



Mesa 500-kV Substation Project Construction Non-Compliance Report

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| Incident Date: | 10/17/2017-12/26/2017 | Report No.: | NCR-001 |
| Date Submitted: | 1/9/18 | Location: | Multiple |
| Level: | Level 2 | Relevant Plan/Measure: | MM BR-1, MM BR-9, MMBR-10 |
| Current Land Use: | Existing Mesa Substation; SCE right-of-way | Sensitive Resources: | Occupied coastal California gnatcatcher habitat, sensitive vegetation communities |

Description of Incident:

During the first three months of construction of the Mesa 500-kV Substation (Mesa Substation) Project, Southern California Edison (SCE) had multiple minor non-compliance incidents, some of which put sensitive resources at risk. The same minor non-compliance incidents continued during a three-month period (October through December 2017) despite multiple reminders to SCE contractors. To date, there are no clear resolutions indicating there are plans in place to prevent future occurrences. The compliance incidents are listed below in detail and, as a whole, resulted in a Level 2 Non-Compliance. Photographs for some of the incidents are provided in Attachment 1.

On October 17, 2017, a Power Grade excavator tracked through vegetation northeast of the transmission laydown yard and moved a downed lattice tower into vegetation prior to the required pre-construction clearance sweep. The incident occurred in occupied coastal California gnatcatcher habitat. Power Grade was reminded that they should not assume clearance from anyone onsite other than biological monitors and environmental staff.

On November 12, 2017, Power Grade conducted unscheduled work within the southeast portion of the Mesa Substation Project area (north of the MarketPlace work area and south of the Existing Mesa Substation), within occupied coastal California gnatcatcher habitat. A front loader, a water truck, and two haul trucks were observed tracking through vegetation and removing gravel from a stock pile in an area that had not receive a pre-construction clearance sweep and was not identified in the Plan of the Day (POD) (Photo 1). Power Grade crews were reminded that all daily activities and work areas must be identified in the POD and that work areas must undergo a biological sweep and subsequent clearance prior to commencing work. In the instance that an activity must be conducted that is not called out on the POD, proper notification to SCE must be made to gain approval to conduct the requested activity.

On November 14, 2017, a Power Grade excavator removed nonnative grass within feature ID 11-94-S-2, and a Power Grade bulldozer removed a mulefat shrub and nonnative vegetation at Areas 1G and 1K before the areas had been cleared and without a biological monitor present. The incident was not within any special status species habitat and was completely within approved disturbance limits, with no further impacts visible. The biologist reminded the operators that the site had not been cleared and that the presence of a biological monitor is required for vegetation clearing activities. The operators waited for the completion of a clearance sweep and confirmation from their supervisor before continuing. Power Grade was reminded of the requirement for pre-construction clearance sweeps prior to vegetation removal.

On November 15, 2017, a Michels (Power Grade subcontractor) bulldozer removed nonnative vegetation prior to a pre-construction clearance sweep at the SCE transmission area north of Potrero Grande Drive without a biological monitor present (Photo 2). The incident was not within any special status species habitat and was completely within approved disturbance limits. The biologist reminded the operator that the site had not been cleared and a biological monitor must be present during vegetation clearing activities. The operator waited until the clearance sweep had been completed and for confirmation from his supervisor before continuing vegetation removal. Power Grade reminded all crews that vegetation removal activities require a sweep prior to operations along with full-time monitoring.

On November 21, 2017, a Golden State crew was observed working in the Kiewit jack-and-bore pit before a pre-construction clearance sweep. The crew had removed the wildlife exclusionary fencing. This incident was observed in Areas 1BB and 1K, but was not within any special status species habitat and was completely within approved disturbance limits. Kiewit was reminded of the requirement for pre-construction clearance sweeps and they reiterated this to the Golden State crew.

On November 22, 2017, a Power Grade front loader and rock truck removed vegetation piles without a biological monitor present at the SCE transmission area southeast of the Mesa Substation. While the incident was not within any special status species habitat and was completely within approved disturbance limits, the trucks impacted nonnative vegetation surrounding the vegetation piles. The biologist reminded the operator that the area had not been cleared and that a biological monitor must be present during vegetation clearing activities. The operator waited until the clearance sweep had been completed and for confirmation from his supervisor before continuing vegetation removal. Power Grade was reminded of the requirement for pre-construction clearance sweeps prior to starting work.

On November 30, 2017, a Power Grade excavator removed vegetation at Area 1K prior to the pre-construction clearance sweep and without a biological monitor present. The incident was not within any special status species habitat and was completely within approved disturbance limits. The biologist reminded the operator that the area had not been cleared and that a biological monitor must be present during vegetation clearing activities. The operator waited until the clearance sweep had been completed and for confirmation from his supervisor before continuing vegetation removal. Power Grade was informed of the incident and, during the morning tailboard, they reminded crews of the requirement for pre-construction clearance sweeps and full-time monitoring prior to and during construction activities.

On December 4, 2017, a Golden State (Kiewit subcontractor) crew removed wildlife exclusionary fencing from the Kiewit jack-and-bore pit at Areas 1BB and 1K before a pre-construction clearance sweep was conducted by a biological monitor. The crew removed the door to the pit entrance prior to the clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits. No resolution has been documented in SCE's online database at the time of this report.

On December 4, 2017, a biologist observed a stockpile of soil that had been deposited in a Kiewit work area before a pre-construction clearance sweep had been conducted (Photo 3). The incident was not within any special status species habitat and was completely within approved disturbance limits; however, the incident impacted adjacent Mexican fan palms and a large Brazilian pepper shrub. No resolution has been documented in SCE's online database at the time of this report.

On December 5, 2017, a biologist observed a stockpile of soil that had been deposited at the Kiewit receiving pit area before a pre-construction clearance sweep had been conducted. While the incident was not within any special status species habitat and was completely within approved disturbance limits, it impacted two Aleppo pine trees and nonnative vegetation. No resolution has been documented in SCE's online database at the time of this report.

On December 8, 2017, a Kiewit crew commenced excavation north of Potrero Grande Drive before a pre-construction clearance sweep had been completed and prior to the area being reported as clear. The impacted area was completely inside approved disturbance limits. The contractor was reminded of the clearance sweep process and that construction activities may not begin before clearance is provided by the biological monitor.

On December 11, 2017, a Golden State crew removed wildlife exclusionary fencing from the Kiewit receiving pit at Areas 1BB and 1K before a pre-construction clearance sweep had been conducted by a biological monitor. The door to the entrance of the pit was removed prior to the pre-construction clearance sweep. The impacted area was not within any special status species habitat and was completely within approved disturbance limits, with no further impacts visible. No resolution has been documented in SCE's online database at the time of this report.

On December 11, 2017, a Power Grade crew removed wildlife exclusionary devices (tarps) from excavation pits within Area 1E before a pre-construction clearance sweep for the pits had been conducted by a biological monitor. Tarps covering more than 24 pits were in the process of being removed by the crew (Photo 4). The incident was not within any special status species habitat and was completely within approved disturbance limits, with no further impacts visible. The crew was reminded of the requirement for pre-construction clearance sweeps prior to uncovering holes/pits on construction work sites.

On December 12, 2017, a Power Grade excavator removed vegetation in Area 1D prior to a pre-construction clearance sweep and without a biological monitor present. The incident was not within any special status species habitat and was completely within approved disturbance limits. The biologist reminded the operator that the area had not been cleared and that a biological monitor must be present during vegetation clearing activities. The operator waited until the clearance sweep had been completed and for confirmation from his supervisor before continuing vegetation removal. The crew was reminded of the requirements for pre-construction clearance sweeps and monitoring during vegetation clearing activities.

On December 13, 2017, a Michels crew commenced tower demolition within 100 feet of standing vegetation at Area 2A without a pre-construction clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits. Power Grade is aware of the requirements for morning sweeps and is working on better communication for morning clearance sweeps to prevent these incidents from occurring in the future.

On December 15, 2017, a Golden State crew opened wildlife exclusionary fencing at the Kiewit jack-and-bore pit within Area 1K and commenced work prior to a pre-construction clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits. No resolution has been documented in SCE's online database at the time of this report.

On December 18, 2017, a Golden State crew opened wildlife exclusionary fencing at the Kiewit jack-and-bore pit within Area 1K and commenced work prior to a pre-construction clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits. No resolution has been documented in SCE's online database at the time of this report.

On December 19, 2017, a Golden State crew opened wildlife exclusionary fencing at the Kiewit jack-and-bore pit within Area 1K and commenced work prior to a pre-construction clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits, with no further impacts visible. Additionally, the wildlife exclusionary fencing was not installed properly to effectively exclude wildlife. No resolution has been documented in SCE's online database at the time of this report.

On December 22, 2017, a Golden State crew opened wildlife exclusionary fencing at the Kiewit jack-and-bore pit within Area 1K and commenced work prior to a pre-construction clearance sweep. The incident was not within any special status species habitat and was completely within approved disturbance limits. No resolution has been documented in SCE's online database at the time of this report.

On December 26, 2017, a Dayton crew (Kiewit subcontractor) had removed the wildlife exclusionary fencing to the Kiewit jack-and-bore pit at Areas 1BB and 1K before a pre-construction clearance sweep had been completed. The incident was not within any special status species habitat. Additionally, a biologist observed a large hole in the fencing. No resolution has been documented in SCE's online database at the time of this report.

Pertinent Plans/Permits/Mitigation Measures:

The California Public Utilities Commission (CPUC) approved a Permit to Construct for the Mesa Substation Project. As part of this action, the CPUC-certified Final Environmental Impact Report (Final EIR) for the project and adopted the Mitigation Monitoring and Reporting Plan (MMRP) presented in Chapter 8 of the Final EIR. A Mitigation, Monitoring, Compliance, and Reporting Program (MMCRP) was created based on the Final EIR's MMRP and serves as a working guide for maintaining environmental compliance for the Mesa Substation Project. The mitigation measures (MMs) and applicant proposed measures (APMs) within the MMCRP are required to be followed by SCE, including the following:

APM-BIO-03: Biological Monitoring. To the extent feasible, biological monitors would monitor construction activities in areas with special-status species, native vegetation, wildlife habitat, or unique resources to ensure such resources are avoided.

MM BR-1: Pre-construction Surveys. Prior to construction and activities in a new work area that may include vegetation clearing, staging, and stockpiling, or other activities with the potential to directly or indirectly affect wildlife, the applicant shall retain a qualified biologist approved by the CPUC to conduct pre-construction surveys for sensitive biological resources, including special-status plant species and special-status wildlife, and nesting birds in all areas of temporary and permanent disturbance. Pre-construction surveys shall be species and resource appropriate and typically conducted a maximum of 14 days prior to construction as approved by the CPUC. If there is no work in an area for 14 days or more, the area shall be considered a “new work area” if construction begins again. Nesting bird and burrowing owl pre-construction surveys shall be consistent with the timing specified in the Nesting Bird Management Plan required by MM BR-11. Additional western spadefoot pre-construction surveys shall be conducted at any time of year where project activities cause vibrations and where artificial wetting of ground surface may result in spadefoot emergence. Western pond turtle pre-construction surveys shall include live trapping in areas where visual observation may be compromised due to water depth or dense vegetation growth near water. The information gathered from these surveys shall be used to develop site- and resource- specific actions to minimize impacts on sensitive resources from project-related activities.

Additionally, a CPUC-approved qualified biologist shall conduct pre-construction clearance sweeps for special-status species at all access, staging, and laydown/work areas where suitable habitat is present within approximately 24 hours of construction activities each day.

MM BR-9: Construction Monitoring. The applicant shall ensure that a qualified biologist approved by the CPUC serves as a construction monitor during periods when construction activities occur near active nest areas, or within 100 feet of native vegetation or vegetation that has the potential, or is known, to provide habitat for special-status species. The monitor shall have the authority to temporarily stop work that they determine threatens a special-status species or sensitive resource. The monitor shall determine what appropriate action to take, and work will resume once the monitor determines there is no longer a threat to the special-status species or sensitive resource, or consultation has occurred with the appropriate wildlife agencies which determines appropriate steps have been taken and a threat is no longer present.

MM BR-10: Open Trenches and Pipes. To prevent entrapment of wildlife, SCE shall ensure that all steep-walled trenches, auger holes, open-ended piping, or other excavations are covered at the end of each day or completely fenced off at night in such a way that wildlife cannot become entrapped. For open trenches only, these may instead have wildlife escape ramps within the trench maintained at intervals of no greater than 100 feet. These ramps shall have a maximum slope not to exceed 2:1. SCE’s biological monitor, approved by the CPUC, shall inspect all trenches, auger holes, or other excavations a minimum of three times per day and immediately prior to backfilling. During working hours, all construction materials with open-ended piping, including but not limited to pipe sections and fencing supports, shall be left capped when not planned for use the same day. During active construction, open piping shall be inspected for wildlife by SCE’s biological monitor before the material is moved, buried, or capped. All non-special-status wildlife species found will be safely removed and relocated out of harm’s way, through the use of suitable tools such as a pool net when applicable. For safety reasons, under no circumstance will biological monitors enter open excavations.

Several incidents occurred in special status species habitat or in native vegetation, which conflicts with APM BIO-3. APM BIO-3 requires a biological monitor to monitor construction activities in special status species habitat, native vegetation, or wildlife habitat. By conducting construction activities without a biological monitor present, the incidents on October 17, 2017, November 12, 14, 15, 22, and 30, 2017, and December 4, 5, 8, 12, and 13, 2017, violate APM BIO-3.

All 20 incidents described above involved crews starting construction activities in an area prior to a pre-construction clearance sweep required by MM BR-1. MM BR-1 requires a pre-construction clearance sweep in all staging and work areas within approximately 24 hours of construction activities each day. By conducting work before pre-construction clearance sweeps in all 20 incidents described above, SCE violated MM BR-1.

All 20 incidents described above involved crews starting construction activities prior to a biological monitor being present, as required by MM BR-9. MM BR-9 requires a biological monitor serve as a construction monitor during periods when construction activities occur within 100 feet of native vegetation or vegetation that has the potential, or is known, to provide habitat for special status species. By conducting construction activities without a biological monitor present, all 20 incidents are in violation of MM BR-9.



Several incidents included crews removing wildlife exclusionary devices or fencing prior to a pre-construction clearance sweep. MM BR-10 requires wildlife exclusionary fencing be installed around excavations or open trenches and requires biologists to inspect the fencing a minimum of three times per day. By removing the fencing prior to a biologist inspection on December 4, 11, 15, 18, 19, 21, 22, and 26, 2017, SCE was in violation of MM BR-10.

Proposed Resolution:

Crews must be reminded of SCE's and their subcontractors' obligation to ensure compliance with mitigation requirements concerning pre-construction clearance sweeps and wildlife exclusionary fencing. SCE should make clear to all subcontractors and SCE employees that there are repercussions for repeated infractions, including the possibility of a stop-work order. The number of incidents involving working prior to a pre-construction clearance sweep has increased since the beginning of the Mesa Substation Project, and current resolutions are not proving effective. SCE must ensure that all contractors working on the Mesa Substation Project are complying with all mitigation requirements.

Recommended Timeline for Follow-up:

The CPUC requires that SCE submit a response plan outlining how and when SCE will hold contractors to their responsibilities under the MMs. SCE should make clear the associated repercussions and potential fines for non-compliance issues. The CPUC requests the response plan be submitted by January 31, 2018.

| Approvals | Date | Name (print) | Signature | Comments |
|---|--------|--------------|--|----------|
| CPUC Compliance Manager | 1/9/18 | Jenny Vick |  | |
| CPUC Compliance Monitor (if applicable) | | | | |
| CPUC Project Manager (if applicable) | 1/9/18 | Lisa Orsaba |  | |
| SCE Environmental Project Manager (if applicable) | | | | |

Prepared by: Aileen Cole, Jenny Vick **Date:** 1/8/18

| Non-compliance Level | Example |
|---|---|
| <p>A Level 1 non-compliance incident is an action that deviates from project requirements or results in the partial implementation of the mitigation measures, but has not caused, nor has the potential to cause impacts on environmental resources.</p> | <ul style="list-style-type: none"> i. Failure to implement adequate dust control measures resulting in no impact on resources; ii. Improperly installed, repaired, or maintained erosion or sediment control devices (with no resultant harm to sensitive resources or release of sediment to waters); iii. Inadvertent minor incursion into exclusion area resulting in no harm to sensitive biological or cultural resources; iv. Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot |
| <p>A Level 2 non-compliance incident is an action that deviates from project requirements or mitigation measures and has caused, or has the potential to cause minor impacts on environmental resources.</p> | <ul style="list-style-type: none"> i. Work without appropriate permit(s) or approval; ii. Failure to properly maintain an erosion or sediment control structure, but the structure remains functional, and results in minor impacts on resources (e.g. water courses); iii. Working outside of approved hours; iv. Repeated documentation of Level 1 incidents |
| <p>A Level 3 non-compliance incident is an action that deviates from project requirements and has caused, or has the potential to cause major impacts on environmental resources. These actions are not in compliance with the APMs, mitigation measures, permit conditions, approval requirements (e.g. minor project changes, notice to proceed), and/or violates local, state, or federal law.</p> | <ul style="list-style-type: none"> i. Construction activities occurring in an exclusion zone with direct impacts to sensitive or endangered species, cultural resources, human remains, or an archaeological site; ii. Eminent danger or documented impact to a sensitive or T&E species; iii. Repeated deviations from required mitigation measures/requirements that have been documented as Level 2 (Minor Incidents); iv. Improper installation of erosion or sediment control structures resulting in substantial sedimentation or impacts to water quality or putting sensitive resources at risk |

Attachment 1

Photographs from SCE Incident Reports

Incident Photos



Photo 1: A Power Grade excavator tracking through vegetation in occupied coastal California gnatcatcher habitat on 10/17/2017. The excavator moved a downed lattice tower into vegetation prior to the required pre-construction clearance sweep (Photo by SCE; FRED Incident ID #000021).



Photo 2: Vegetation removed by a Michels bulldozer on 11/15/2017 in an area that did not have a pre-construction clearance sweep and did not have a biological monitor present (Photo by SCE; FRED Incident ID #000024).



Photo 3: A soil stockpile that had been placed within a Kiewit work area on 12/4/2017 prior to a pre-construction clearance sweep, impacting adjacent Mexican fan palms and a Brazilian pepper tree (Photo by SCE; FRED Incident ID #000051).



Photo 4: Power Grade workers removed wildlife exclusionary devices from more than 24 pits within Grading Area 1E on 12/11/2017 before the pits had a pre-construction clearance sweep by a biological monitor (Photo by SCE; FRED Incident ID #000070).