



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1623
Sacramento, CA 95825
www.blm.gov/california



March 21, 2022

IN REPLY REFER TO:
1278 (CA946)
FOIA No. DOI-BLM-2022-002233

VIA EMAIL ONLY

James J. Harvey
Homestead Valley Community Council

Dear Mr. Harvey:

The Bureau of Land Management (BLM) California FOIA program received the Freedom of Information Act (FOIA) request you submitted via FOIAonline on February 17, 2022. Your request was assigned control number **DOI-BLM-2022-002233**. Please cite this number in any future communications with our office regarding your request. We are writing today to respond to your request.

You state:

... We are formally making this FOIA request for the application, filed by EDF Renewables or any affiliate thereof, to seek authority to install meteorological test towers and access roads within the Johnson Valley Development Focus Area as designated in the DRECP. We are also formally requesting the BLM response documents related to the approval of the application, and any other documents related to this BLM authorization with maps and/or GPS data or other data indicating the proposed location of the meteorological test towers and access roads, either general or specific.

In a March 2, 2022, email, you provide additional information regarding your request for “maps and/or GPS data.” We appreciate the clarification.

Enclosed are EDF Renewable’s application, BLM’s Right-of-Way Offer, and the Right-of-Way grant. Exhibit A to the Right-of-Way grant is a map depicting the requested location information. All records, totaling 15 pages, are released in full.

You have agreed to pay up to \$30.00 for the processing of your request. We have classified you as an “other-use” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. *See 43 C.F.R. § 2.39*. If, after taking into consideration your fee category entitlements, our processing costs are

less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g).*

No billable fees accrued in processing this response; therefore, there is no charge.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See 5 U.S.C. § 552(c).* This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact California State Office FOIA Coordinator Kathleen Christian by phone at 916-978-4409; by fax at 916-978-4416; by email at BLM_CA_FOIA@blm.gov; or by mail to FOIA Coordinator (CA946), Bureau of Land Management, 2800 Cottage Way Suite W-1623, Sacramento, CA 95825. Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

FEDERICA
LEE

Digitally signed by
FEDERICA LEE
Date: 2022.03.21 15:49:21
-07'00'

Federica Lee
Deputy State Director, Support Services

Enclosures - 5 electronic files, attached to the email transmission of this letter

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTYFORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant
Brian Sarantos on behalf of
EDF-Renewables
15445 Innovation Dr.
San Diego, CA 92128

2. Name and address of authorized agent if different from item 1
Rick Miller on behalf of
EDF Renewables
15445 Innovation Dr.
San Diego, CA 92128
Rick.Miller@edf-re.com
925-681-8177

3. Applicant telephone number and email:
925-768-3474
Brian.Sarantos@edf-re.com

Authorized agent telephone number and email:

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☒ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renewing existing authorization number
c. ☐ Amend existing authorization number
d. ☐ Assign existing authorization number
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of use or occupancy, (e.g., canal, pipeline, road, telecommunications); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction (Attach additional sheets, if additional space is needed.)

A. This application is for Johnson Valley Wind, a new Project Area Grant for Testing and Monitoring, for a defined project area for a term of 3 years that may be renewed, for four 80-meter-tall MET towers and four access roads.

B. These new MET towers and access roads will be constructed and installed as per the attached maps, crossing BLM Lands in Section 02 T03N-R03E & Section 05 T03N-R04E & Section 22 T04N-R03E & Section 30 T04N-R04E, in San Bernardino County California.

C. The access right-of-way is 30-feet wide, and will cross BLM Lands for a total of 1,933 feet. The MET towers will be 80-meters in height, 10-inches in diameter at the base, and the outer guy wires would form a 164-foot radius around the central tower pole, on BLM lands.

D. 3 years.

E. ROW will be used daily during construction and then only periodically for maintenance.

F. Each MET tower installation will take approximately two to three days to construct.

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☒ Not Required10. Nonrefundable application fee: ☐ Attached ☐ Not required ☒ To be determined by agency11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

EDF Renewables is one of the largest renewable developers, owner and operator in the world. The company engages in the development, operations and maintenance, and asset management of wind, solar, biomass, and biogas projects in the United States, Canada, and Mexico. It also offers a range of services, such as operations, management, procurement, routine and emergency maintenance, retrofits, and upgrades for various phases of renewable energy projects. The parent company was founded in 1985 and is based in San Diego, California. It has locations in Tracy, California; Portland, Oregon; Houston, Texas; Montréal, Canada; Mexico City, México; and Atacama Desert, Chile.

13a. Describe other alternative locations considered.

The proposed wind testing locations were selected based on the best areas to determine wind feasibility. The proposed access road corridors attempt to follow existing disturbance where feasible. No additional alternatives have been identified at this time.

b. Why were these alternatives not selected?

N/A

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The proposed wind testing MET tower sites and access roads are located on BLM surface.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name*)

EDF is in the process of filing other site testing applications with BLM in other field offices and states.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

Need for the proposed project is to obtain meteorological information necessary for assessment and characterization of the wind energy resources at the proposed project area to determine feasibility of a future wind energy project.

C. Renewable energy.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

The proposed project is located in a remote and rural area approximately 0.6 mile south of the unincorporated town of Johnson Valley, California, and therefore would not impact populated communities.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

An environmental analysis will be prepared to describe the likely effects of the project. No significant impacts are anticipated to occur based upon the careful consideration in routing, the short-term nature of the construction phase, and the ability to avoid sensitive areas by micrositing project infrastructure.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

A biological survey will be conducted. Most effects to biological resources would be short term in nature. EDF intends to commit to measures that will minimize or completely avoid any impacts to threatened and/or endangered species.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

No hazardous material, as defined above, will be used, produced, transported or stored in the ROW or facilities during the construction, operation, maintenance or termination of the grant.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

BLM, Barstow Field Office, California

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Brian Sarantos



Digitally signed by Brian Sarantos
Date: 2021.05.03 18:28:55 -07'00'

Date

May 3 2021

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Barstow Field Office

2601 Barstow Road

Barstow, CA 92311

www.blm.gov/office/barstow-field-office

January 3, 2022

In Reply Refer To:

2800(P)

CACA 059299

LLCAD08000.84

DECISION

EDF Renewables	:	
15445 Innovation Dr.	:	Right-of-Way Offer
San Diego, CA 92128-3432	:	Serial No. CACA 059299
	:	

Enclosed are two copies of an unsigned right-of-way (ROW) grant (BLM Form 2800-14) for four (4) metrological evaluation towers (METs) and associated access roads, serial number CACA 059299. Please review the document and if it meets with your approval sign and date both copies and return to the address shown above. Upon our receipt of the signed documents and the fees discussed below, we will issue the ROW grant, absent any other unresolved issues.

Monitoring Fee

You must pay a fee to the Bureau of Land Management (BLM) for the costs we will incur in monitoring the construction, operation and decommissioning of your authorized use. These fees are categorized according to the number of work hours necessary to monitor your ROW and are not refundable. We anticipate your use will require a Monitoring Category IV, which involves a fee of **\$1,296.00**. This fee must be paid prior to issuance of the grant.

Bond

The holder shall be liable for all costs to the BLM up to and including removing any improvements and for remediating and restoring the right-of-way area to pre-authorization conditions or as otherwise directed and approved by the BLM authorized officer. Current policy requires a performance and reclamation bond for all new right-of-way grants on the public lands which are not specifically exempted.

Per CFR § 2805.20 (d) the bonding for the ROW is \$2,000 per MET. The total bond for this ROW is \$8,000.

Rent

Rent for use of public lands must be paid in advance of such use and prior to issuance of the ROW grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index. You may obtain a copy of the rent schedule from this office.

You have the option of paying the rent annually or for the entire term of your ROW grant. Provided you remit payment within 30-days of receipt of this offer, your rent is estimated to be:

\$333.32 for the period from March 1, 2022 to December 31, 2022
\$1,133.32 for the period from March 1, 2022 to December 31, 2024

	Annual Option	Term Option
Monitoring Fee	\$1,296.00	\$1,296.00
Bonding	\$8,000.00	\$8,000.00
March 1 2022 – Dec 31, 2022	\$333.32	
March 1 2022 – Dec 31, 2024		\$1,133.32
Total	\$9,629.32	\$10,429.32

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 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 decision. The appellant has the burden 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.

Please return BOTH signed copies of the grant, along with Monitoring fee, rent payment payable to *DOI – Bureau of Land Management*, as discussed above within 30-days of receipt of this letter. If these requirements are not met, your application may be denied.

Please be aware that you may not conduct any activities related to your right-of-way project on public land until you have received an authorized lease or right-of-way from this office. If you have any questions, please contact Amy Schow, Realty Specialist, 760-252-6084.

Sincerely,

Jeffery K. Childers
Acting Field Manager

Enclosures:
Two Unsigned Right-of-Way Grants, CACA 059299
ROW Monitoring Fee Category Determination
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Barstow Field Office

Serial Number
CACA 059299

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder EDF Renewables receives a right to construct, operate, maintain, and terminate a wind testing site on public lands (or Federal land for MLA Rights-of-Way) described as follows:

T. 3 N., R. 3 E., SBM, California
Sec. 2: Lot 35 & 36.
T. 3 N., R. 4 E., SBM, California
Sec. 5: NW1/4SE1/4.
T. 4 N., R. 3 E., SBM, California
Sec. 22: SE1/4SE1/4.
T. 4 N., R. 4 E., SBM, California
Sec. 30: Lot 1.

- b. The right-of-way or permit area granted herein is n/a feet wide, n/a feet long and contains 8.39 acres, more or less. If a site type facility, the facility contains 8.39 acres.

- c. This instrument shall terminate on December 31, 2024, less than 3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated 10/29/2021, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Rick Miller

Digitally signed by Rick Miller
Date: 2022.02.11 17:28:49 -08'00'

(Signature of Holder)

JEFFERY CHILDERS

Digitally signed by JEFFERY CHILDERS
Date: 2022.02.11 15:06:28 -08'00'

(Signature of Authorized Officer)

Senior Director Development

(Title)

Acting Field Manager

(Title)

02/11/2022

(Date)

02/11/2022

(Effective Date of Grant)

Exhibit B

Wind Testing Stipulation

10/29/2021

1. The Holder shall perform all operations in a good and workman like manner so as to ensure protection of the environment and the health and safety of the public. During MET tower installation the route taken to base plate, anchor points, and fencing area will be raked to eliminate all tracks leading to these locations and to point of entry.
2. According to the Wind Energy Development Policy (2009-043), a surety bond or cash bond will be required for site testing and monitoring authorizations to ensure compliance with the terms and conditions of the authorization. A surety bond or cash bond will be required for site testing and monitoring authorizations to ensure compliance with the terms and conditions of the authorization. For a cash bond the monies will be deposited in a suspense account and will be refunded to the principal at the time the bond is no longer required, which is when the Met Tower associated with the bond is removed and the site is inspected by the BLM. The cash bond provides no interest to the bonded principal. A minimum bond in the amount of \$2,000 per meteorological tower ("MET Tower") will be required for all authorizations. The ROW grant authorizes a total of four (4) MET Towers, requiring a bond or cash security in the amount of \$2,000.00 per standing MET Tower within thirty (30) days after installation.
3. All contractors shall follow the prescribed route to enter and leave the project location.
4. All contractors shall define and respect work area limits and lay down areas.
5. All contractors shall preserve existing vegetation. All work performed as the result of project activities shall try to avoid all vegetation within the project area.
6. A biological monitor shall be present during all installation activities.
7. Handling of desert tortoise is not authorized. If a desert tortoise wanders on site, no work shall take place within 100-feet of the animal. The applicant must discontinue work until the tortoise wanders off site of its own accord.
8. Prior to moving any vehicle, an inspection shall be made to ensure that no desert tortoise is present. If a tortoise is discovered, movement of the vehicle shall be suspended until the tortoise move from under the vehicle of its own accord.
9. All desert tortoise burrows shall be avoided.
10. All creosote rings greater than 5 meters in diameter shall be avoided.
11. Precautions shall be taken to avoid damage to vegetation by people or equipment.
12. Upon completion of the data collection efforts, the MET Tower devices and all recoverable components shall be removed from each monitoring station locations. Any components deemed to be unrecoverable shall be disposed of in approved landfills.
13. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer. Appropriate Department of Transportation (DOT) approved safety signs may be posted to warn the general public or emergency personnel.
14. All trash and food items shall be promptly contained within closed, raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators. No dogs or firearms are allowed on site.

15. Access to the site must remain the same egress/ingress via the route as outlined in map.
16. The holder must amend the ROW grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
17. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on their behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation discovery will be made by the Authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the Authorized Officer will make any decision as to proper mitigation measures after consulting with the holder.

If during excavation any subsurface artifacts are discovered, all work shall stop within 100 feet of the area and BLM Barstow Field Office Archaeologist shall be notified immediately at (760)252-2600. Work shall not proceed in the area until the BLM issues a Notice to Proceed (NTP)

18. Protocol for Discovery of Human Remains in California

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.

Upon discovery of human remains, all work within a minimum of 200 feet of the remains must cease immediately, nothing disturbed, and the area is to be secured. The County Coroner's Office of the county where the remains were located must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner or the site shall also be called and informed of the discovery. If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around the remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene. Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. In addition, all vehicles and equipment used in the commission of the crime may be forfeited. The Coroner will determine if the bones are historic/archaeological or a modern legal case.

Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

Archaeological Remains

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

Remains discovered on federally owned/managed lands

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 *Inadvertent discoveries*, must be followed.

Remains discovered on non-Federally owned/managed lands

After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact by telephone within 24 hours, the California Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

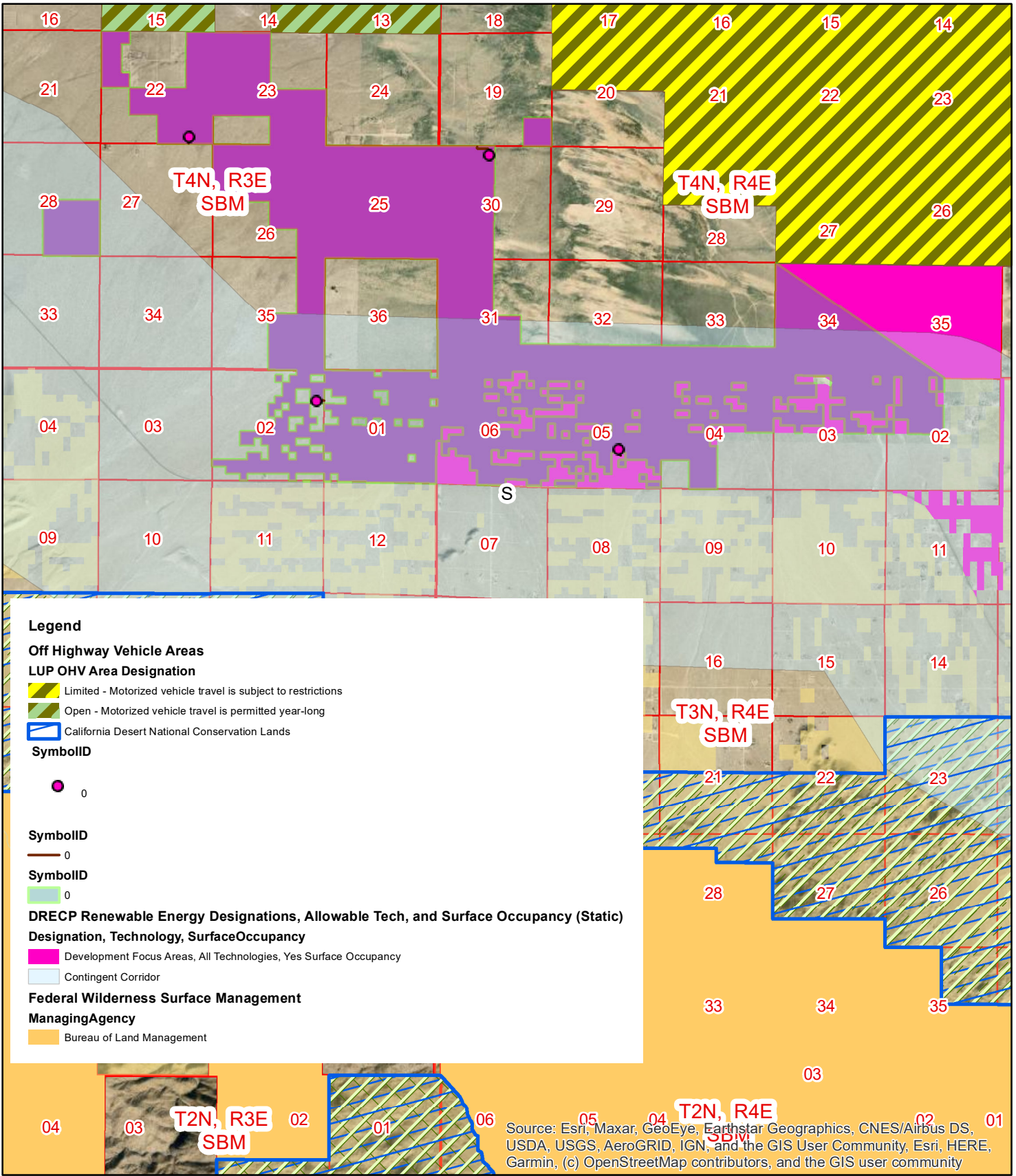
Resumption of activity. The activity that resulted in the discovery of human remains may resume at any time that a written, binding agreement is executed between the BLM, lineal descendants, and/or the federally recognized affiliated Indian Tribe(s) that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following 43 CFR §10.3 (b)(1) of these regulations. The disposition of all human remains and NAGPRA items shall be carried out following 43 CFR §10.6.

19. The holder shall construct, operate, and maintain the facilities, improvements, and structure within this right-of-way in a strict conformity with the maps(s) which were approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved map(s) shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulation and approved map(s) shall be made available on the right-of-way area during construction, operation, and termination to the Authorized Officer. Non-compliance with the above will be ground for immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
20. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment

creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction equipment.

21. The United States will not be held liable for any damage to facilities caused by the general public or as result of fire, wind, or other natural disasters or as a result of communications practices, or other actions stemming from the normal land management activities of the Bureau of Land Management.
22. The holder shall hold harmless the United States against any liability for damages to life, person, or property arising from the use or maintenance of this right-of-way.
23. Ninety (90) days prior to termination or relinquishment of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
24. Ninety (90) days prior to termination or relinquishment of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
25. The holder must secure written permission or rights across private lands with the property owners.
26. All activities must comply with Federal, State, County and other laws, regulations and ordinances which are applicable to the premises
27. In the event that the public lands underlying right-of-way (ROW) encompassed in the grant or portion thereof, is conveyed out of Federal ownership and administration of the ROW, or the land underlying the ROW is not being reserved to the United States in the parent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, portion thereof within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2800], including any rights to have the holder apply to BLM amendments, modifications, or assignments and for the BLM to approve or recognize such amendments, modifications, or assignments. At the time of the conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between patentee/ grantee and the ROW holder.

Johnson Valley Met Towers



Johnson Valley Wind Testing
CACA 059299
EDF Renewables
Development Focused Area
10/29/2021

