



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

El Centro Field Office  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243  
(760) 337-4400

August 16, 2013

In Reply Refer To:

CACA-051204/DOI-BLM-CA-D070-2010-0027-EIS

### **CERTIFIED MAIL- RETURN RECEIPT REQUESTED**

Don Houston  
Environmental Project Manager  
San Diego Gas & Electric Company  
1010 Tavern Road  
Alpine, CA 91901

Dear Mr. Houston,

On August 9, 2013, the Bureau of Land Management (BLM) issued a Notice to Proceed (NTP#2) to San Diego Gas & Electric (SDG&E) for construction activities authorized for the East County Substation project under linear right-of-way grant CACA-51204. The NTP#2 issuance letter requires that SDG&E implement all the terms and conditions of the grant, including those set forth in Exhibit 2.

The BLM has reviewed the updated Noxious Weeds and Invasive Species Control Plan (Noxious Weeds Plan) submitted on July 26, 2013. This letter serves as notification that the BLM approves the updated Noxious Weeds Plan.

Attached is a copy of the amended Exhibit 2 that acknowledges the required Noxious Weeds Plan has been approved and shall be followed during construction (See Adopted Mitigation Measure BIO3a). In addition, the third stipulation of Exhibit 2 has been amended to reference conformance with the approved Plan of Development (Dated August 2013) versus the NTP#2 request.

The Grant Holder shall implement all terms and conditions of the grant CACA-051204, as amended. Any questions should be directed to Brian Paul, BLM Project Manager at (760) 337-4445.

Sincerely,

Thomas F. Zale  
Field Manager

Enclosure: Exhibit 2, Amended

Cc:

R. Brian Paul, Renewable Energy Coordination Office (RECO), El Centro, CA

Greg Miller, RECO California Desert District, Moreno Valley, CA

---

## Exhibit 2 – Terms and Conditions

### East County Substation Project CACA-51204

- The Holder shall complete all activities within the approved work limits identified in the right-of-way grant and location identified in Exhibit 1.
- The Holder shall comply with all stipulations contained in the Right-of-Way Grant dated December 19, 2012. Non-compliance with the stipulations by the Holder or any of its agents may at the option of the Authorized Officer result in cancellation or suspension of the Right-of-Way Grant or adverse action against the Holder.
- The Holder shall construct, operate, maintain and decommission the transmission facilities within this right-of-way in strict conformity with the approved Plan of Development (POD) dated August 2013.
- The Holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the Right-of-Way Grant.
- BLM reserves the right to approve post construction restoration activities, if applicable, to ensure compliance with the terms of this NTP and the ROW.
- The BLM retains the right to occupy and use the right-of-way and to issue or grant rights-of-way or other land uses over, upon, under and through the lands within the work limits, and will not unreasonably interfere with the authorized activities, or rights granted herein or by the Right-of-Way Grant.
- The Holder shall confine all activities within the area specifically defined in the Right-of-Way Grant.
- The Holder or its agents shall define and respect work area limits.
- The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
- In the event that the public land underlying the right-of-way encompassed in the grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way

or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way 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, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of 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, or 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 right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way Holder.

- The Holder, contractor or anyone conducting activities authorized under the grant must have a copy of the grant/terms and conditions on site at the time the activity is being conducted pursuant to the authorization.
- The Holder, and its contractors are liable for damages related to its activities and is responsible for incidents on its construction sites, including but not limited to, hazmat, vandalism, and accidents with recreational visitors.
- The Holder will obtain any applicable state/local permits pertaining to any activity, prior to initiating that activity
- All crew personnel shall be appropriately trained on environmental issues, including requirements of the NTP, prior to starting work. A log shall be maintained on-site with the names of all crew personnel trained and submitted to the BLM on a weekly basis.
- In accordance with MM-BIO-1a, SDG&E shall provide funding for law enforcement via a cost recovery account during construction and separate funding is required for long-term management during operations will be determined as part of the long-term management plan as required in MM-CUL-1b.
- In accordance with MM-NOI-1 and MM-HAZ-4b, no blasting is permitted prior to a blasting plan being approved by BLM.
- The project proponent shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for sensitive species and for coordination on compliance with the BLM. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the stipulations. The FCR shall have a copy of all relevant stipulations when work is being conducted on the site. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the project proponent, or a contracted biologist. The FCR shall have knowledge of all the sensitive species that may be found within the project area. The FCR shall also be approved by BLM.
- Only biologists approved by the BLM shall serve as biological monitors. The project proponent shall submit the name(s) and resumes of proposed biologist(s) to the BLM for review and

approval at least 15 days prior to the onset of activities. No activities shall begin until a biologist is approved.

- As required in MM-BIO-3a, to prevent the introduction of new invasive weedy plant species into the project area, Holder shall implement the BLM approved Noxious Weeds and Invasive Species Control Plan.