



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243-4561
<http://www.blm.gov/ca/st/en/fo/elcentro.html>

In Reply Refer To:

CACA-051552-01(P)
2800
CAD07000

December 9, 2011

Ms. Natalie McCue
Ocotillo Express, LLC
1600 Smith Street, Suite 4025
Houston, TX 77002-7357

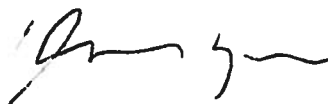
Dear Ms. McCue:

On December 7, 2011, your Right-of-Way grants (Grant), serial number CACA-051552-01, was authorized by the BLM for a term that expires one (1) year from the date of authorization. Enclosed please find one of the two original, fully executed Grants authorizing the use of public lands for a geotechnical investigation. The other original will be retained in the Bureau of Land Management (BLM) case file for this right-of-way. There will be no notice to proceed. You may begin construction upon receipt of the signed and executed right-of-way grant.

Please keep a copy of your Grant on-hand and available at all times when performing any activities authorized under your Grant.

The BLM received your prorated rental payment of \$162.96 for the term of the grant and the processing and monitoring fees will be charged against the current reimbursable account set up for CACA-051552.

If you have any questions regarding your right-of-way grant or the fees connected with it, please contact Janet Eubanks, Realty Specialist at 951-697-5376 or via email at jeubanks@blm.gov.


for Margaret L. Goodro
Field Manager

Enclosure:
Right-of-Way Grant, CACA-051552-01

cc: Gregory Miller, California Desert District



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Visit us on the Internet at

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December 7, 2011

In Reply Refer To:
CACA-051552-01(P)
2800(P)
CAD07000.12

VIA EMAIL
RETURN RECEIPT REQUESTED

DECISION

Ocotillo Express
1660 Smith St., Suite 4025
Houston, TX 77002

:
: CACA-051552-01
: Right-of-Way Grant
: FLPMA
:

Right-of-Way Grant CACA-051552-01 Amendment Offered/Authorized

Enclosed are two unexecuted originals of your short-term right-of-way (ROW) grants, serial number CACA-051552-01, which allows the use of public land for geotechnical soil testing for your larger project wind energy ROW CACA-051552. Due to time constraints, please print two copies of Form 2800-14, RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT and sign both, date and return both copies to the El Centro Field Office at the address above. Upon receipt, the BLM will execute both original right-of-way grants and return one original for your records.

Processing Fee Category Determined

In accordance with Federal regulations contained in 43 CFR § 2804.14, BLM is required to be reimbursed for costs incurred in processing a right-of-way application. We understand the processing fees for this right-of-way will be deducted from the 5101 account set up for the wind energy project serialized as CACA-051552.

Other Fees

Monitoring fees will be based on the estimated number of hours required to monitor your activities allowed under the right-of-way grant. We estimate approximately 2 visits to the site, approximately 20 hours, for this project and at your request, the BLM will charge to the existing reimbursable account for the larger project.

You will also be charged rent for the use of public land based on 1) the acreage involved, and 2) the zone in which the grant is located. For Imperial County, California, the rental zone is 7. Zone 7 rental for the 2012 calendar year is \$162.96 per acre. The acreage involved with the testing is approximately one (1) acre. Rental will be required prior to the authorization of a ROW Grant.

Fees Due

At this time your total due is **\$162.96 for rental**. The monitoring and processing fees will be charged against the existing account with BLM for CACA-051552.

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.

If you have any questions, please contact Janet Eubanks, Realty Specialist at 951-697-5376.



for Margaret L. Goodro
Field Manager

Enclosures:

Right-of-Way Grant CACA-50916
BLM Form 1842-1