements above and beyond what is currently provided in the approved OWEF EIS/EIR and BLM ROD

No new listed species were identified that were not previously identified in the Final EIS/EIR. The Project substation/switchyard was originally located in suitable PBS habitat as identified in Section 4.21 of the Final EIS/EIR; however the approved micrositing changes resulted in shifting these facilities 565-feet to the northeast, further from PBS lambing sites, and outside suitable PBS habitat. Consequently, the proposed improvements to the temporary work areas and permanent access roads would not result in a new effect to PBS. Therefore, no new information or circumstances would occur as a result of these changes that would trigger the need for additional analyses beyond what has currently been performed in support of the Final EIS/EIR and Variance 001 with respect to impacts to PBS.

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 and indirect effects of the proposed action to slightly increase the temporary work area and permanent access roads within the substation/switchyard would be similar to those analyzed in Section 4 of the Final EIS/EIR and Variance 001. Each of the action alternatives evaluated in the Final EIS/EIR included the substation/switchyard and associated facilities as described in Final EIS/EIR Section 2.1.3 Features Common to all Alternatives (Final EIS/EIR Section 2, Proposed Action and Alternatives). In addition, these facilities were considered in the impact analysis in Sections 4.2 through 4.21 of the Final EIS/EIR.

Biological surveys were completed for micrositing changes for the substation/switchyard and associated facilities in support of Variance 001. No new sensitive biological species or habitat was identified that was not previously identified in the Final EIS/EIR were found in the subsequent biological survey conducted. Although, the proposed action under Variance 006 would result in an additional 3.14 acres of disturbance associated with the increase in temporary work area and permanent access roads to the microsited substation/switchyard facility, no change in environmental conditions from those previously evaluated in Section 4 of the Final EIS/EIR would occur. Therefore, no additional direct, indirect, or cumulative impacts to sensitive biological, cultural or other resources would occur and no further mitigation measures beyond those identified in Appendix I of the Final EIS/EIR would be required for impacts to resources.

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

Archival documentation including the Phase I inventory report, *Archaeological Survey Report for the Ocotillo Express Wind Energy Project, Imperial County, California, March 2012*, was reviewed to identify resources of potential concern. Additionally, a re-survey of the proposed work area associated with Variance 006 was conducted on July 20, 2012 to confirm no additional resources are located within the proposed work limits. The proposed work limits shift is not anticipated to create adverse effects on any potential buried resources nor would it directly impact any NRHP/CRHR eligible sites. However to monitor construction activities, archeological and Native American monitors will be on-site during ground disturbance activities in accordance with the mitigation measures identified in in Section 4.4 of the Final EIS/EIR.

Consistent with the MOA, BLM cultural resources staff reviewed Variance 006 to the OWEF and, as with Variance 001, the following actions are required:

- 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.

In addition to these specific measures, OE LLC will continue to comply with all other relevant cultural resources mitigation measures as outlined in the MOA and the ROD as applicable. Specifically, archaeological sites and culturally sensitive areas that are protected from physical impacts but are within 150 feet of construction activities shall be demarked as ESAs and off-limits to construction activities. Archaeological and Native American monitors are to be on-site during any fencing and any ground disturbing activities near designated ESAs.

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 and Chapter 5. 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 of the associated plan amendments were considered and resolved by the Director of the BLM prior to the issuance of the ROD for the OWEF.

As described above, the proposed improvements to access roads and temporary work areas at the approved substation/switchyard location are within a portion of the Project site that was previously surveyed in support of the OWEF EIS/EIR and associated Variance 001. The additional 3.14 acres of disturbance associated with the improved work area and access roads will not result in impacts beyond those analyzed previously as part of the Final EIS/EIR. Therefore, public involvement and interagency review of the proposed additional temporary work area and permanent access road is adequate.


Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

E. Persons/Agencies/BLM Staff Consulted



Nicollee Gaddis, Planning & Environmental Coordinator

7/23/12
Date

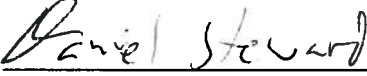


Daniel Steward, Resources Branch Chief

7/24/12
Date

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.



Signature of Project Lead



Signature of NEPA Coordinator



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

7/24/2012
Date

United States Department of the Interior
BUREAU OF LAND MANAGEMENT

El Centro Field Office

1661 South 4th Street

El Centro, CA 92243

www.blm.gov/ca/elcentro/

In Reply Refer To:

CA-670-12-100 and CA-670-10-075/CACA-051552/DOI-BLM-CA-D070-2012-073-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 006-DNA, Imperial County, California

The Bureau of Land Management (BLM) El Centro Field Office has received a Variance request (006) from Ocotillo Express LLC to approve a set of micrositing changes to the approved Ocotillo Wind Energy Facility Project (Project) as analyzed in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR). These changes include modifying permanent access and temporary work space at the substation/switchyard facility that is currently being constructed. As a result of detailed engineering and consultation with San Diego Gas & Electric (SDG&E) regarding their specific access needs to the Sunrise Power Link (SRPL) located east of the substation, additional modifications to permanent access and temporary work space areas on/around the substation/switchyard are required.

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. Additionally, portions of the area covered by this Variance were also surveyed and documented in the *Class III Inventory of the Cultural Resources within the Approved San Diego Gas & Electric Sunrise Powerlink Final Environmentally Superior Southern Route, San Diego and Imperial Counties, California* (ASM

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).

Affiliates, 2010). The area covered by Variance 006 had been previously surveyed with no archaeological resources recorded within the Variance 006 APE. As part of the environmental review of the previously approved Variance 001 request, much of the APE for Variance 006 was re-surveyed. In support of the Variance 006 request and in accordance with the final Management Plan for Archaeological Monitoring, Post-Review Discovery and Unanticipated Effects, April 2012 (Management Plan), Tierra personnel conducted a re-survey of the proposed Variance 006 APE on July 20, 2012. These re-survey efforts identified no new isolates or sites within the proposed area of impact for Variance 006. This is documented in their confidential letter report to Ms. Carrie Simmons dated June 20, 2012. In regards to this Variance Tierra makes the following recommendations:

“Based on this analysis, Variance 006 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 Substation/Switchyard 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 006 would not change the previously identified adverse effects to this TCP associated with the proposed Variance 006 APE.

Based on the project documentation as discussed above, it is our recommendation that no significant archaeological or historical resources would be affected by the proposed Variance. While the proposed Variance will not physically affect any known archaeological resources, the previously established environmentally sensitive areas (ESAs) will be maintained and protected...with minimum 50-foot buffers; these ESAs will also be monitored during construction activities in the vicinity of these locations. No additional ESAs would be required for the proposed Variance 006.”

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 a NTP for the above microsites requests included in Variance 006:

- **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 006. Therefore, the BLM staff archaeologist has recommended that with the proposed micrositing 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 micrositing area was 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 this micrositing modification 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 micrositing request. 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:

Carrie Simmons 7/20/12
Archaeologist, El Centro Field Office Date

Acceptance by the Agency Official:

[Signature] 7/23/2012
Field Manager, El Centro Field Office ACTING Date