

Revisions to sections 3.3 and 4.1.4 are show as underlined text. New attachment Q follows.

FINAL

Mitigation Monitoring, Compliance, and Reporting Program

Sunrise Powerlink Project

Prepared for:
California Public Utilites Commission
U.S. Bureau of Land Management

Prepared by:
Aspen Environmental Group



November 19, 2010

3.0 Communication

3.3 Communication Protocol During Construction

In order to ensure that the CPUC EMs can get accurate information on ongoing surveys, construction work, and schedules, and that SDG&E management is kept in the loop, the following protocols have been formulated:

- The CPUC EM's primary point of contact will be SDG&E's lead environmental monitor. If he/she is not available, the construction segment environmental monitor will be the point of contact. If issues can't be resolved at the EM/SDG&E environmental monitor level they will be initially elevated to CPUC EM Project Manager/SDG&E Mitigation Monitoring Coordinator via e-mail or telephone.
- SDG&E will inform environmental monitors of all survey and construction activity, including status of permits and activity locations in a timely manner. Timely notification of activity is that which allows reasonable response time for agency monitors to be present for that activity. Notification will correspond to organization and roles for each entity as identified in Section 2.1.1.
- The CPUC EM and any other designated agency representatives or staff can talk to anyone on the construction site to ask questions about their activity, but the construction personnel may opt to refer him/her to the construction segment manager for an answer. Construction segment managers are the appropriate contacts for information on construction activity schedules or construction practices.
- SDG&E will provide a list of all construction monitoring personnel and segment managers, identified by segment, title, and contact information for each person. Updated distributions will be utilized to keep all parties informed of monitor and staff additions/changes. This list of personnel, and all subsequent updates, shall be distributed to all persons on the list throughout the construction process.
- CPUC EMs will continue to point out compliance concerns first to SDG&E and SDG&E environmental monitors and give them time to contact resource agencies and resolve compliance before contacting resource agencies directly. Documentation of each of these communication efforts, along with documentation of subsequent actions to achieve compliance, will be reported. However, at any time when the CPUC EMs have an unresolved concern about compliance, the SDG&E environmental monitors and CPUC EMs will call the appropriate resource agency together to discuss the issue.
- The resource agencies will be notified immediately by SDG&E of any issues (e.g., non-compliance events, special status specie sightings, etc.) regarding their respective resources. In addition, the CPUC EM will also receive immediate notification. Subsequent to immediate agency notification, SDG&E will develop a plan to handle the situation and will follow up with the respective agencies to explain their strategy and receive agency approval.
- SDG&E will expeditiously submit a preliminary notification of a suspected event, followed by a final report regarding the event, as described in Section 4.0.
- If "take" is imminent or there is a danger/hazard, the CPUC EM can request work to be stopped in that area immediately (as long as it can be done safely); this request should be made to the construction segment manager or the segment EM. At any time, anyone can order an activity to be halted temporarily if take or a hazard is imminent.
- Weekly conference calls will include a discussion of construction and compliance activities, with CPUC EMs, SDG&E lead environmental monitor, and agency staff participating.

- The first flowchart below illustrates how information generally flows during construction.

4.0 Environmental Compliance and Field Procedures

4.1 Mitigation Measures Compliance and Reporting

4.1.4 Compliance Levels

The CPUC EM shall document all observations and communications in her logbook and will determine whether the observed construction activities are consistent with mitigation measures, APMs, and project parameters, as identified in the Final EIR/EIS and adopted by the CPUC. All compliance issues regardless of level will be documented in the daily/weekly reports, which will be provided to all agencies. Any regulatory agency has the authority to issue compliance violations regardless of CPUC and BLM actions. The CPUC EM shall not direct the work of a construction contractor or subcontractor. A construction activity that deviates from permit conditions or mitigation measures, particularly when the activity puts a resource at risk, would be considered a non-compliance. A non-compliance may also be issued if a mitigation measure is not implemented according to the timing restrictions listed in the mitigation table. Examples of non-compliances include, but are not limited to:

- Use of new access roads, staging areas, or extra workspaces not identified on the project drawings or approved for use during construction.
- Encroachment into an exclusion zone or sensitive resource area designated for avoidance.
- Brush clearing outside the approved work limits.
- Activity during seasonal activity restrictions.
- Grading, foundation, or line work without required biological pre-construction surveys or biological monitor onsite.
- Improper installation of erosion or sediment control structures if it puts a sensitive resource at risk.
- Discharge of sediment laden trench or foundation hole water into a waterbody or storm drain.

The CPUC EM will immediately notify the designated SDG&E representative of a non-compliance that requires immediate corrective action. A Non-Compliance Report will be sent to SDG&E from the CPUC Project Manager that outlines the incident, lists actions required to bring the activity back into compliance, and provides a timeline for follow-up. All Non-Compliance Reports and Project Memoranda will be provided to the agencies and applicable jurisdictions.

If a construction activity or observed resource protection measure only slightly deviates from project requirements and does not put a resource at immediate risk, the CPUC EM may elect to issue a Project Memorandum to get the issue corrected. Construction activities that could result in a Project Memorandum include, but are not limited to:

- Failure to properly maintain an erosion or sediment control structure, but the structure remains functional.

- Use of an existing unapproved access road (first offense).
- Project personnel begin work on the ROW without proof of training.
- Work outside the approved work limits where the off-ROW incident is within a previously disturbed area, such as a gravel lot.

Through the issuance of Project Memoranda and Non-Compliance Reports patterns of compliance issues can be discerned, preventative measures can be developed, and remedial work, if needed, can be scheduled. Incident reports (i.e., spills) would also be tracked in the Weekly Reports. Repeated events that individually might not be considered non-compliance may become non-compliance if continued occurrence after initial non-compliance activity is observed and documented. In other words, repeated incidences will result in a non-compliance.

Various unanticipated events may also occur that impact Project personnel, public safety, or other resources. These events may not result in a deviation or violation of a mitigation measure or permit condition, but it is important that these events are reported to the appropriate agencies so they may respond to questions or concerns from the public. Accordingly, SDG&E will immediately report these events to the CPUC, BLM, and other regulatory agencies as appropriate upon verification of such information. The protocol for communicating these events is provided in Attachment Q.

Attachment Q

Protocol for Reporting Environmental and Safety Events

1. Purpose

The purpose of this protocol is to clarify responsibilities for reporting to the California Public Utilities Commission (CPUC) environmental and safety events occurring on the Sunrise Powerlink Project.

2. Responsible Personnel

To simplify the communications structure, the following individuals are the main points of contact for internal and external communications regarding these events:

SAFETY AND OPERATIONAL ISSUES

Bob Jackson, General Manager and Director – Construction and Engineering

ENVIRONMENTAL ISSUES

Alan Colton, Manager- Environmental Services

These two persons may substitute for one another to maintain a single point of contact.

3. SDG&E Internal Reporting Procedure and Responsibilities

Timely reporting to Sunrise Base of actual and potential events occurring in the field is critical to SDG&E's ability to mitigate risk and ensure safe and compliant operations. Therefore, SDG&E is requiring all employees, contractors, and contractor employees to report to their supervisor or other management personnel immediately any events or any improper or unsafe work practices. This requirement applies to all workers including, but not limited to, pilots, monitors, equipment operators, laborers, and management employees.

Anyone reporting a potential or actual event will not be subject to retribution for reporting. Any person knowing of or suspecting retribution has occurred shall report this in confidence to SDG&E.

Notification to SDG&E by the most expeditious means possible shall be a requirement for contractors and their employees. SDG&E contractors and their employees may have additional requirements to report to the Federal Aviation Administration (FAA), National Transportation Safety Board (NTSB), Occupational Safety and Health Administration (OSHA), and other agencies. However, any such reporting requirement does not relieve the contractor or employee from reporting events to SDG&E as well.

4. Reportable Events

Reportable Events under this Protocol may be advisory, compliance, or non-compliance occurrences and are described in two categories.

Category 1:

- Any event requiring agency notification because of mitigation or regulatory requirements.

Category 2:

- Any event that an implemented mitigation measure failed to prevent and that could reasonably be expected to result in a risk to public health and safety, for example:
 - Any fire caused by construction-related activities.
 - Inadequate traffic control causing an accident.
 - Firearms brought onto the construction right-of-way.
- Or, any event requiring emergency response, for example
 - Police or fire response.
 - Search and rescue.
- Or, 'near miss' events that involve a helicopter or large piece of construction equipment and in SDG&Es reasonable judgment had the potential to result in serious bodily harm or death, for example:
 - Any toppled piece of equipment.
 - Any loss of cargo/load from a helicopter that is not reportable to FAA or NTSB.

5. Compliance Levels

Project compliance and non-compliance event levels and specific corrective actions are defined in the Mitigation Monitoring Compliance and Reporting Program (MMCRP)

6. Reporting Process

After a Reportable Event occurs, the following steps must be followed as expeditiously as possible:

1. Project or contractor personnel witnessing a potential Reportable Event shall notify Sunrise Base or their work-related/immediate supervisor for the day (e.g., Contract Administrator, Link Lead), who will notify Sunrise Base.
2. Sunrise Base will notify Bob Jackson and Alan Colton of the potential Reportable Event.
3. Once the event is verified, Bob Jackson or Alan Colton will provide verbal notification to the CPUC and other government agencies, as appropriate.
4. Subsequently, and as expeditiously as possible, SDG&E will submit a Preliminary Notification Form to the appropriate distribution list in Section 7, below.
5. SDG&E and/or PAR will investigate the event to verify preliminary information and gather additional information, if any, to determine how to properly characterize the event and whether any further action or notification is required. See Section 8 for the report templates.

Final MMCRP with revisions to Chapters 3 and 4 and addition of Attachment Q

6. SDG&E will provide the CPUC and other government agencies, as appropriate, a final notification of the findings, if required.

7. Phone Notification and Form Distribution List

1. Construction Operations – Reportable Events :

- a. On Private/State Lands or BLM Lands
 - Billie Blanchard, CPUC (Responsible Party – Bob Jackson)
 - Tom Zale, BLM (Responsible Party – Bob Jackson)
 - Cassandra Garza, Aspen (Responsible Party – Rachel Briles)
- b. On USFS Lands
 - Billie Blanchard, CPUC (Responsible Party – Bob Jackson)
 - Tom Zale, BLM (Responsible Party – Bob Jackson)
 - Brian Paul, USFS (Responsible Party – Bob Jackson)
 - Cassandra Garza, Aspen (Responsible Party – Rachel Briles)

2. Environmental – Reportable Events

- a. On Private/State Lands or BLM Lands
 - Billie Blanchard, CPUC (Responsible Party – Alan Colton)
 - Tom Zale, BLM (Responsible Party – Alan Colton)
 - Cassandra Garza, Aspen (Responsible Party – Rachel Briles)
- b. On USFS Lands
 - Billie Blanchard, CPUC (Responsible Party – Alan Colton)
 - Tom Zale, BLM (Responsible Party – Alan Colton)
 - Brian Paul, USFS (Responsible Party – Alan Colton)
 - Cassandra Garza, Aspen (Responsible Party – Rachel Briles)

8. Report Templates

SUNRISE POWERLINK: PRELIMINARY - UNANTICIPATED EVENT NOTIFICATION FORM

Corps of Engineers File Number: SPL-2007-00704-SAS
State Water Resources Control Board File Number: SB09015IN
Department of Fish and Game Notification Number: 1600-2009-0365-R5

Date Filed:	##.####
Date and Time of Event:	##.####; #:## a.m.
Event Location:	
Aircraft Involved:	Y/N or Company, Tail Number, and Pilot Name
Injury or Damage:	Y/N or Unknown. If yes, describe.
Reported by:	<input type="checkbox"/> Robert Jackson General Manager and Director – Construction and Engineering Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 rcjackson@semprautilities.com <input type="checkbox"/> Alan Colton Manager Environmental Services Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 acolton@semprautilities.com
Immediate Notification by Phone to:	<input type="checkbox"/> Billie Blanchard, CPUC - ##.####; #:## a.m. <input type="checkbox"/> Tom Zale, BLM - ##.####; #:## a.m. <input type="checkbox"/> Brian Paul, USFS - ##.####; #:## a.m. <input type="checkbox"/> Cassandra Garza, Aspen Environmental - ##.####; #:## a.m. [OTHER]
Brief Description of Event:	The following information is neither complete nor verified. An investigation is ongoing. A subsequent and/or amended report may be submitted upon verification of details, if required.
Confirmation of Receipt	If you acknowledge receipt of this form and no further action is needed, please retain for your records. If, however, you would like additional information to determine regulatory action needed, please contact Rachel Romani Briles, SDG&E, Environmental Compliance Project Manager, Sunrise Powerlink Project: 858-636-6865 (office) 858-750-0754 (cell) rromani@semprautilities.com

Distribution List:

☐ _____
☐ _____
☒ _____

SUNRISE POWERLINK: FINAL - UNANTICIPATED EVENT NOTIFICATION FORM

Corps of Engineers File Number: SPL-2007-00704-SAS
State Water Resources Control Board File Number: SB09015IN
Department of Fish and Game Notification Number: 1600-2009-0365-R5

Date Filed:	#.##.####		
Preliminary Notification Date	#.##.#### (See attached form.)		
Date/Time of Event:	#.##.#### at ##:## p.m.		
Event Location			
Reported by:	<p>Robert Jackson General Manager and Director – Construction and Engineering Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 rcjackson@semprautilities.com</p> <p>Alan Colton Manager - Environmental – Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 acolton@semprautilities.com</p>		
Originator/Reporter:	Name Role on Project Phone and e-mail address		
Witnesses:	Name Role on Project Phone and e-mail address		
Responsible Department(s)	<input type="checkbox"/> Aviation (Beige section below) <input type="checkbox"/> Construction/Operations <input type="checkbox"/> Environmental <input type="checkbox"/> Public Affairs <input type="checkbox"/> Safety <input type="checkbox"/> Waters of the U.S./State (Environmental) (Blue section below)		
Aviation			
Aircraft Involved:	Company Tail Number Type Pilot Name(s)		
Waters of the U.S./State	Must be submitted within 24 hours of incident.		
Effect on Waters of the U.S. and/or Waters of the State	The impacts of this incident are temporary in nature. A restoration assessment will be conducted as soon as possible. A restoration plan will be implemented as soon as feasible.		
Location:	Mapsheet #	Structure or Facility	Water #

Attachment 2:

Final MMCRP with revisions to Chapters 3 and 4 and addition of Attachment Q

UTM or Other Coordinates			
Detailed Description of Event:			
Type of Project Impact Associated with incident	<input type="checkbox"/> Permanent impact <input type="checkbox"/> Temporary impact <input type="checkbox"/> Other (Explain)		
Injuries or Property Damage	Y/N or Unknown. If yes, describe.		
Applicable Permit/Mitigation Measure			
Compliance Level			
Corrective Action(s)	SDG&E takes this event very seriously and is committed to staying in compliance. The following corrective actions will occur: 1. . 2. . 3. . 4. . 5. .		
Follow-up Required			
Attachments			
Confirmation of Receipt	If you acknowledge receipt of this form and no further action is needed, please retain for your records. If, however, you would like additional information to determine regulatory action needed, please contact Rachel Romani Briles, SDG&E, Environmental Compliance Project Manager (###-###-#### and email address)		

Distribution List:

☐ _____
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