



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
www.blm.gov/office/palm-springs-south-coast-field-office

1/23/2023

In Reply Refer To:
2800 (P)
CACA 049397

**SENT USPS CERTIFIED MAIL No. # 7018-3090-0002-1115-2439
RETURN RECEIPT REQUESTED**

DECISION

Principal	:	Serial Number: CACA 049397
Desert Quartzite, LLC	:	Surety Bond Number: K40525543
Attn: Devon Muto	:	Bond Amount: \$27,699,000.00
15445 Innovation Drive	:	Bond File Number: CAB000679
San Diego, CA 92128	:	Bond Executed: Jan 04, 2023
	:	
Surety	:	
Federal Insurance Company	:	
202b Hall's Mill Road	:	Released Surety Bond No. K15386484
Whitehouse Station, NJ 08889	:	Released Bond File Number: CAB000653
	:	Released Bond Amount: \$1,975,450.00
	:	Execution Date: March 16, 2022

Surety Bond Accepted
Surety Bond Released
Notice to Proceed Issued

On March 21, 2022, the Bureau of Land Management (BLM) accepted a fully executed Surety Bond number K15386484 in the amount of \$1,975,450.00 for preconstruction work, which consisted of the construction of access roads, perimeter fencing, laydown yard and groundwater well, associated with Phase I of the Desert Quartzite Solar Project, serialized as BLM right-of-way (ROW) grant CACA 049397.

On July 7, 2022, the BLM determined that Surety Bond K15386484 was not sufficient to cover the Notice to Proceed (NTP) request for phase 1 and phase 2 received on June 15, 2022, and requested a bond in the amount of \$48,064,136.99.

On November 18, 2022, the BLM received a new Notice to Proceed (NTP) request for phase 1 and 2 as defined in the updated Plan of Development (POD) dated October 27, 2022.

On December 8, 2022, the BLM issued a Corrected Decision effectively changing the bond amount to \$27,699,000.00. The Decision was based on the new Notice to Proceed request and the updated POD.

On January 12, 2023, the BLM received a fully executed Surety Bond in the determined amount of \$27,699,000.00 for ROW grant CACA 049397. The Bond has been examined and found satisfactory; therefore, the BLM hereby accepts Surety Bond K40525543 and releases Surety Bond number K15386484.

The purpose of this bond is to cover any potential noncompliance, decommissioning, or reclamation associated with construction, operation, maintenance, or termination of the Desert Quartzite Solar Project. You may ask BLM to accept a replacement performance and reclamation bond at any time after the approval of the initial bond. The Authorized Officer will review the replacement bond for adequacy. A bond is not released from obligations that accrued while the bond was in effect unless the replacement bond covers those obligations to the Authorized Officer's satisfaction. In accordance with 43 Code of Federal Regulations (CFR) §2805.20, should this bond become unsatisfactory to the Authorized Officer, the Holder shall, within 30 days of demand, furnish a new bond.

Notice to Proceed Issued

Enclosed, you will find a NTP (BLM Form 2800-15), which authorizes Desert Quartzite, LLC to proceed with construction associated with Phase I and Phase 2 of the Desert Quartzite Solar Project. The requested activities are consistent with the Plan of Development (POD) dated October 2022, and the authorized right-of-way grant amendment issued by the BLM on March 21, 2022.

Desert Quartzite, LLC and its contractors must comply with the terms and conditions of BLM ROW grant CACA 049397, as amended. All activities must have full monitoring and shall be conducted in compliance with the ROW grant, terms, conditions, stipulations, mitigations measures, Conservation Management Actions, POD and the Decision Record. In addition, activities must be in accordance with applicable Federal, State, and local regulations and authorizations, including but not limited to, Riverside County and the California Department of Fish and Wildlife (CDFW).

A BLM approved Third-Party Environmental Monitor must be in place during all phases of construction. Full-time approved biological, archaeological, and paleontological monitors must be present during the above approved activities as specified in the respective resource plans.

Proponent must provide a secure location on site (locked room or cabinet in trailer, etc) for short-term storage of cultural resources prior to collection of any Cultural Resources after signing of this NTP.

How to Appeal this Decision

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and enclosed Form 1842-1. If an appeal is taken, notice of appeal must be filed in the Palm Springs-South Coast Field 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 pursuant to regulations at 43 CFR 2801.10 or 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 in 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 regulations, 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.

Should you have any questions, please contact Joan Patrovsky, Project Manager at (760) 252-6032 or jpatrovs@blm.gov; or Jessika Peltz, Realty Specialist, at (760) 833-7129 or jpeltz@blm.gov.

TIMOTHY GILLOON  Digitally signed by
TIMOTHY GILLOON
Date: 2023.01.23
08:28:00 -08'00'

Timothy D. Gilloon
Field Manager

Enclosures:

Released Surety Bond No. K15386484 #CAB000653
Form 2800-15 - NTP and Exhibits
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY NOTICE TO PROCEED

Right-of-Way or Temporary Use Permit (TUP) Serial Number
CACACA 049397

Date **1/23/2023** Issuing Office
Palm Springs-South Coast

Right-of-Way or TUP name
Desert Quartzite Solar Project, NTP

Certified/Registered Mail-Return Receipt Requested

INSTRUCTIONS — Use Certified or Registered Mail or hand deliver. Send or give original to Holder. Distribute other copies as indicated after receipt date.

Holder: **Desert Quartzite, LLC**

In accordance with the terms and conditions of the above referenced right-of-way grant or TUP you are hereby authorized to proceed with the activities noted below in the locations specified. Map(s) are attached. Yes No

Activity	Location
<p>You are authorized to conduct activities associated with Phase I and Phase II of the Desert Quartzite Solar Project, as described in the Plan of Development and Construction Activities.</p> <p>You must remain wholly within the boundary of existing Rights-of-way (ROW) CACA 049397. Any outside disturbance will require authorization from the BLM.</p> <p>Proponent must provide a secure location on site (locked room or cabinet in trailer, etc) for short-term storage of cultural resources prior to collection of any Cultural Resources after signing of this NTP.</p> <p>All activities must adhere to required project plans and ROW grant terms, conditions, and stipulations, including the Decision Record.</p>	<p>See Map</p>

Authorized officer is:

Timothy D. Gilloon

(Name)

Field Office Manager

(Title)

Onsite inspection and compliance of the Right-of-Way or TUP stipulations will be conducted by the authorized officer's representative.

Joan Patrovky

(Name of Authorized Officer's Representative)

1201 Bird Center Drive
Palm Springs, CA 92262

(Office, Street Address, City, State, Zip)

(760) 252-6032

(Office Phone Number)

(760) 833-7130


(Cell Phone Number)

TIMOTHY GILLOON
Digitally signed by TIMOTHY GILLOON
Date: 2023.01.23 08:29:09 -08'00'

(Authorized Officer's or Representative's Signature)

(Date)

Holders Acknowledgement when notice is delivered in person.

DocuSigned by:

3923F8F425434C7...

(Signature of Recipient)
Adam Rock

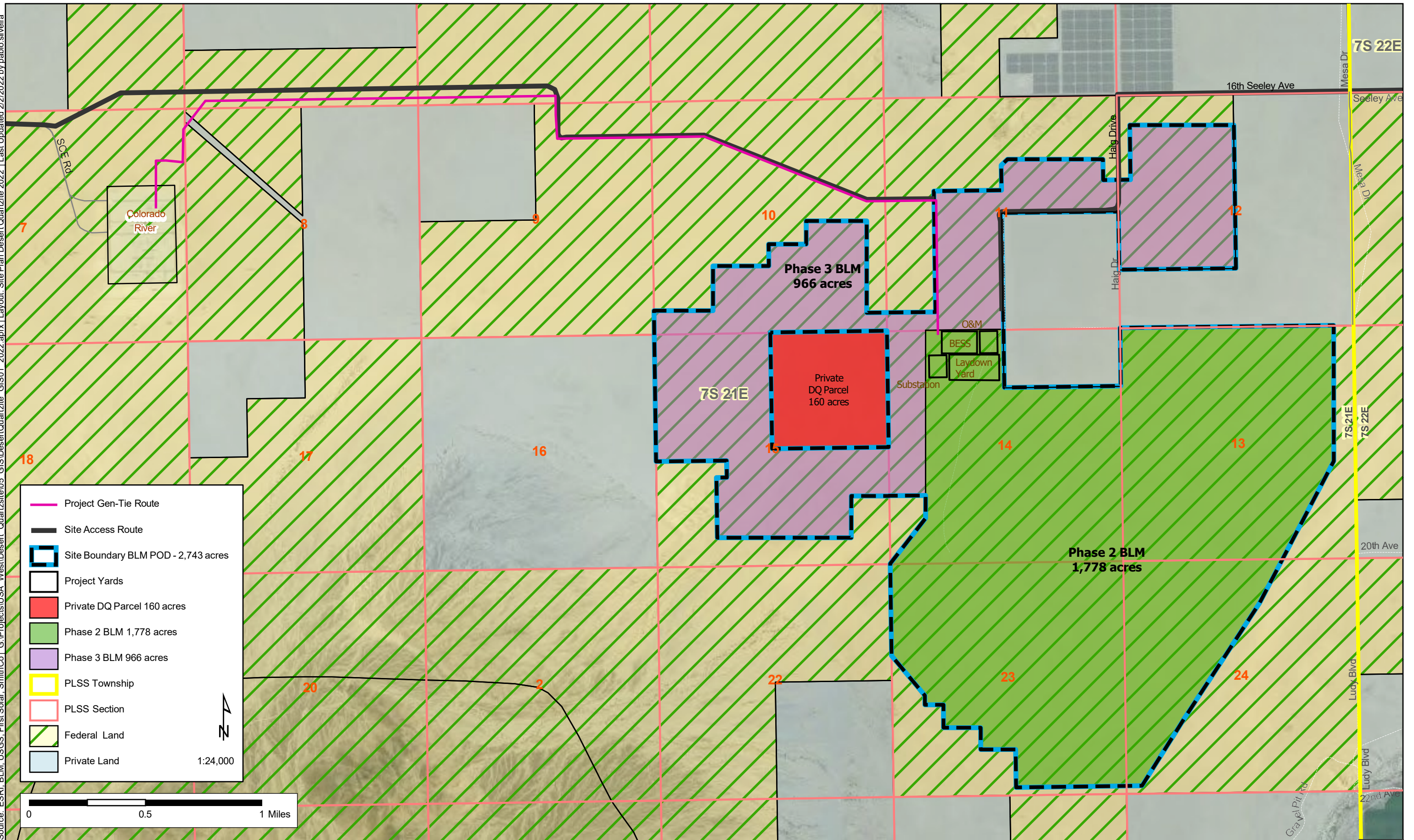
(Name of Recipient)

Desert Quartzite, LLC

(Firm Name)
1/23/2023

(Date)

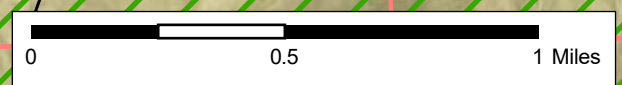
Source: ESRI, BLM, USGS, First Solar, SmithCo | G:\Projects\USA_West\Desert_Quartzite\05_GIS\DesertQuartzite_GIS01_2022.aprx | Layout: Site Plan Desert Quartzite 2/2/2022 by pablo.silveira



Legend

- Project Gen-Tie Route
- Site Access Route
- Site Boundary BLM POD - 2,743 acres
- Project Yards
- Private DQ Parcel 160 acres
- Phase 2 BLM 1,778 acres
- Phase 3 BLM 966 acres
- PLSS Township
- PLSS Section
- Federal Land
- Private Land

Scale: 1:24,000



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

I. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 I and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	Bureau of Land Management Palm Springs-South Coast Field Office 1201 Bird Center Drive Palm Springs, CA 92262
WITH COPY TO SOLICITOR.....	Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712, Sacramento, CA 95825
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712, Sacramento, CA 95825
4. SERVICE OF DOCUMENTS	A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.
5. METHOD OF SERVICE	If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 (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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota, and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

(Form 1842-1, September 2020)