

2800 (135)
WAOR 66437

November 18, 2010

CERTIFIED MAIL - Return Receipt No. _____

DECISION

Clipper Windpower Development Company, Inc. :
6305 Carpinteria Avenue, Suite 300 : Right-of-Way Grant WAOR-66437
Carpinteria, CA 93013 :

Right-of-Way Grant For WAOR-66437 Issued

Under the authority of Title V of the Federal Land Policy and Management Act of 1976, a right-of-way grant will be issued to Clipper Windpower Development Company, Inc. approving a right-of-way for wind testing and monitoring area with three meteorological towers located on Horse Heaven Hills. The total acreage granted in this right-of-way is 3,578.73 acres for three 50-meter high meteorological towers and instrumentation designed for wind energy resource measures. No ground disturbance is proposed, and no additional meteorological towers are proposed. The right-of-way grant has an effective date of November 15, 2010 and expires on November 15, 2013.

Enclosed is a copy of your executed right-of-way grant, serial number WAOR-66437.

This action meets the criteria for a categorical exclusion under NEPA. In the Categorical Exclusion, it is not anticipated that the project actions will have significant effects. Further, the action is in conformance with the Spokane District Resource Management Plan (1985) and Record of Decision (1987), and the 1992 RMP amendment and Record of Decision (ROD). Approval of this authorization will allow Clipper Windpower Development Company, Inc. to operate and maintain three meteorological towers for wind testing and monitoring on public land.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this letter/decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 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.

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Specialist at (509) 536-1216.

/s/ June E. Hues
June E. Hues, Field Manager
Border Resource Area

Enclosure:
Executed Grant
Form 1842-1

Categorical Exclusion Documentation

Department of the Interior
Bureau of Land Management, Spokane District
1103 North Fancher Road
Spokane Valley, WA 99212

A. Background

BLM Office: Spokane District

Lease/Serial/Case File No.: WAOR 66437

NEPA Log Number: OR-135-2010-0024-CX

Proposed Action Title: Renewal of Wind Monitoring and Testing Sites for Clipper Windpower

Location of Proposed Action: Areas are in Benton County, Washington, Willamette Meridian at:

T.8N., R27E., Section 4, Lots 3 & 4; Section 5, Lot 1;

T.9N.R26E., Section 20, Par 42; Section 21, NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Section 22, N $\frac{1}{2}$, N $\frac{1}{2}$ W $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 23, Par 37, Par 38; Section 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$; Section 25, Tract 39;

T. 9N., R. 27E., Section 30, Lot 1-4 inclusive, Portion of N $\frac{1}{2}$, Portion of S $\frac{1}{2}$;
Section 32, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 33, S $\frac{1}{2}$ SW $\frac{1}{4}$.

Description of Proposed Action:

We received an application from Clipper Windpower requesting a new right-of-way grant to reauthorize the wind testing and monitoring area and three meteorological towers on Horse Heaven Hills. These rights were previously authorized under WAOR 64148. According to the National Wind Energy Development Policy, this type of right-of-way cannot be renewed beyond its initial 3 year term. It has been decided to allow Clipper Windpower to submit an application for a new right-of-way that if appropriate would be approved the day the existing grant expires on 11/15/2010. We will issue a new right-of-way with a new serial number for a three year term while the Spokane District RMP is being completed. No new rights will be issued or new ground disturbance approved as a result of this administrative action.

B. Land Use Plan Conformance

Land Use Plan Name: Spokane Resource Management Plan

Date Approved/Amended: Approved 1987/Amended 1992

Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Keep public lands open for exploration/development of mineral resources, rights-of-way, access, and other public purposes with consideration to mitigate designated resource concerns.

OR

(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (*objectives, terms, and conditions*):

C. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with

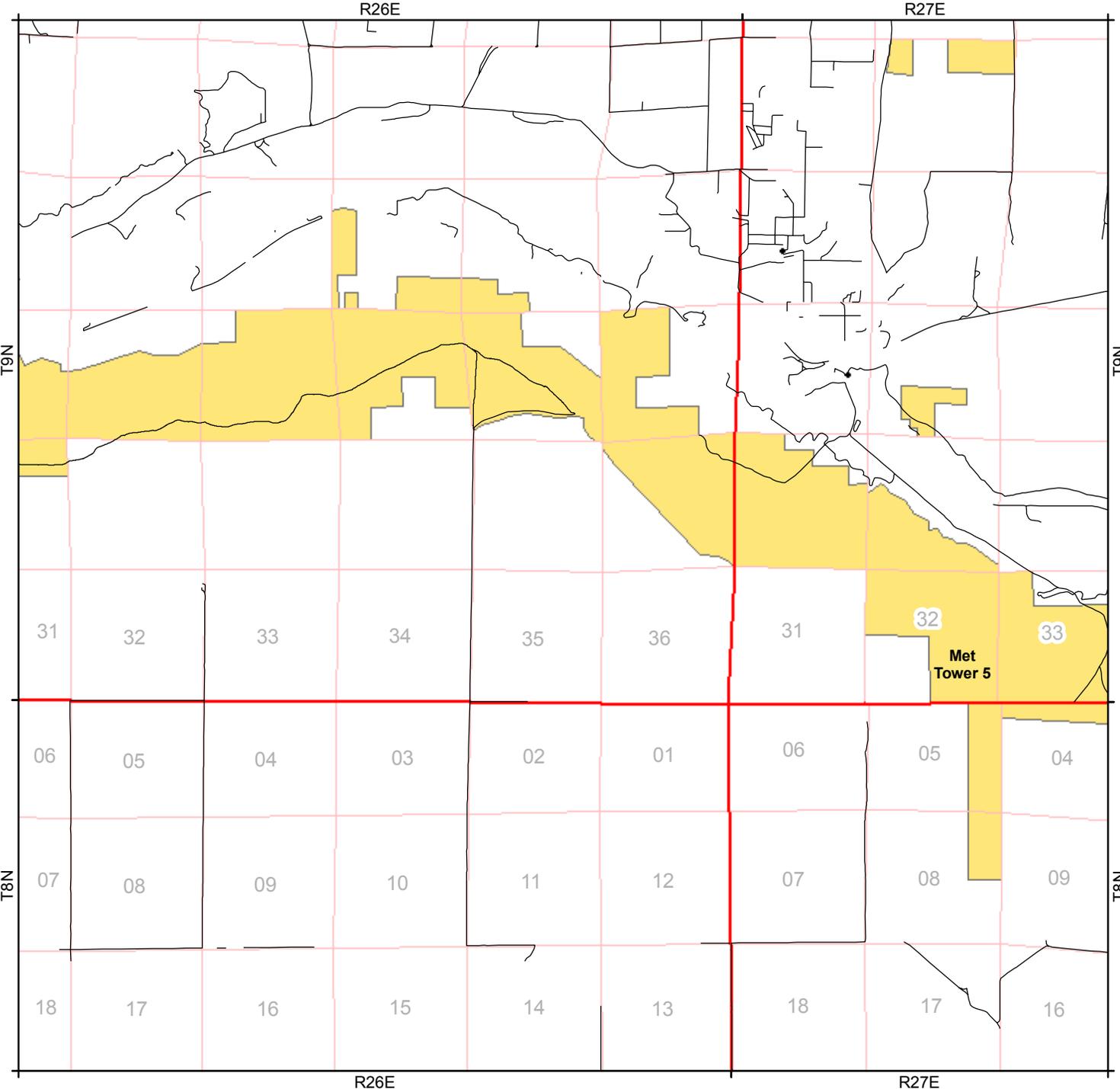
516 DM 11.9.E(19): Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and constructions sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply, as shown in the following table:

CX EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION The proposed categorical exclusion action will:	YES	NO
(a) Have significant impacts on public health or safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: A separate decision document must be prepared for the action covered by the CX.

Exhibit A Clipper Windpower Wind Monitoring and Testing Area WAOR 66437



Legend

- Monitoring Area
- ▲ Meteorological Tower Site
- BLM Land



Scale 1:70,000



USDI – Bureau of Land Management
Spokane District Office
1103 N. Fancher Rd.
Spokane Valley, WA 99212
(509) 536-1200

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.