Documentation of NEPA Adequacy (DNA)

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

BLM Office: **El Centro Field Office**
1661 So. 4th Street
El Centro, CA 92243

Lease/Serial/Case File No: CACA-49698
DNA Number: DOI-BLM-CA-D070-2012-0100-DNA

Proposed Action Title/Type: Tule Wind Modified 138 kV Transmission Gen-Tie

Proposed Action:

On June 4, 2012, Tule Wind, LLC (the "Holder") requested an amendment to the Record of Decision (ROD) and associated Right-of-Way (ROW) Grant (see Attachment A) for the Tule Wind Project in favor of constructing, operating, maintaining and decommissioning an overhead 138 kV generator interconnection transmission line (gen-tie) for the Tule Wind Project in lieu of an underground 138kV gen-tie line as approved in the ROD (issued December 20, 2011) and as authorized by the ROW Grant (issued April 10, 2012).

Based on the request submitted by the Holder on June 4, 2012, the BLM is considering amending the ROD and ROW Grant to select and approve the 138kV overhead configuration and alignment as identified in the "Proposed Action" of the *Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) East County Substation, Tule Wind, and Energia Sierra Juarez Gen-Tie Projects* (DOI-BLM-CA-D070-2008-0040-EIS), with a minor 1,100 foot- modification to the overhead alignment to facilitate an interconnection to the Tule Wind project collector substation, approved on private lands under county jurisdiction[1].

The purpose of this DNA is to document that the effects associated with constructing and operating an above-ground 138kV gen tie line (including a minor modification mentioned above and further discussed below) have been disclosed and analyzed under existing environmental analysis in the Final EIR/EIS and that new environmental analysis is not required to consider this action.

Background:

Through public scoping, agency consultation, and the environmental review process, the Draft and Final EIR/EIS for the Tule Wind Project considered several alignments and configurations (i.e. underground and overhead) for the 138 kV gen-tie line between the project collector

[1] A decision to authorize the collector substation and O&M facility on alternate county jurisdiction lands was issued by San Diego County Board of Supervisors on August 8, 2012.

substation alternatives and the re-built Boulevard Substation (section B.4, Tule Wind Project (Proposed Action) and section C.4.2, Tule Wind Project Alternatives of the Final EIR/EIS).

The Proposed Action for the Tule Wind Project included an approximate 5.89[2] mile- long overhead 138 kV transmission gen-tie line on public lands (see Figure 19B of the Final EIR/EIS). The Proposed Action was not selected in the ROD. The Agency-Preferred Alternative as identified in the Final EIR/EIS was selected and approved in the ROD and was authorized under a ROW Grant (CACA-49698). The Agency-Preferred Alternative consisted of Tule Wind Alternative 5 (Reduction in Turbines) and Gen-Tie Route 2 (Underground with Collector Substation/O&M Facility on Rough Acre Ranch) (see Figure 1). Gen-Tie Route 2 included construction and operation of an underground 138 kV transmission gen-tie line between the project collector substation on private lands (Rough Acres Ranch, under jurisdiction of the County) and the re-built Boulevard Substation, also on private lands (see Figures 1 and 2).

In part, the rationale for selecting the Gen-Tie Route 2 (Underground 138kV gen-tie line) was to reduce long-term visual impacts, even though Gen-Tie Route 2 would increase short-term construction impacts due to increased trenching for undergrounding the 138 kV gen-tie line (ROD, Section 4.0).

Developments since the Final EIR/EIS and ROD:

Two conditions, as set forth below, have changed since the publication of the Final EIR/EIS and ROD for the Tule Wind Project and are the basis for consideration of an overhead 138 kV gen-tie line as identified in the Proposed Action. However, these conditions have not resulted in a proposal from the Holder that would substantially modify an alternative (in this case, the Proposed Action) analyzed in the Final EIR/EIS or change the effects/analysis of that alternative:

1. *Authorization of Collector Substation and O&M Facility on County-Jurisdiction Lands*

   On August 8, 2012, the San Diego County Board of Supervisors issued a decision to authorize the collector substation and O&M building on private lands under jurisdiction of the county (Rough Acres Ranch). However, the county did not authorize these facilities on the Rough Acres Ranch parcel identified in the ROD, rather another parcel of Rough Acres Ranch to the north. Due to this change, as currently approved by the BLM, the Gen-Tie Route 2 Underground with Collector Substation/O&M Facility on Rough

[2]The Proposed Action evaluated in the Final EIR/EIS considered a 138kV overhead gen-tie line ROW approximately 5.89 miles long and 125 foot wide, connecting the project's collector substation on BLM lands to the north (see Figure B 21 of the Final EIR/EIS) to the re-built Boulevard Substation. The BLM approved the Gen-Tie Route 2 Underground with Collector Substation/O&M Facility on Rough Acres Ranch Alternative, consisting of a 1.77 mile-long, 24-foot wide underground 138 kV gen-tie on public lands that would connect a project collector substation on southerly private lands, under jurisdiction of the county, to the Boulevard Substation.

Acres Ranch alignment for the 138kV line would not interconnect to the collector substation as currently approved by the county and would not facilitate connection to the re-built Boulevard Substation.[3]

Additionally, the County decision identified that the portion of the 138 kV transmission gen-tie north of I-8 to the collector substation may be built overhead on private lands if the 138 kV transmission gen-tie was built overhead on adjacent federal BLM land. The portion of the gen-tie line south of I-8, which consists of facilities all located on private lands, which do not parallel the Sunrise Powerlink, will be undergrounded into the community of Boulevard.

2. *Continued Consultation under the Memorandum of Agreement (MOA), November 2011*

In accordance with Stipulation III, *AVOIDANCE, PROTECTIVE MEASURES AND TREATMENT PLANS,* of the MOA (Appendix B of the ROD), the BLM will continue to seek and analyze alternatives that avoid potential adverse effects to cultural resources. The BLM received a copy of the letter sent from the Bureau of Indian Affairs (BIA) to the San Diego County Board of Supervisors on August 6, 2012 regarding the Tule Wind Project, which was received after issuance of the ROD and ROW Grant for the Tule Wind Project. The BIA expressed support for the Tule Wind project and as part of the County's siting process and expressed a preference for an overhead 138 kV gen-tie line for the following reasons: 1) extensive trenching required for the 138 kV underground would impact known cultural resources, 2) trenching for underground lines would also likely impact unknown cultural resources, 3) it would support co-location of transmission lines in the event adjacent energy projects were permitted in the future.[4]

[3] The collector substation, as currently approved on private lands is located 4.23 miles to the south of the collector substation evaluated in the Proposed Action in the Final EIR/EIS and north of the collector substation identified in the ROD. The County approved the collector substation on the same parcel of Rough Acres Ranch as the temporary 5-acre concrete batch plant identified in the ROD (see Figure 1). Considering the new collector substation location on private lands, if the overhead gen-tie alignment identified in the Proposed Action of the Final EIR/EIS is approved by BLM, the length of the line would be 1.75 miles on BLM lands (4.14 less miles than the Proposed Action and 0.02 miles less than the approved Gen-Tie Route 2 Underground line). The 1.75 mile gen-tie would be sited within the same route as the Proposed Action analyzed in the Final EIR/EIS with the exception of a minor engineering modification for approximately 1,100 feet of that route (near the new collector substation location). In addition, the overhead collector line as described in the Proposed Action would terminate at this new collector substation location on private lands, and would not extend south of that point.

[4]The reasonably foreseeable actions scenario, Section F, Cumulative Scenario and Impacts, Final EIR/EIS, identified foreseeable renewable projects and associated development in the area. The BIA letter further reiterates that the Ewiiaapaayp Band of Kumeyaay Indians plan to participate in a later phase of the [Tule/138kV /collector substation/O&M facility] project. In the event future projects are proposed in the area in proximity to the 138 kV gen-tie line, interconnections could be provided based on available capacity on the 138 kV gen-tie line in relation to

The BIA also recognized the disclosure and analysis of visual resources associated with the Tule Wind Project in the Final EIR/EIS. The 138 kV overhead alignment disclosed in the Final EIR/EIS (as part of the Proposed Action) would not be the dominant manmade visual feature in the area, rather the now-built Sunrise Powerlink 500kV line identified in Section F, Cumulative Scenario and Impacts, of the Final EIR/EIS. The alignment of the 138kV line, whether overhead or underground, would parallel this line.

Per the MOA, the BLM will continue to consider Tribal input throughout the Tule Wind development process in order to ensure proscriptions identified in the environmental documentation process are met with appropriate consideration and diligence.

Location of Proposed Action: The Tule Wind Project and its associated ancillary facilities are located on 12,239 acres of BLM-managed public lands near the town of Boulevard in San Diego County, California. The 138 kV gen-tie alignment described herein, including the minor 1,100-foot segment modification is within the project footprint analyzed in the Final EIR/EIS and is fully evaluated as an ancillary facility to the Tule Wind Project. The 138 kV overhead gen-tie, as proposed by the Holder would traverse BLM-managed lands for approximately 1.75 miles within Township 17 South, Range 7 East, Sections 3, 10 and 15 in a southward direction toward the rebuilt Boulevard Substation (see Figure 2).

Applicant: Tule Wind LLC, Holder of ROW Grant CACA 49698

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

As defined in the Final EIR/EIS, as approved in the BLM ROD and as authorized in the ROW Grant, the Tule Wind Project included authorization for the construction, operation, maintenance, and decommission of an underground 138 kV gen-tie to interconnect the Tule Wind energy facility to the rebuilt Boulevard Substation by way of the project collector substation. As stated above, on August 8, 2012, the San Diego County Board of Supervisors issued a decision on the Tule Wind Project for the project collector substation and O&M building. The county decision moved these facilities from the southern portion to the northern portion of Rough Acres Ranch (private lands).

The Holder has requested to amend the ROW Grant for the Tule Wind Project in favor of (1) constructing an overhead 138 kV gen-tie line for the project on approximately 1.75 miles of public lands along the route consistent with the Proposed Action in the Final EIR/EIS, rather than an underground line consistent with the Gen-Tie Route 2 identified in the Final EIR/EIS (as

a project's potential electrical generation.

approved in the ROD and authorized in the ROW Grant), and (2) to modify a 1,100-foot segment of the gen-tie alignment to interconnect to the collector substation as currently approved by the County.

The geographic and resource conditions potentially affected by the overhead 138 kV alignment, inclusive of the modifications mentioned above are identical to those addressed in the Final EIR/EIS. Project activities related to construction and operation of the overhead 138 kV transmission gen-tie would be conducted in accordance with the same impact avoidance, minimization, monitoring, and mitigation measures that apply to all other project impact areas, and impacts would be minimized through implementation of these measures as analyzed in the Final EIR/EIS. These measures were included in the ROD and approved plans and permits for these activities. If the 138kV transmission gen-tie is approved and authorized, addition mitigation would not be required but mitigation specific to the underground alignment would need to be eliminated. .

The primary resource differences between the underground alignment as approved in the ROD, and the above-ground alignment which was part of the Proposed Action analyzed in the Final EIR/EIS are cultural, visual, fire and fuels management, and biological and are discussed below.

Cultural Resources

As described in Final EIR/EIS Section D.2.5.2 and D.7.5.2 (analysis of the Proposed Action), impacts to cultural resources would be reduced with an overhead line. This is due to excavation for transmission line poles being less invasive in comparison to open trenching; therefore, ground disturbances would be less with the modified overhead 138 kV gen-tie on public lands. Permanent impacts due to construction of the 138 kV poles on BLM-managed lands would total approximately 0.02 acres, whereas the approved action under the ROD allowed for permanent impacts totaling 2.01 acres due to trenching activities associated with undergrounding of the 138 kV gen-tie transmission line. Reducing ground disturbance with an overhead 138 kV line would reduce the potential for impacts to unavoidable new discoveries as indicated by the analysis of the Proposed Action in the Final EIR/EIS and as discussed in the BIA Comment Letter.

A review of archival documentation, including the cultural resources inventory reports prepared for the Tule Wind Project (ASM 2010, 2011), was conducted to identify cultural resources of potential concern in the proposed modification areas associated with the modified alignment for the 1,100 foot segment and the Final EIR/EIS Proposed Action alignment. Existing project documentation detailing the original survey coverage and subsequent re-survey efforts, which included the Proposed Action alignment and encompassed the 1,100 foot modified segment show that no cultural resources were identified within the direct impact areas of the proposed modifications and the proposed modifications will not affect any known historic properties.

Visual Resources

As identified in the Final EIR/EIS Section D.3, Visual Resources, development of overhead transmission facilities would introduce a new vertical element into a rural environment that would result in an unavoidable adverse impact. The rationale was based on the baseline conditions that existed at the time the Notice of Intent was circulated for public input (December 29, 2009 (Federal Register, Volume 74, Number 248)). Subsequent to the circulation of the Notice of Intent and the completion of the environmental review as part of the Final EIR/EIS, the Sunrise Powerlink project, a 500 kV transmission line was constructed in the area north of Interstate-8 that extends adjacent to the Proposed Action 138 kV transmission gen-tie line.

This portion of the Sunrise Powerlink project consists of 17 lattice towers from the Interstate-8 (I-8) north to the Tule Wind collector substation (see Figure 2). The Sunrise Powerlink lattice towers along this segment range in height from 118 to 167 feet and have resulted in the introduction of new vertical elements to the visual landscape that were not present at the time the environmental review was completed in the Final EIR/EIS.

The Final EIR/EIS (Section F, Cumulative Scenario and Impacts) includes the Sunrise Powerlink Project as a reasonably foreseeable future action, and describes the cumulative condition considering the Sunrise Powerlink Project and the Proposed Action alternative (overhead 138 kV transmission line) as well as Gen-Tie Route 2, with the undergrounding alternative. The Final EIR/EIS Figure F-1 depicts the location of the Sunrise Powerlink project along with the proposed action alternative. The EIR/EIS states that the Sunrise Powerlink will traverse BLM-managed lands within the McCain Valley area adjacent to McCain Valley Road, and that the overall bulk and scale of the transmission line structures is expected to increase the visibility and of these project components furthering the industrialization of the region. As described in the Final EIR/EIS, the Proposed Action would involve constructing the overhead 138 kV transmission line to the east of the Sunrise Powerlink in the same view corridor on BLM-managed lands (see Figure 2). Section F of the Final EIR/EIS states that while undergrounding of some of the project components would reduce some of the visual impacts, the overall adverse cumulative impacts would remain.

The request for an overhead alignment for the 138kV gen-tie line by the Holder would consist of constructing a 138-kV gen-tie parallel to the Sunrise Powerlink, (and for part of the alignment, on the opposite side of McCain Valley Road) consistent with the alignment identified in the Proposed Action. A parallel placement of the 138 kV transmission gen-tie to the now existing Sunrise Powerlink transmission line would place infrastructure within an area of existing linear and visual transmission elements.

Fire and Fuels Management

The Final EIR/EIS (Section E. Comparison of Alternatives, E.5.1) indicates that implementation of Gen-Tie Route 2 would result in a greater overall reduction in impacts to fire and fuels due to the 138 kV gen-tie line being undergrounded, however fire impacts for the overall project would still be adverse. The project description included in the Fire Protection Plan (FPP) that was accepted by the San Diego Rural Fire Protection District and the San Diego County Fire Authority described the project with an overhead 138 kV transmission line (Proposed Action) and included all electrical build standards as referenced in the Final EIR/EIS. Therefore, in their approval of the FPP for the Tule Wind Project, the fire agencies considered and anticipated construction of a 9.2 mile long overhead transmission line along this alignment as was analyzed as the Proposed Action in the Final EIR/EIS. The proposed overhead alignment is approximately 4.1 miles shorter than what was considered as the overhead component on BLM-managed lands in the approved FPP.

Biological Resources

The Avian Bat Protection Plan (ABPP) evaluated an approximately 9.2 mile (5.9 miles on BLM-managed lands) overhead 138 kV gen-tie line as part of the Proposed Action in the Final EIR/EIS.

According to the ABPP (page 22, September 30, 2011), risks to golden eagles due to electrocution from transmission lines will be minimized with implementation of Avian Power Line Interaction Committee (APLIC, 2006) standards; therefore, overall risk from electrocution is low (mitigation measure (MM) BIO-10a, Design all transmission towers and lines to conform with APLIC standards).

The overhead alignment as requested by the Holder includes an overall reduction by approximately 4.1 miles of 138 kV transmission gen-tie on BLM-managed lands from the alignment evaluated in the ABPP, mostly due to the southerly siting of the collector substation on Rough Acres Ranch. With reduction in the length of the overhead alignment compared to that analyzed in the Final EIR/EIS, the overall risk to ABPP species and the effects of overheading the gen-tie alignment are well within those analyzed in the Final EIR/EIS.

Additionally, biological resources and cultural resources survey corridors along the transmission line alignment were a minimum 200 feet from the center line in the EIR/EIS analysis (HDR 2012). This makes the Final EIR/EIS more than adequate in disclosing the impacts associated with the currently proposed overhead gen-tie line and its affiliated adjustments.

B. Land Use Plan Conformance:

LUP Name: Eastern San Diego County Resource Management Plan
Dates Approved: October 2008

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

Eastern San Diego County Resource Management Plan, 2008 (Eastern San Diego County RMP). BLM-administered lands in Eastern San Diego County Planning Area are managed pursuant to the Eastern San Diego County RMP.

The entirety of the proposed overhead 138 kV transmission line traversing BLM-managed lands is located on lands made available for wind energy development. The term "wind energy development" encompasses both the production and transmission of wind energy. In addition, the proposed overhead 138 kV transmission line alignment would not be located within a wilderness study area, wilderness area, or any other avoidance or exclusion areas established by the Eastern San Diego County RMP. Also, while the proposed overhead 138 kV transmission line would not be located in the sole utility corridor located in the planning area (the utility corridor is located southeast of the project site and south of Table Mountain and Interstate 8), the corridor is intended for major/regional east-west utilities.

Chapter 2.17.2.2, "Rights-of-Way" of the Eastern San Diego County RMP states that ROWs are considered and authorized on a case by case basis and that locating new utility ROWs outside of the designated corridor is permissible if the evaluation of the project shows that doing so is the only practicable alternative. The entirety of the proposed overhead 138 kV transmission line traversing BLM-managed lands is located on lands made available for wind energy development.

Therefore, the proposed overhead 138 kV transmission line is an allowable use per the designation of the project area as established in the Eastern San Diego County RMP after NEPA requirements are met. The Final EIR/EIS and ROD is the mechanism for complying with those NEPA requirements.

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

ACHP (Advisory Council on Historic Preservation). 2011. Memorandum of Agreement among BLM-California, Bureau of Indian Affairs, U.S. Army Corps of Engineers, Ewiiaapaayp Band of Kumeyaay Indians, Tule Wind LLC, California State Historic Preservation

Officer, and the Advisory Council on Historic Preservation Regarding the Tule Wind Energy Project. November 15, 2011.

ASM (ASM Affiliates, Inc.). 2010. *Class II and Class III Cultural Resources Inventory Report for the Tule Wind Project, McCain Valley, San Diego County, California*.

2011. *Addendum Class III Cultural Resources Inventory Report for the Tule Wind Project (Final), McCain Valley, San Diego County, California.*

ASM. 2012. "Previous Class III Archaeological Studies Conducted for a Section Iberdrola Renewables Tule Wind Proposed 138kV Overhead Generation Tie-Line, San Diego County, California (ASM Project# 15720)." Letter from Brian Williams, M.M.A., RPA, (Senior Archaeologist), ASM (Carlsbad Office) to Rolla Queen (Archaeologist), Bureau of Land Management (El Centro Field Office). September 14, 2012

ASM. 2013. "Review of Cultural Resources Impacts for Iberdrola Renewables' Tule Wind Proposed 138kV Generation Tie-Line, San Diego County, California (ASM Project# 15720)." Letter from Brian Williams, M.M.A., RPA, (Senior Archaeologist), ASM (Carlsbad Office) to Carrie Simmons (Archaeologist), Bureau of Land Management (El Centro Field Office). January 23, 2013.

BIA (Bureau of Indian Affairs). 2012. "Tule Wind Project—Support For Project With Overhead Collector and Transmission Lines." Letter from Kevin Bearquiver (Acting Regional Director), BIA, to the San Diego County Board of Supervisors. August 2, 2012.

BLM (Bureau of Land Management). 2011. *Record of Decision for the Tule Wind Project, Decision to Grant Right-of-Way*. Environmental Impact Statement 20110347. Case File Number: CACA-49698DOI Control Number: FES 11-06. Publication Index Number: BLM/CA/ES-2011-11+1793. NEPA Tracking Number: DOI-BLM-CA-D070-2008-0040-EIS. El Centro, California: United States Department of the Interior, Bureau of Land Management, El Centro Field Office. Prepared by Dudek. Encinitas, California: Dudek December 2011.

BLM. 2012. Right-of-Way Grant CACA - 49698. El Centro, California: El Centro Field Office. Issued April 10, 2012.

County of San Diego Board of Superviors. 2012. *STATEMENT OF PROCEEDINGS, REGULAR MEETING - PLANNING AND LAND USE MATTERS*. Board of Supervisors North Chamber. 1600 Pacific Highway, Room 310, San Diego, California. Wednesday, August 8, 2012.

CPUC and BLM (California Public Utilities Commission and Bureau of Land Management). 2010. *Draft Environmental Impact Report/Environmental Impact Statement, SDG&E East County Substation Project, Pacific Wild Development Tule Wind Project, and Energia Sierra Juarez U.S. Transmission, LLC, Energia Sierra Juarez Gen-Tie Project*. 2 vols. SCH No. 2009121079. DOI Control No. DES 10-62. Prepared by Dudek. Encinitas, California: Dudek. December 2010.

CPUC and BLM. 2011. *Final Environmental Impact Report/Environmental Impact Statement, SDG&E, East County Substation Project, Tule Wind, LLC, Tule Wind Project, and Energia Sierra Juarez U.S. Transmission, LLC, Energia Sierra Juarez Gen-Tie Project*. 4 vols. SCH No. 2009121079. DOI Control No. DES 10-62. Prepared by Dudek. Encinitas, California: Dudek. October 2011.

HDR (HDR Engineering, Inc.) 2012. "Verification of Survey Extent." Memorandum from Ingrid Eich, HDR (San Diego Office) to Amy Parsons (Permitting Manager) Iberdrola EN. September 21, 2012.

Tule Wind LLC. 2011. *Project-Specific Avian and Bat Protection Plan for the Tule Wind Project*. Portland, Oregon: Tule Wind LLC. September 30, 2011.

USFWS (U.S. Fish and Wildlife Service). 2011a. "Biological Opinion for the Tule Wind Project." Memorandum from USFWS (Carlsbad Fish and Wildlife Office) to Bureau of Land Management (Moreno Valley, California). FWS-SD-10B0136-11F0229. September 2, 2011.

USFWS. 2011b. "Tule Wind Project Avian and Bat Protection Plan." Memorandum from Alexandra Pitts (Deputy Regional Director), USFWS (Pacific Southwest Region) to Jim Kenna (California State Director), Bureau of Land Management. October 4, 2011.

The above mentioned NEPA documents and other related documents fully considered the overhead 138 kV gen-tie transmission line associated with the Proposed Action. Therefore no amendments to the above mentioned NEPA documentation or further environmental review is required to support the proposed changes.

D. NEPA Adequacy Criteria

1. Is the new proposed action a 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. The proposed overhead 138 kV transmission line is within the scope of the analysis for the Proposed Action in the Final EIR/EIS and would not result in impacts beyond the scope of those analyzed in the Final EIR/EIS.

Although a minor portion (1,100 foot segment) of the proposed overhead 138 kV transmission line deviates from the alignment identified in the Proposed Action, a review of the biological assessment for the Tule Wind project[5], which was based on the Proposed Action, concluded that no sensitive plant or wildlife species are located within the proposed 1,100-foot modification area. Archival documentation including the Class II and Class III Cultural Resources Inventory Report for the Tule Wind Project, San Diego County, California (ASM 2010, 2011) was reviewed to identify resources of potential concern. Based on existing project documentation detailing the original survey coverage and subsequent re-survey, no significant archaeological or built environment resources would be affected by the proposed modifications (ASM 2012, 2013). Therefore, the realignment is within the same analysis area, and is essentially similar to the alignment analyzed as the Proposed Action in the Final EIR/EIS. In addition, although approximately 1,100 feet of the 138kV transmission line varies slightly from that as approved, the geography and resource conditions are sufficiently similar to those that were analyzed as the Proposed Action in the Final EIR/EIS.

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 modification from an underground 138 kV transmission line to an overhead alignment is within the range of alternatives evaluated in the Final EIR/EIS. The proposed 1.75 mile (on public lands) overhead 138 kV gen-tie line consists of the same alignment evaluated within the Final EIR/EIS with the exception of a 1,100 foot segment that differs from the alignment considered in the Proposed Action within the Final EIR/EIS (see Figure 2). The 1,100 foot segment is within the biological and cultural resource survey extents considered in the Final EIR/EIS. The Proposed Action and two of the action alternatives (Gen-tie Route 2, and Gen-tie Route 3) evaluated in the Final EIR/EIS included an overhead 138 kV transmission alignment as described in Final EIR/EIS Section C.4.2, Tule Wind Project Alternatives (Final EIR/EIS Section C, Project Alternatives), and considered in the impact analysis in Sections D.2 through D.18 of the Final EIR/EIS as well as in Section F, Cumulative Scenario and Impacts. The BLM has determined that there is no additional information or issues that would require analysis of a new or different range of alternatives.

[5] See Section C of this document for reference to the report.

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 overhead 138 kV transmission line is within the area previously surveyed for environmental resources in support of the Tule Wind Final EIR/EIS (ASM 2012, 2013; HDR 2012). The associated surveys and studies identified the need to employ specific and general mitigation for project related impacts to potentially occurring resources on-site. Cultural and biological resource surveys were performed from 2005 through 2011. The BLM relied on these surveys, as well as other information, to develop the Final EIR/EIS, and associated ROD, which was signed in December 2011. The Final EIR/EIS and ROD included avoidance and minimization measures as well as compensatory mitigation to offset direct, indirect, and cumulative impacts on wildlife resources that would assure compliance with state and federal laws aimed at protecting these resources and have not changed as a result of planning, species listings, or the like.

As discussed above, the baseline conditions analyzed in the Final EIR/EIS did not include the newly constructed Sunrise Powerlink project, a 500 kV transmission line was constructed in the area north of Interstate-8 that extends adjacent to the Proposed Action 138 kV transmission gen-tie line. However, Section F, Cumulative Scenario and Impacts, of the EIR/EIS included the Sunrise Powerlink Project as a reasonably foreseeable future action, and described the cumulative condition considering the Sunrise Powerlink Project and the alternatives. The Sunrise Powerlink Project was constructed as described in Section F of the Final EIR/EIS.

Therefore, there is no new information or circumstances associated with the proposed modification to construct and operate an overhead 138 kV transmission line with the minor 1,100 foot re-alignment that would trigger the need for additional analyses beyond the analyses presented in the Final EIR/EIS.

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 constructing, operating, maintaining and decommissioning the overhead 138 kV gen-tie line is within the Tule Wind project site would be substantially the same to those analyzed in Section D and Section F of the Final EIR/EIS including the alternatives considered in the Final EIR/EIS. As stated in the Final EIR/EIS, construction of an overhead line would limit disturbance to areas of

excavation for transmission line poles and would be less invasive than open trenching. In the Final EIR/EIS (Section F, Cumulative Scenario and Impacts), it states that while undergrounding of some of the project components would reduce some of the visual impacts, the overall adverse cumulative impacts would remain. Further, any Tule Wind related project activities, including disturbance within the overhead transmission line alignment, 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 the project's ECCMP, BLM's ROD and approved plans and permits for specific types of related activities. Consequently, the direct, indirect and cumulative effects of changing the 138 kV transmission line from an underground to an overhead configuration with the minor 1,100 foot realignment would be within the scope of those analyzed and mitigated for in the Final EIR/EIS for the approved Tule Wind Project.

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 Tule Wind Project were extensive. Public scoping and frequent agency meetings were completed as described in the Final EIR/EIS, Section ES.4.1, Scoping, ES.4.2, Comments on the Draft EIR/EIS, and Section I, Public Participation. All public comments received on the Draft EIR/EIS were carefully analyzed and agency responses are included in the Final EIR/EIS (Volume 3 (Responses to Comments) and Volume 4 (Comment Letters) include all of the written comment letters received by the BLM and California Public Utilities Commission in response to the Notice of Availability and the responses to these comment letters).

Approximately 1,711 individual comments were received on the Draft EIR/EIS during the public review period. Specific comments regarding undergrounding were received from one federal agency, Environmental Protection Agency (EPA), one organization, the Fire Safe Council, and five from individuals. The EPA indicated they were pleased that the Preferred Alternative in the Draft EIR/EIS included undergrounding some of the transmission lines (which includes both the East County Substation project transmission line component and the Tule Wind component). The Fire Safe Council indicated that as much of the transmission line as possible be undergrounded. Generally, the individual comments indicate that undergrounding will help prevent fires, not destroy wildlife, and preserve the natural landscape.

Further, the U.S. Fish and Wildlife Service and the Advisory Council on Historic Preservation, provided their concurrence of the Proposed Action (overhead 138 kV transmission gen-tie) as analyzed in the Final EIR/EIS in the form of the Biological

Opinion, Avian and Bat Protection Plan (includes golden eagle), and Memorandum of Agreement. In addition, the local fire agencies, through acceptance of the Tule Wind FPP, provided their concurrence of the Proposed Action (overhead 138 kV transmission gen-tie). These documents considered the 138 kV transmission line as proposed by the project modification, as an overhead transmission line.

As described above, the proposed modification of the 138 kV transmission line from underground to overhead and 1,100 foot realignment is within a portion of the project site that was previously surveyed in support of the Tule Wind EIR/EIS. The change of the 138 kV from underground as approved in the Tule Wind ROD to an overhead configuration will not result in impacts beyond those previously analyzed as part of the Final EIR/EIS. Therefore, public involvement and interagency review of the proposed overhead 138 kV transmission line is adequate.

E. Persons/Agencies/BLM Staff Consulted

BLM California State Office

Sandra McGinnis, Planning and Environmental Coordinator
Elizabeth Meyer Shields, Planning and Environmental Coordinator
Dan Krekelberg, Realty Specialist

BLM Renewable Energy Coordination Office (RECO)

Greg Miller, Supervisory Projects Manager, RECO
R. Brian Paul, RECO Projects Manager
Kim Marsden, Natural Resource Specialist

BLM California Desert District Office

Greg Thomsen, Project Manager
Rolla Queen, Archaeologist
Lawrence LaPre, Biologist

BLM El Centro Field Office

Thomas F. Zale, Acting Field Manager
Carrie Simmons, Resources Branch Supervisor
Nicollee Gaddis, Planning and Environmental Coordinator
Christine McCollum, Archaeologist

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.

Nicollee Gaddis — 3/7/13

Signature of Project Lead — Date

for R. Brian Paul, RECO Project Manager

Nicollee Gaddis — 3/7/13

Signature of NEPA Coordinator — Date

Nicollee Gaddis, Planning and Environmental Coordinator

Thomas F. Zale — 3/7/2013

Signature of Responsible Official: — Date

Thomas F. Zale, Acting Field Manager

United States Department of the Interior
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CA-670-13-033/ DOI-BLM-CA-D070-2012-0100-DNA/ CACA-049698/(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: Tule Wind 138kv Tie-Line Segment Amendment Request (001), Imperial County, California

The Bureau of Land Management (BLM) El Centro Field Office has received an Amendment Request (001) from Tule Wind, LLC to an amend the Record of Decision to select and approve the 138kV overhead configuration as identified in the "Proposed Action" of the *Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) East County Substation, Tule Wind, and Energia Sierra Juarez Gen-Tie Projects* (Tule Wind Project). The Request includes a minor modification to the overhead alignment to facilitate an interconnection to the Tule Wind project collector substation, and amend to the right-of-way (ROW) grant to authorize construction of the overhead 138 kV gen-tie line.

Identification and evaluation efforts for the Project are described in the BLM Class II and Class III reports titled *Class II and Class III Cultural Resources Inventory Report for the Tule Wind Project, McCain Valley, San Diego County, California* and *Addendum Class III Cultural Resources Inventory Report for the Tule Wind Project, McCain Valley, San Diego County, California* submitted to HDR Engineering, Inc. and the Bureau of Land Management (Hale and Quach 2011). The area covered by the Amendment Request is within the Tule Wind Project Area of Potential Effects (APE) and had been surveyed by ASM Affiliates with seven archaeological resources and one historical built environment resource identified within the 138kv tie-line segment alignment. This is documented in their confidential letter report to Ms. Carrie Simmons dated January 23, 2013. In connection with its review of previously recorded sites, ASM has made recommendations with respect to the actual boundaries of those sites and/or the impact of the proposed modifications on resources there. The BLM concurs with ASM's recommendations.

In regards to this Request, ASM makes the following recommendations:

> "In summary, undergrounding of the proposed 138kV line would cause unknown impacts to six archaeological sites and damage to original portions of Historic Highway 80.

> Overhead construction in the same alignment would avoid directly impacting seven cultural resources… Due to unknown impacts by underground trenching at six unevaluated archaeological resources and the NRHP/CRHR-eligible Historic Highway 80, the overhead transmission alignment is recommended for this Project."

Pursuant to the Project's Memorandum of Agreement (MOA)[1], fully executed on November 16, 2011, the BLM's professional cultural resources staff has reviewed this proposed Amendment Request. The BLM concurs with the contractor's recommendations and based on their letter report dated January 23, 2013, the MOA (Appendix F), and the BLM Record of Decision (ROD) for this Project, the following actions remain applicable to this Amendment Request:

- **MM CUL 1A: Develop and Implement a Historic Properties Treatment Plan/Cultural Resources Management Plan**
- **MM CUL 1B: Avoid and Protect Significant Resources**
- **MM CUL 1C: Provide Training for Contractors**
- **MM CUL 1D: Provide for Construction Monitoring, including Environmentally Sensitive Areas (ESAs)**
- **MM CUL 1E: Properly Treat Discoveries of Unknown Resources**
- **MM CUL 2: Avoid Human Remains**
- **Tule Wind, LLC will also continue to comply with all other relevant cultural resources mitigation measures as outlined in the MOA and the ROD as appropriate.**

All archaeological sites and all potentially culturally sensitive areas that are within 100 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.

Prior Section 106 review and consultation for the MOA for the Project provide that the required conditions and mitigation measures listed above are adequate to identify and protect historic properties on public lands that might be affected by Amendment Request 001. Therefore, the BLM staff archaeologist has recommended that there would be no adverse effect on historic properties if the above measures are implemented.

The BLM makes the following findings for this undertaking.

1. **The activities covered by the Amendment Request will take place within the originally defined APE for the Tule Wind Project.**

2. **The BLM finds that there will be *no additional adverse effects to historic properties* with the approval of the overhead alignment of the 138kv including the minor modification provided the above mitigation measures are implemented as required by the MOA and the ROD.**

[1] Memorandum Of Agreement Among The Bureau Of Land Management-California, The Department Of Energy, The Bureau Of Indian Affairs, The United States Army Corps Of Engineers, The Ewiiaapaayp Band Of Kumeyaay Indians, Tule Wind, LLC, The California State Historic Preservation Officer, And The Advisory Council On Historic Preservation Regarding the Tule Wind Energy Project San Diego County, California (November 16, 2011).

3. **Accordingly, the Amendment Request is covered by the prior consultations for the Project. No additional consultation is required pursuant to the NHPA.**

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 this amendment request.

Recommended by:

Christine McCollum — 2-26-13

Archaeologist, El Centro Field Office — Date

Reviewed by:

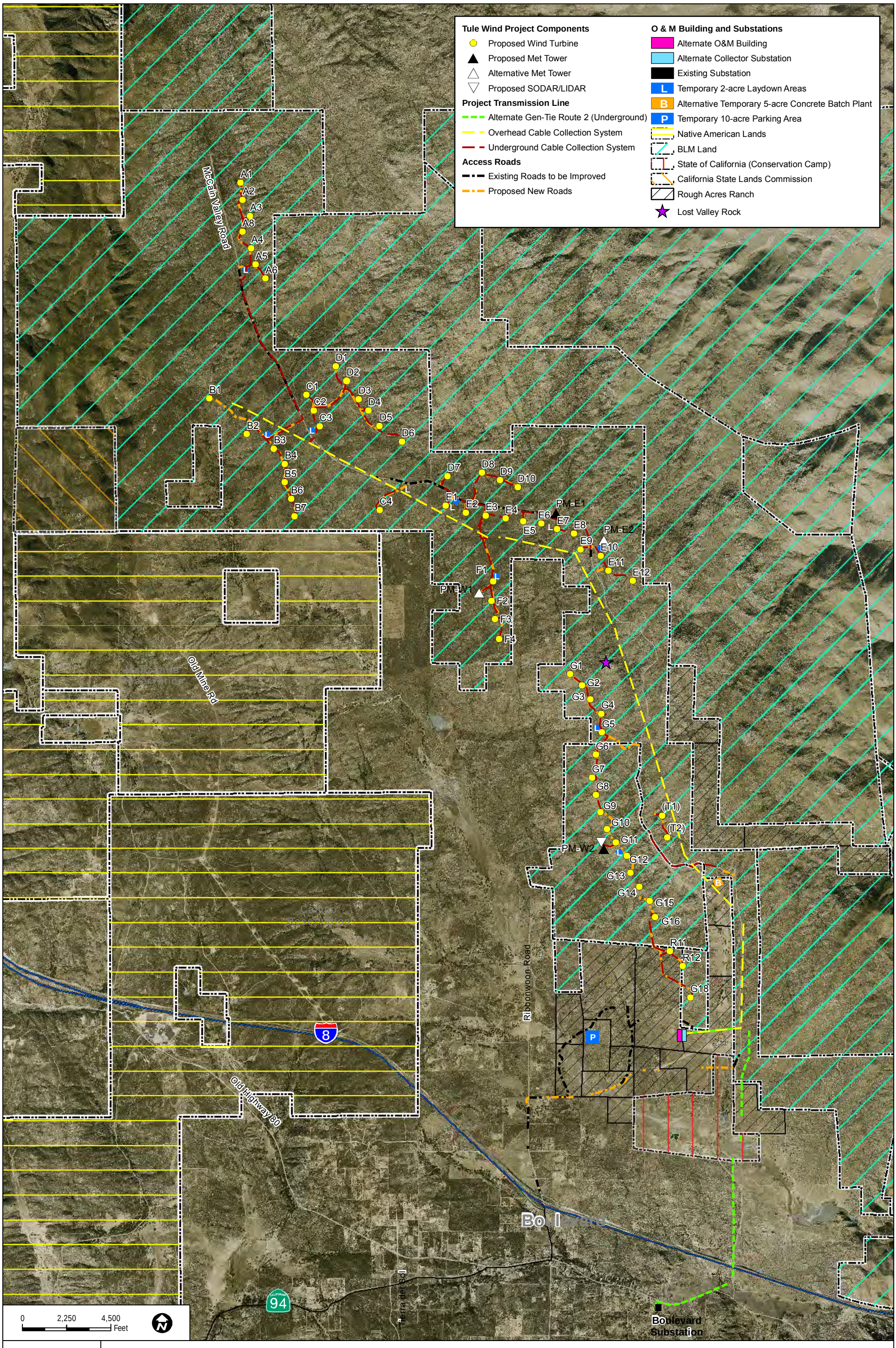
Carrie Simmons — 2-26-13

Reviewing Archaeologist, El Centro Field Office — Date

Acceptance by the Agency Official:

[signature] — 2/28/2013

Field Manager, El Centro Field Office — Date



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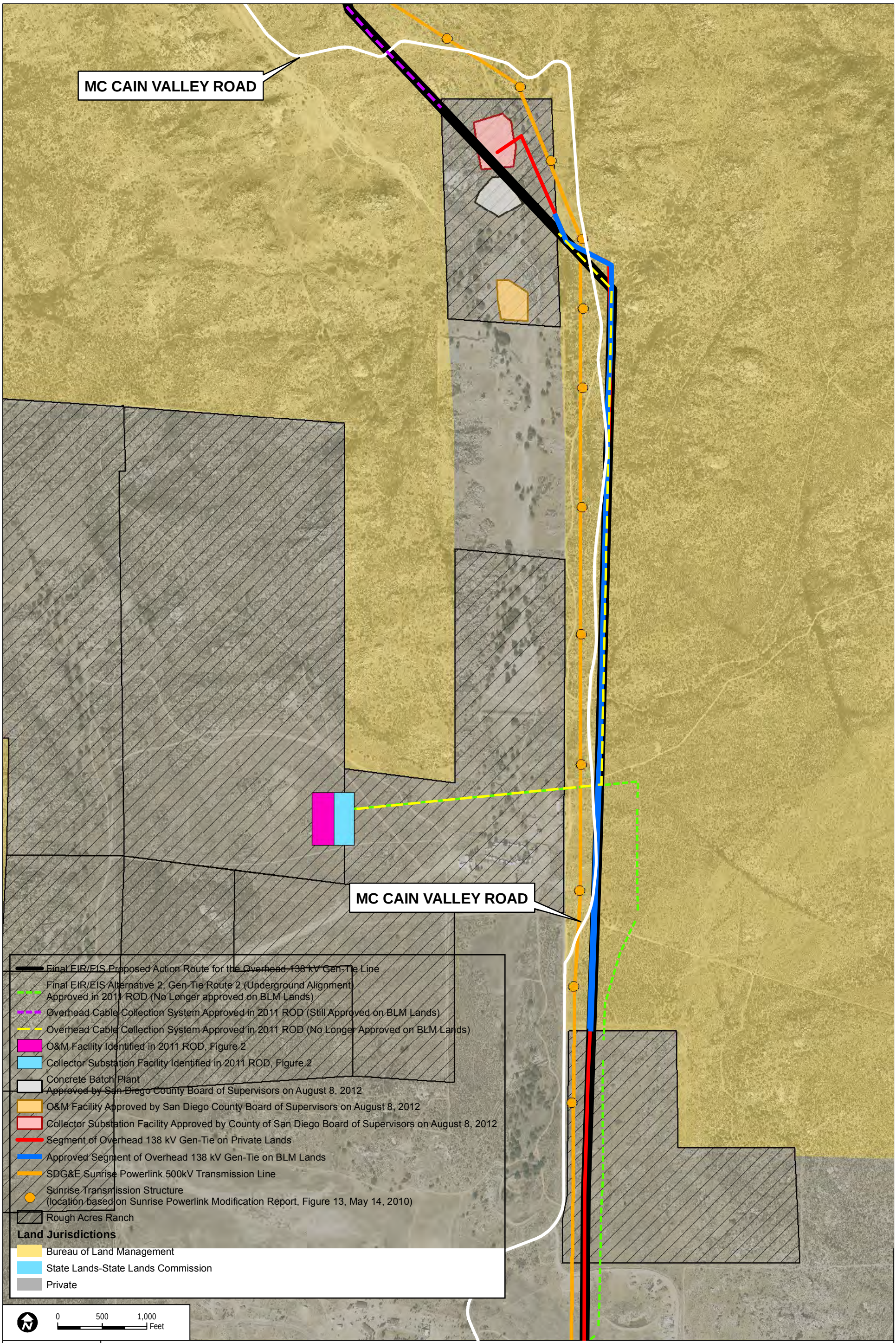
SOURCE: HDR 2010; Iberdrola Renewables 2011; SanGIS 2011; DigitalGlobe 2008

FIGURE 1

Record of Decision - Selected Alternative

6168-01

Tule Wind Project



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6168-01

SOURCE: HDR 2010; Iberdrola Renewables 2011; SanGIS 2011; DigitalGlobe 2008

FIGURE 2

Modified Tule Wind 138 kV Overhead Transmission Gen-Tie Line