

## Variance Request Form



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

Variance: 003  
Request No.: Rev 0  
Date Submit: 6/4/2012  
Date Approval Needed: 6/6/2012  
Date Agency Received: \_\_\_\_\_  
Agency Approval Reference No.: \_\_\_\_\_

Request Prepared by: Natalie McCue

Spread/ Location: WECO Routes (see Map attached)

(Milepost): Not applicable

Net acreage affected: Existing roads

Alignment Sheet/Sta. WECO Routes (see Map attached)

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

Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed): WECO routes traverse project site. Partially in some FTHL and PBHS habitat.

Area, Residence, Cultural Resource Site (distance, etc.): See Description

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 being requested to authorize temporary use of the BLM's Western Colorado Desert Routes of Travel (WECO). A Level 1 variance is requested to allow vehicles to utilize BLM WECO Open routes in order to complete pre-construction surveys as identified in the Final EIR/EIS and Record of Decision (ROD). The WECO routes would be utilized by survey teams completing pre-construction surveys for biological and cultural resources identified in the Final EIR/EIS. Use of the WECO routes for pre-construction surveys would be temporary and would not require any improvements.

**Variance Justification:** The project Environmental and Construction Compliance Monitoring Plan (ECCMP) allows project variances during construction. As identified in Section 5 of the ECCMP, during construction, site conditions could result in the need for changes from the approved mitigation measures and construction procedures. Changes to previously approved mitigation measures 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 1 variance to allow vehicle access within established WECO routes to complete pre-construction surveys prior to completing construction activities associated with grading access roads.


The BLM has established public access to off-highway dirt roads within the project site and surrounding areas, through an October 2002 CDCA Plan Amendment to incorporate the WECO Rout of Travel Designation. An Environmental Assessment (EA) was prepared in support of the WECO Plan consistent with BLM's responsibilities under the Federal Land Policy Management Act of 1976, the National Environmental Policy Act of 1969, the Federal Endangered Species Act of 1973, and the Bureau of Land Management's Off-Road Vehicle Regulations (43 CFR 8340). Use of the WECO routes would be temporary and would not require any improvements to these routes. In addition, no new temporary roads or works areas will be created under this variance.

Approval of a Level 1 variance would allow casual use access on BLM WECO routes in order for pre-construction surveyors to complete surveys in a manner that minimizes potential impacts to environmental resources. As identified in the Final EIR/EIS, pre-construction surveys are required to be completed prior to ground disturbance activities. The ROD included several access roads that are co-located on WECO routes and construction of new access roads to access project components. The overall intent of the ECCMP and Final EIR/EIS is to minimize potential impacts to environmental resources. In an effort to meet the intent of the ECCMP and Final EIR/EIS, the OE LLC is requesting that pre-construction surveys be completed via WECO routes, which consist of disturbed roads. By approving the use of WECO routes for pre-construction surveys it will enable survey teams to access project areas in advance of construction activities being completed verses survey teams being required to travel over-land along access roads that have not been constructed to date.

The EA prepared in support of the WECO Plan evaluated the potential environmental impacts associated with use of the WECO routes for casual use such as passenger vehicle traffic being proposed as part of the pre-construction surveys. All pre-construction

surveys and associated vehicle traffic would be limited to the Open WECO Routes approved as part of the Plan Amendment. Therefore the potential environmental effects of the proposed pre-construction surveys, which consist of pick-up trucks and SUVs traveling along Open WECO Routes was fully considered and evaluated in the EA and Plan Amendment for the WECO Routes that was approved in 2002.


**For OE LLC Use Only**

Additional Surveys Required	Surveyed Corridor Description		Additional Surveys Completed
Cultural Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No T&E(biological) Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reporting Document Survey:			<input type="checkbox"/> Yes <input checked="" 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. or Env. Coordinator Lead Environmental Inspector (Bio) Arch Prin. Investigator Environmental Field Manager ROW Agent	Natalie McQue		<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 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**For BLM Project Manager or Compliance Contact Use Only**

Variance Approved:       Variance Denied:       Date: June 12, 2012  
 Signature:

**For Compliance Manager and Monitor Use Only**

Variance Approved:       Variance Denied:       Date: June 12, 2012  
 Signature:   
 Stipulations:

VR-003-1: Use of WECO routes shall be limited to a casual use, which consists of passenger vehicle traffic. No heavy construction equipment shall be utilized on WECO routes that were not approved as part of the ROD.

VR-003-2: All pre-construction survey routes shall be limited to those identified in the exhibit attached to VR-003, which consist of WECO Routes approved as part of the Plan Amendment.

VR-003-3: All pre-construction surveyors utilizing WECO routes shall receive WEAP training and be informed of the environmental resources located in the area and environmental procedures that should be followed when utilizing WECO routes.

Spread: WECO Routes (see Map attached)

OWEF Variance Request No.: 003

**VARIANCE CONDITIONS**

Name: N/A

Title: N/A

Organization: N/A

Conditions: The Contractor Sup't. or Env. Coordinator, Lead Environmental Inspector (Bio), Spread Supervisor Arch Prin. Investigator, Environmental Field Manager and/or ROW Agent did not identify any variance conditions.

Name: N/A

Title: N/A

Organization: N/A

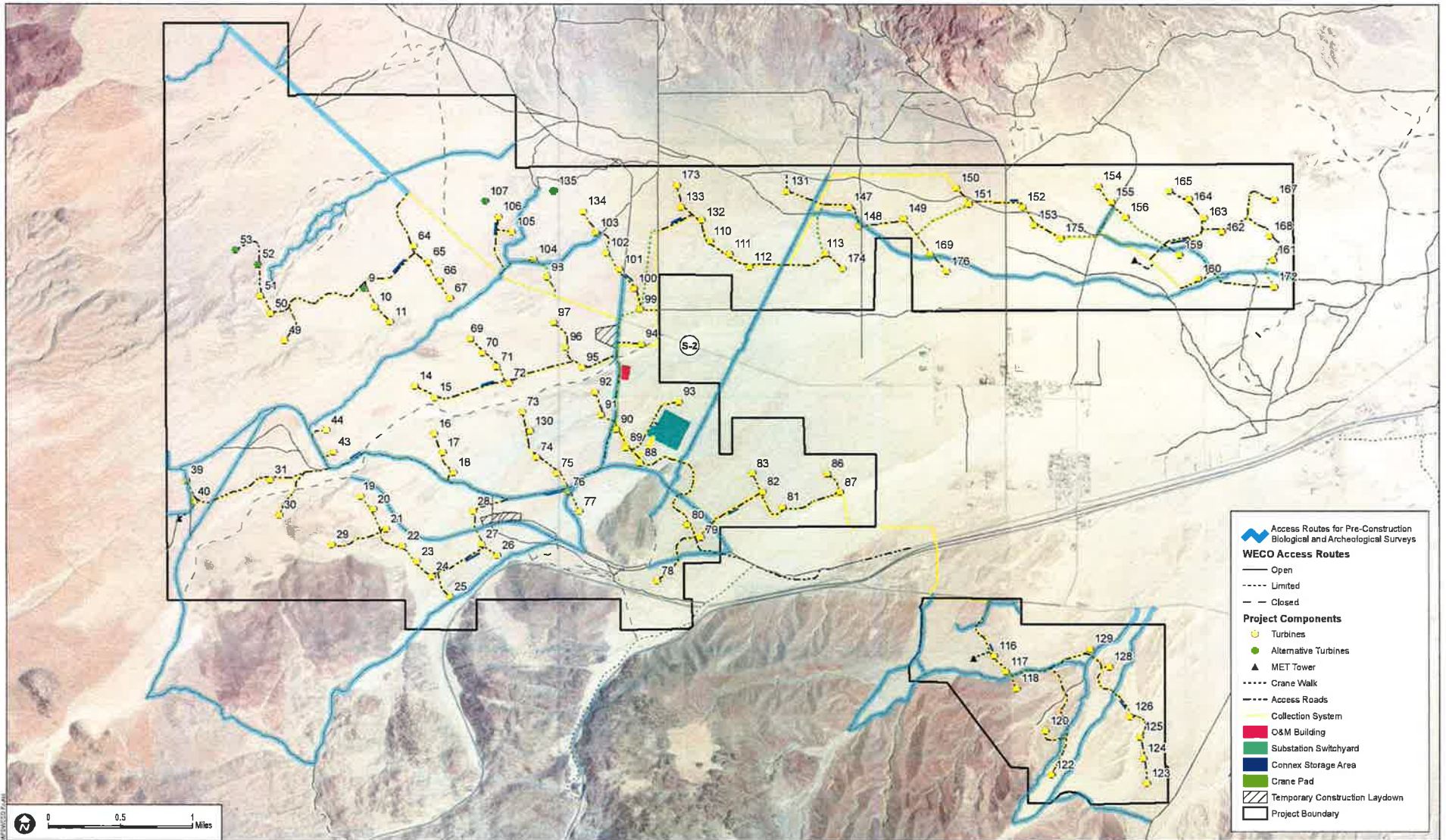
Conditions: The Contractor Sup't. or Env. Coordinator, Lead Environmental Inspector (Bio), Spread Supervisor Arch Prin. Investigator, Environmental Field Manager and/or ROW Agent did not identify any variance conditions.

Name: N/A

Title: N/A

Organization: N/A

Conditions: The Contractor Sup't. or Env. Coordinator, Lead Environmental Inspector (Bio), Spread Supervisor Arch Prin. Investigator, Environmental Field Manager and/or ROW Agent did not identify any variance conditions.



**DUDEK**

SOURCE: Bing 2012; Pattern 2012

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OCOTILLO WIND ENERGY FACILITY

**Variance Request 003 - WECO Access Routes**

Pre-construction Biological and Archaeological Survey Routes