
Mitigation Monitoring, Compliance,
and Reporting Program

DCR Transmission (DCRT) Ten West Link Project

JANUARY 2022

Prepared for:

CALIFORNIA PUBLIC UTILITIES COMMISSION
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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
BA	Biological Assessment
BLM	Bureau of Land Management
CEQA	California Environmental Quality Act
CM	Construction Manager
CPUC	California Public Utilities Commission
DCRT	DCR Transmission LLC
DOI	Department of Interior
EM	Environmental Monitor
ECM	Environmental Compliance Manager
EIS	Environmental Impact Statement
EPM	Environmental Project Manager
LEI	Lead Environmental Inspector
MMCRP	Mitigation Monitoring, Compliance, and Reporting Program
NCR	Noncompliance Report
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
PM	Project Manager
POD	Plan of Development
Project	Ten West Link Project
ROD	Record of Decision
SME	Subject Matter Expert

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1 Introduction

This Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) will ensure effective implementation of the mitigation measures required by the California Public Utilities Commission (CPUC) Certificate of Public Convenience and Necessity, Applicant-Proposed Measures, Best Management Practices, and Desert Renewable Energy Conservation Plan Conservation and Management Actions, herein collectively referred to as “measures,” for the Ten West Link Project (Project).

The Bureau of Land Management (BLM), in its role as the National Environmental Policy Act (NEPA) lead agency, prepared an Environmental Impact Statement (EIS) for the Project (DOI-BLM-AZ-C020-2016-0010-EIS) and published the Final EIS and Record of Decision in September 2019 and November 2019, respectively. An approximately 21.6-mile portion of the Project is located within California and required approval from the CPUC. Because approval of the California portion of the Project was a discretionary action for the CPUC, the CPUC was required to comply with the requirements of the California Environmental Quality Act (CEQA). For the purposes of CEQA compliance, the CPUC relied on the BLM EIS, pursuant to CEQA Guidelines Section 15221. The EIS included an appendix that provided supplemental analyses needed to address issues unique to CEQA while incorporating the environmental analysis conducted in the EIS by reference. The CPUC issued its decision approving construction of the California components of the Project on November 4, 2021.

This MMCRP includes the information provided in Section G of the CEQA Guidelines (14 CCR 15000 et seq.), as well as specific protocols to be followed prior to and during construction by CPUC third-party environmental monitors (EMs) and Project staff while working in California. This MMCRP was developed to provide guidelines and standardize procedures for environmental compliance on the Project. The procedures have been developed in coordination with the applicant (DCR Transmission L.L.C. [DCRT]), the CPUC, and CPUC’s EMs to help define the reporting relationships, provide detailed information regarding the roles and responsibilities of the Project’s environmental compliance team members, define compliance reporting procedures, and establish a communication protocol. The goal of the MMCRP is to provide a clear understanding of the Project’s organization, establish lines of communication, and effectively document and report compliance with all applicable measures while working in California.

1.1 Authority and Purpose of the Program

The California Public Utilities Code confers authority upon the CPUC to regulate the terms of service and the safety, practices, and equipment of utilities subject to its jurisdiction. CPUC’s standard practice, pursuant to its statutory responsibility to protect the environment, is to require that measures stipulated as conditions of approval are implemented properly, monitored, and reported on. In 1989, this requirement was codified statewide as Section 21081.6 of the California Public Resources Code. Section 21081.6 requires a public agency to adopt an MMCRP when it approves a project that is subject to preparation of a Final Environmental Impact Report. CEQA Guidelines Section 15097 was added in 1999 to further clarify agency requirements for mitigation monitoring or reporting (14 CCR 15097). Because a Project-specific CEQA document was not prepared, the CPUC relied on CEQA Guidelines Section 15221, which also requires that any points of analysis or mitigation not addressed in the NEPA document be added, supplemented, or identified before the EIS can be used in place of an Environmental Impact Report. The CPUC views the MMCRP as an integral part of CEQA compliance and a working guide to facilitate not only the implementation of measures by a project proponent, but also the monitoring, compliance, and reporting activities of the CPUC and any monitors it may designate.

1.2 Program Adoption Process

All relevant measures for resource areas can be found in each resource section (Sections 2.1 through 2.17) of the Final EIS and its Appendix 1C, Supplemental California Public Utilities Commission Information (CPUC 2019), and in the Project's Plan of Development. A draft version of the MMCRP was distributed to DCRT, the CPUC, and CPUC's EMs for review and comment.

1.3 Project Description

1.3.1 Project Overview

In 2014, the California Independent System Operator, an independent non-profit electricity grid operator for California, identified that an additional high-voltage transmission connection between the Delaney and Colorado River Substations was needed for reliability and efficiency of the California and western electricity grid, and for renewable energy resources in support of state policy. Through a competitive bid process, the California Independent System Operator selected DCRT to construct, operate, and maintain the Project, maximizing the use of existing or expanded transmission line rights-of-way (BLM 2019).

The Project involves the construction, operation, and maintenance of a new 125-mile 500-kilovolt transmission line originating at the Arizona Public Service Company Delaney Substation near Tonopah, Arizona, and terminating at the Southern California Edison Colorado River Substation near Blythe, California (refer to Appendix A, Project Overview Maps). The Project includes installation of a 500-kilovolt transmission line, transmission supporting structures (typically 72 to 195 feet in height), conductors, overhead ground wire, and a new series compensation system substation. Project construction of the entire 125-mile transmission line is expected to require approximately 38 months to complete. As stated above, the approximately 21.6-mile portion of the Project that is located within California is the focus of the Project's MMCRP. Construction elements are provided in Appendix A, Figure 1

Schedule

Project-related construction activities will not begin until pre-construction measure submittals have been satisfied. Once pre-construction measures have been completed, the CPUC will issue a Notice to Proceed (NTP) for the California components of the Project, indicating that construction can commence. The NTP may include CPUC or other agency conditions or requirements that must be satisfied prior to the start of work or during construction. Table 1 shows the estimated construction schedule by activity.

Table 1. Estimated Construction Schedule

Project Activity	Duration (Days)
Transmission Line Construction	152
Project Execution Plan	15
Design and Engineering	428
Procurement	305
Construction Mobilization and Recruitment	45
Access Road Construction	37
Foundations	73
Structure Erection and Assembly	86
Wire Stringing and Installation of Cables and Accessories	43
Restoration	21
Commissioning and Testing	30
Series Compensation Station and Substation Construction	431
Procurement	347
Capacitor Bank	33
Protections	109
Civil Works	37
Erection and Assembly Works	33
Install Control Building and Equipment	70
Commissioning and Testing	37

Source: BLM 2019, Appendix 2-75, Table 2.2-31 Construction Schedule.

Note: Some Project activities would be completed simultaneously.

1.3.2 Construction Components

The Project's Plan of Development lists each of the Project components and details DCRT's approach to compliance, including clearly identifying site-specific measures for each component, as required. The MMCRP ensures that those measures will be followed as described.

1.3.3 Project Documents

This document is intended to be an integral part of the Project's governing documents, as stated in Section 1.1, Authority and Purpose of the Program. Additional governing Project documents have been developed, reviewed, and approved for implementation and include the Plan of Development, BLM EIS, BLM Record of Decision, relevant Notices to Proceed, and others (refer to Appendix B, Mitigation Measures, Applicant Proposed Measures, and Project Commitments). In the event that there is conflicting language, the EIS requirements will be followed, or whatever language is the most restrictive.

1.4 Agency Jurisdiction

Monitoring of all measures is required pursuant to CEQA. The CPUC is the lead state agency in California and is tasked with monitoring DCRT compliance with conditions imposed by all jurisdictional agencies throughout

construction in California, irrespective of land ownership. Jurisdictional agencies may visit the Project site from time to time and request information regarding the status of permit conditions.

The BLM, as the lead federal agency for the Project, is responsible for ensuring NEPA compliance and that the terms, conditions, and stipulations of its approval and authorization of the Project issued pursuant to Title V of the Federal Land Policy and Management Act of 1976 are implemented throughout construction, operation, maintenance, and decommissioning. The BLM will oversee its own environmental compliance and monitoring program during construction, independent of the CPUC.

DCRT is responsible for satisfying requests from permitting/jurisdictional agencies and will notify and copy the CPUC on all correspondence related to final approvals and verifications for the portion of the Project located in California. Additional information on communication protocols can be found in Section 2.3, Communication. Table 2 lists the required permits and jurisdictional agencies associated with the Project. Table 3 provides contact information for the permitting agencies in California.

Table 2. Required Permits and Approvals for the Ten West Link Project in California

Permit/Authorization	Agency	Purpose
Federal		
Record of Decision	Bureau of Land Management	Construction, operation, maintenance, and decommissioning of the Project on public lands 43 CFR Part 2800 – Rights of Way 29 – Land Use Authorization
Federal Land Policy and Management Act of 1976 Right of Way (ROW) Grant		
Notice to Proceed		
Biological Assessment and Concurrence Letter	BLM/U.S. Fish and Wildlife Service	Agency consultation pursuant to Section 7 of the Endangered Species Act
Land Use Authorization/Right of Way	U.S. Bureau of Reclamation	43 CFR Part 429 – Land Use Authorization
Pesticide use proposal (noxious weed herbicides)	BLM	Application of herbicides for control of invasive weed species
Rivers and Harbors Act Section 10 Permit + Pre-construction Notification (PCN) for Nationwide Permit NWP	U.S. Army Corps of Engineers	Lice crossing of a navigable water (Colorado River)
Clean Water Act Section 404 Jurisdictional Determination and Permit	U.S. Army Corps of Engineers	Determination of waters of the US. Project will proceed under Nationwide 12 permit with no preconstruction notification required
Programmatic Agreement for Sect. 106	BLM, Arizona (AZ) State Historic Preservation Office (SHPO), California (CA) SHPO Participating Tribes	Compliance with Section 106 of the National Historic Preservation Act
Federal Aviation Administration (FAA) Decision of No Hazard	FAA	Documentation of FAA concurrence that the Project does not pose a hazard to aviation traffic

Table 2. Required Permits and Approvals for the Ten West Link Project in California

Permit/Authorization	Agency	Purpose
State of California		
Certificate of Public Convenience and Necessity (CPCN)	California Public Utilities Commission	Overall Project approval, California Environmental Quality Act (CEQA) review, and issuance of CPCN, CEQA compliance
1601/1603 Permit, Lake or Streambed Alteration Consultation for take avoidance Incidental take permit (as required); no incidental take permit available for Fully Protected Species Consultation for take avoidance	California Department of Fish and Wildlife	California Fish and Game Code (CFG) Section 1600 et seq. – Alteration of any streambed, drainage, or Lake California Endangered Species Act – Take of state-listed threatened or endangered species CFG Sections 3511, 4700, 5050, and 5515 CFG Section 3503 – Migratory Bird Protection Native Plant Protection Act – Taking of endangered native plants Natural Community Conservation Planning Program – Impacts to areas identified for conservation of natural communities and ecosystems
401 Certification/Storm Water Construction General Permit 99-08-DWD Notice of Intent – California General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities National Pollutant Discharge and Elimination System Permit Waste Discharge Requirements	Colorado River Regional Water Quality Control Board, Region 7 (<i>although this uses the term “regional,” this is ultimately a state permit</i>)	Clean Water Act (CWA), Section 401 – Impacts to surface water quality from construction activities CWA, Section 402 – Construction-related discharges to waters of the state, including construction projects that disturb more than 1 acre Porter-Cologne Act – Construction-related discharge to waters of the state
Oversize/Overweight Loads Permit Road/Highway Encroachment/Crossing Permit (State Route 78, as required)	California Department of Transportation (Caltrans), District 8	California Vehicle Code Section 35780 California Streets and Highways Code Section 660-711.21 CCR 1411.1-1411.6
Environmental Protection Agency Hazardous Waste Generator ID	California Department of Toxic Substitutions Control	Hazardous Waste Control Act of 1972

Table 2. Required Permits and Approvals for the Ten West Link Project in California

Permit/Authorization	Agency	Purpose
National Historic Preservation Act Section 106 Review – Impacts to historic properties, including those eligible for or listed on the National Register of Historic Places	California State Historical Preservation Office	Section 106 consultation, Cultural Resource Management Plan
Portable Engine Registration for Specified Non-Mobile Portable Engines	California Air Resources Board (CARB)	
Regional and Local		
Easements	The Metropolitan Water District of Southern California	Activities on land holdings, owned or leased
Authority to Construct Permit and/or Permit to Operate portable engines greater than 50 horsepower not registered under the , Portable Engine Registration Program (prior to installation of engine) Fugitive Dust Control Plan Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control Plan	Mojave Desert Air Quality Management District	Eastern Riverside County Rule 403.2
District Irrigation/Drainage Channels	Palo Verde Irrigation District	Encroachment/Crossing Permit
Road/Highway Encroachment/Crossing Permit Riverside County	Riverside County Transportation Department	Encroachment of county roads
Oversize/Overweight Load Permit Riverside County	Riverside County Transportation Department	Use of county roads by oversize/weight trucks
Traffic Control Plans	Riverside County Transportation Department	Traffic control during construction

Table 3. Contact Information for Permitting Agencies Associated with the Ten West Link Project

Agency	Address	Contact Person	Phone	Email Address
Lead Agency for this MMCRP (California)				
CPUC (Certificate of Public Convenience and Necessity [CPCN])	505 Van Ness Avenue, San Francisco, California 94102	Eric Chiang, Project Manager	415.703.1956	eric.chiang@cpuc.ca.gov

Table 3. Contact Information for Permitting Agencies Associated with the Ten West Link Project

Agency	Address	Contact Person	Phone	Email Address
Federal Agencies (California)				
Bureau of Land Management (ROW)	201 Bird Center Drive Palm Springs, CA 92262	TBD	760.833.7100	TBD
U.S. Army Corps of Engineers	Los Angeles District, Arizona Branch, Regulatory Division 3636 N. Central Avenue, Suite 900 Phoenix, AZ 85012-1939	William H. Miller Senior Project Manager	602.230.6954	william.h.miller@usace.army.mil
U.S. Bureau of Reclamation	Yuma Area Office 7301 Calle Agua Salada Yuma, AZ 85364	Cindy M. Flores Manager, Water and Lands Contracts Group	928.343.8261 (office) 928.276.2140 (cell)	mailto:cflores@usbr.gov
U.S. Fish & Wildlife Service (BO)	Colorado Desert Division 777 East Tahquitz Canyon Way, Suite 208 Palm Springs, CA 92262	Vincent James	760.322.2070 x 415*	vincent_james@fws.gov
California State Agencies				
California Department of Fish & Wildlife	Lower Colorado River Program Inland Deserts Region 6 P.O. Box 2160, Blythe, CA 92226	Alexander Funk Environmental Scientist	760.922.6783	Alexander.Funk@wildlife.ca.gov
Regional Water Quality Control Board	Colorado River Basin Region (R7) 73-720 Fred Waring Dr. Ste 100 Palm Desert, CA 92260	Kai Dunn, Ph.D., P.E. Senior Water Resources Control Engineer – NPDES/ Stormwater/ 401 WQC Unit Chief	760.776.8986	Kai.dunn@waterboards.ca.gov
Caltrans	TBD	TBD	TBD	TBD

Table 3. Contact Information for Permitting Agencies Associated with the Ten West Link Project

Agency	Address	Contact Person	Phone	Email Address
California Department of Water Resources	TBD	TBD	TBD	TBD
Department of Toxic Substances Control	TBD	TBD	TBD	TBD
State Historic Preservation Office	1725 23rd Street, Suite 100, Sacramento, CA 95816	Julianne Polanco	916.445.7000	julianne.polanco@parks.ca.gov
California Air Resources Board	TBD	TBD	TBD	TBD
Regional and Local Agencies				
Riverside County	77588 El Duna Ct. Suite H Palm Desert, CA 92211	Melissa Martinez	760.863.8267	mjmartin@rivco.org
The Metropolitan Water District of Southern California	Real Property Group - Land Management Unit 700 North Alameda Street Los Angeles, CA 90012	Anna M. Olvera	213.217.6564	AOlvera@mwdh2o.com
Mojave Desert Air Quality Management District	14306 Park Ave Victorville, CA 92392 760.245.1661	Alan J. De Salvio	760.245.1661, ext. 6726 Office 760.403.4724 Mobile 760.245.2022 Fax	adesalvio@mdaqmd.ca.gov
Palo Verde Irrigation District	180 W. 14th Avenue Blythe, CA 92225	J.R. Echard Assistant Manager	760.922.3144	ir@pvid.org

2 Roles and Responsibilities

This chapter describes the roles and responsibilities of key Project personnel with respect to the MMCRP and identifies Project members responsible for implementing the MMCRP and their relationship to other staff working on the Project. The information in this chapter establishes preliminary lines of communication within the Project team.

2.1 Organization Roles

2.1.1 DCR Transmission

DCRT Project Sponsor

Responsible for Project compliance with the terms of the Approved Project Sponsor Agreement, financial approvals, and right of way compliance. Informs the Construction Contractor that they are contractually bound to comply with all of the Project's environmental requirements including implementation of this MMCRP.

DCRT Project Manager

DCRT's Project Manager (PM) will provide the overall direction, management, leadership, and corporate coordination for the construction phase. The DCRT PM has overall responsibility to ensure all environmental and permit-related compliance for the Project. The responsibilities of the DCRT PM related to the environmental program include, but are not limited to, the following:

- Coordinating among financial, safety, public affairs, construction, engineering, land services, and environmental staff
- Providing direction by integrating environmental compliance into all levels of the Project organization
- Communicating corporate coordination for all levels of the Project organization
- Allocating resources required to support effective corporate leadership and management of staff in order to comply with all Project measures, requirements, and procedures
- Ensuring compliance with Project specifications, drawings, permit conditions, construction contracts, and applicable codes
- Notifying the DCRT Environmental Project Manager (EPM) of construction schedule changes
- Working with the DCRT Environmental Project Management Team to evaluate and improve the implementation of the MMCRP as construction progresses
- Providing leadership for engineering, procurement, and construction services by integrating environmental responsibility into the Project organization
- Regularly facilitating Project meetings
- Reviewing and approving Construction Contractor's written minor project refinement submittals to the CPUC

DCRT Environmental Project Manager

DCRT's EPM is responsible for providing the appropriate level of resources for successful implementation of the MMCRP and will provide oversight of all activities required for compliance with the MMCRP. The EPM will provide management, direction, and leadership to the DCRT Environmental Project Management Team. Specific responsibilities of the EPM include, but are not limited to, the following:

- Directing development and implementation of the pre-construction environmental planning, permitting, and compliance activities
- Ensuring the development and implementation of environmental awareness training
- Ensuring all construction personnel receive environmental awareness training
- Providing the leadership and resources to ensure compliance with the MMCRP
- Actively communicating with the CPUC EPM and the Compliance Inspection Contractor's (CIC) Environmental Compliance Manager (ECM), particularly in regard to the MMCRP, compliance concerns, and compliance resolutions
- Ensuring frequent and clear communication among DCRT environmental staff, construction personnel, responsible resource agencies, and CPUC EMs
- Submitting construction status and MMCRP compliance reports to the CPUC
- Coordinating and tracking MMCRP compliance, including the submittal of DCRT's bi-weekly MMCRP compliance reports and pre-construction submittals in order to receive NTPs
- Reviewing and approving Construction Contractor's ECM/(Lead Environmental Inspector (LEI) inspection reports
- Preparing Minor Project Refinement Request Forms or assisting DCRT crews or contractors with preparation of the requests
- Coordinating the activities of the aesthetics, air quality, biological, cultural, greenhouse gas, hazards, land use, noise, traffic, utilities, and water measures, including environmental monitoring
- Submitting reports to responsible resource agencies, as identified in the measures and/or permit conditions
- Completing actions of the ECM/LEI identified below, if acting as both the EPM and ECM/LEI
- Reviewing and commenting on written minor project refinements from the Construction Contractor(s)
- Submitting variance requests to DCRT's Project Manager for review, approval, and submission to the CPUC/BLM.

2.1.2 Construction Contractor

The Construction Contractor(s) would be retained by DCRT to construct the 500-kilovolt transmission line(s) and ancillary facilities, including new or improved roads, a Project communication system, temporary work areas associated with construction activities, and restoration.

Construction Contractor's Executive Sponsor

- Responsible for Project completion in accordance with all environmental laws and regulations including all Project-specific permitting documents (including this Plan of Development (POD), the Record of Decision (ROD), ROW Grant, Biological Assessment (BA), and BLM and CPUC authorizations) and landowner agreements.

- Manages the Construction Contractor's Project Manager to ensure adequate responses to any environmental issues.
- Ensures effective coordination between the Construction Contractor's PM and/or Construction Contractor's ECM/LEI as concerning DCRT's PM and DCRT's ECM, BLM's Project Manager and CPUC's PM, and/or CIC and/or CPUC EM.

Construction Contractor's Project Manager

- Responsible for all aspects of Project execution and completion.
- Requires all Construction Contractor's and subcontractor's staff to adhere to compliance with all environmental laws and regulations, including all Project-specific permitting documents (including this POD, the ROD, ROW Grant, BA, and BLM and CPUC authorizations) and landowner agreements during the construction of the Project.
- Coordinates with Construction Contractor Construction Manager, DCRT's PM and the Construction Contractor's ECM/LEI on a regular basis to stay updated regarding the Project's compliance with environmental laws and regulations.
- Manages Construction Contractor's field supervision.
- Requires all Superintendents and Foremen to follow the directions of the Construction Contractor's environmental compliance staff regarding maintaining compliance with environmental laws and regulations.
- Ensures Superintendents and Foremen coordinate with environmental staff and implement measures identified to resolve non-compliance issues in a timely manner.
- Develops and distributes weekly schedule of construction activities and advanced forecasts of construction activities.
- Immediately informs the Construction Contractor's ECM/LEI and DCRT of any non-compliance.
- Responsible to develop a document control system to manage distribution of all documents and revisions.
- Ensure implementation of the Project Worker Environmental Awareness Program to facilitate compliance with all environmental laws and regulation, including all Project-specific permitting documents (including this POD, the BA, ROD, ROW Grant, and BLM and CPUC authorizations).
- Reporting:
 - Responsible for providing DCRT with reports in a timely fashion per contract requirements.
- Minor project refinements:
 - Reviews and approves written variance requests for submittal to DCRT.
 - Can delegate authority to submit written variance requests to others.

Construction Contractor Construction Manager

- Responsible for the conduct of construction personnel regarding environmental compliance.
- Manages construction activities and personnel.
- Requires all contractor personnel follow the directions of the Construction Contractor's environmental staff regarding maintaining compliance with all environmental laws and regulations, including all Project-specific permitting documents (including this POD, the ROD, BA, ROW Grant, BLM and CPUC authorizations) and landowner agreements during the construction of the Project.

- Coordinates with the Construction Contractor's ECM/LEI and Subject Matter Experts (SME) to ensure that all construction personnel for whom they are responsible abide by all applicable laws, permits, and agreements.
- Conducts regular meeting and training with construction personnel to review safety and environmental compliance practices.
- Ensures measures identified to resolve non-compliance issues are communicated to construction personnel and implemented in a timely manner.
- Immediately informs Construction Contractor's PM and ECM/LEI of any non-compliance.
- Evaluates all compliance issues and ensures that all personnel involved with any construction activities have completed the environmental compliance training program, are reported on the training list, and have a hard hat sticker.
- Delegates resources wherever necessary to correct or prevent non-compliances.
- Works with the Construction Contractor's PM to schedule construction activities the abide by avoidance seasons or other environmentally restricted areas.
- Coordinates with the Construction Contractor's ECM/LEI regarding upcoming construction activities and the need for third-party monitoring.
- Variances:
 - Provides data and/or supports development of written variance requests for submittal to DCRT for approval.
 - Communicates the status of variances to construction personnel.

Construction Contractor's Environmental Compliance Manager/ Lead Environmental Inspector

The Construction Contractor's ECM/LEI will support the EPM for successful day-to-day field implementation of the MMCRP. The ECM/LEI's responsibilities include, but are not limited to, the following:

- Assists in tracking Project compliance with all appropriate environmental laws and regulations, including Project-specific permitting documents (including this POD, the ROD, the BA, ROW Grant, and BLM and CPUC authorizations) and landowner agreements during the construction of the Project.
- Coordinates with internal Construction Contractor personnel, DCRT's EPM, CIC PM and/or CPUC PM, CIC and/or CPUC EM, and other field inspection personnel on a regular basis to manage and track Project activities and ensure consistent communication Project-wide.
- Manages Construction Contractor's environmental staff.
- Determines the need for variances and works with internal Construction Contractor personnel to develop a formal request.
- Receives and reviews daily environmental compliance inspection reports from internal Construction Contractor environmental personnel or delegates document review to other personnel.
- Develops the Project Worker Environmental Awareness Program to facilitate compliance with all environmental laws and regulation, including all Project-specific permitting documents (including this POD, the BA, ROD, Row Grant, and BLM and CPUC authorizations).
- Coordinating with CPUC EMs as appropriate
- Coordinating the mobilization of other resource specialists, including biological and Stormwater Pollution Prevention Plan specialists, as required
- Conducting inspections of construction activities and review of EM reports

- Coordinating the assessment of work area conditions ahead of construction and providing advance notice of conditions and situations that require specific awareness, planning, or notifications
- Working closely with the EPM, CM, and CPUC EMs to evaluate the effectiveness of all measures
- Providing coordination with the Construction Contractor's CM and construction and engineering groups to ensure all measures are understood and implemented
- Providing and documenting environmental awareness training for Project personnel
- Assisting the EPM with the preparation of Minor Project Refinement Request Forms
- Reporting:
 - Responsible for tracking and coordinating environmental issue areas and non-compliance reports and ensuring follow-up and resolution reports are filed.
 - Makes reports available at the request of the DCRT EPM, BLM's PM or CIC, and CPUC's PM or CPUC EM.
 - Provides post-construction reclamation monitoring reports to DCRT throughout the Construction Contractor's responsible duration of post-construction reclamation monitoring period, as described in the final Reclamation, Vegetation, and Monitoring Plan in Appendix L-1 of the POD.
- Minor Project Refinements:
 - Initiates, develops, and tracks variances and communicates variance status with Construction Contractor's Project Manager, Construction Superintendent(s) and Construction Contractor environmental personnel.
 - Coordinates processing and archiving of variances.
 - Ensures completion of any required field surveys (biology, archaeology, etc.) and technical reports to support variances.
 - Ensures variance requests are complete and accurate prior to submitting to DCRT.
 - Communicates variance approvals to field personnel for implementation.

Construction Contractor's Subject Matter Expert Environmental Inspectors

Several measures require qualified SME monitors during construction, including biological and cultural resource monitors. DCRT is to provide on-site SMEs to meet the conditions of these measures.

Contact information for all SMEs will be made available as consultant and contract personnel are finalized. The SMEs will provide oversight, protection, and direction for compliance within their field of expertise for the applicable construction components, as required.

- Conducts inspection of construction activities for compliance with all environmental laws and regulations, including the POD, the ROD, the BA, ROW Grant, BLM and CPUC authorizations, permits (federal, state, and local), and landowner agreements during the construction of the Project.
- Conducts and documents daily inspections of construction activities.
- Ensures any Project disturbance is approved prior to proceeding.
- Identifies sensitive resources and areas of concern prior to upcoming construction activities and coordinates with construction personnel.
- Acts as a resource to construction personnel to explain environmental regulations and how they are applied in the field.

- Verifies construction work areas, access roads, and features such as wetlands or sensitive habitat are properly marked and flagged before work is done in the area.
- Installs and inspects erosion control devices/measures to ensure functionality and communicates erosion control devices/measures and maintenance needs to the Construction Contractor’s EM for their Foremen.
- Follows up on the repair and maintenance of erosion control devices/measures.
- Has the authority to stop work when construction activities are in danger of a non-compliance, environmental laws and regulations, or Project-specific permitting documents.
- Inspects and documents reclamation and revegetation activities.
- Reporting:
 - Submits daily reports to the LEI that document construction activities and associated compliance status for that day.
 - Documents the resolution of any compliance issues in daily reports.
- Minor Project Refinements:
 - Communicates variance status to and construction personnel.
 - Assists in development of variance requests, if needed.

2.1.3 California Public Utilities Commission Roles

CPUC Project Manager

The CPUC PM has the overall responsibility for ensuring that all measures are implemented as adopted by the CPUC. The CPUC PM will determine the effectiveness of the MMCRP based on the success criteria included in the mitigation monitoring program tables. The CPUC will delegate field monitoring and reporting responsibilities to Dudek. The CPUC PM will oversee Dudek’s work through telephone calls and review of monthly compliance status reports. The CPUC PM will be notified of all noncompliance situations immediately by telephone call or email and may suggest measures to help resolve the issue(s). All Minor Project Refinement Request Forms will be submitted to the CPUC PM for review and approval.

The CPUC PM may issue more than one NTP for Project construction, depending on DCRT’s construction schedule and phasing of the Project. In the event the NTP covers other jurisdictional lands, CPUC’s NTP will authorize construction to start, but only in compliance with all relevant measures and other required permit conditions. No construction may occur on other jurisdictional lands without specific approval (i.e., issuance of permits) by those agencies.

CPUC EMs

The overall monitoring program will be administered under the direction and oversight of the CPUC PM. The CPUC has delegated compliance monitoring and reporting responsibilities to a third-party firm, Dudek. The number of CPUC EMs and frequency of site inspections will depend on the number of concurrent construction activities and their locations with respect to sensitive resources and land uses, and compliance with Project measures and permit conditions during construction.

The DCRT EPM has primary responsibility for ensuring that construction activities are conducted in accordance with approved Project measures, compliance plans, and permit conditions. The role of the CPUC EMs (Dudek) is to monitor and document that compliance is being achieved using verbal and written communications. Dudek EM duties include the following:

- **CPUC Environmental Compliance Manager.** The ECM supervises Dudek’s EMs, determines the appropriate level of inspection frequency, and is responsible for monthly compliance status report preparation. The ECM also serves as the main point of contact with the CPUC PM for major issues and noncompliance discussions.
- **CPUC Environmental Monitors.** CPUC EMs will be an integral part of the Project team. The EMs will stay apprised of construction activities and schedule changes, and will monitor construction activities for compliance with all Project measures, compliance plans, and permit conditions. The CPUC EMs will document compliance through maintaining daily logs (refer to Appendix C, Sample Site Inspection Form). The CPUC EMs may also provide input for the draft monthly compliance status reports. The CPUC EMs will note problems with monitoring, notify designated Project members, and report the problems to the CPUC PM. The enforcement and shut-down authority of the CPUC EMs in the field is limited to issues that address imminent danger to resources or puts a sensitive resource at undue risk (e.g., stopping a clearing crew from unknowingly clearing vegetation in an exclusion area. However, these and all other issues will be brought to the attention of the DCRT EPM and the CPUC PM to address appropriately.

2.1.4 Mitigation Monitoring Program Contact List

Table 4 is a list of contacts that includes the names of DCRT monitoring staff, the CPUC PM, ECM, EMs, supervisory staff, and other members of the Project team. The list also includes cell phone numbers and email addresses where Project members can be reached during construction. The contact list will be updated and redistributed to the Project team periodically throughout construction.

Table 4. Contact List

	Name	Phone	Email
Bureau of Land Management (BLM) Palm Springs – South Coast Field Office Compliance Inspection Contractor (CIC) Team			
Agency Authorized Officer (BLM AAO)	Tim Gilloon	760.833.7100	BLM_CA_Web_PS@blm.gov
Environmental Compliance Manager (CIC ECM)	Brian Parker	385.242.5040	bparker@transcon.com
Environmental Monitor (CIC EM)	TBD		
California Public Utilities Commission (CPUC) Compliance Team			
Project Manager (CPUC PM)	Eric Chiang	415.703.1956	eric.chiang@cpuc.ca.gov
Environmental Compliance Manager (CPUC ECM)	Robert Hall	626.314.4034	rhall@dudek.com
Environmental Monitor (CPUC EM)	TBD		

Table 4. Contact List

	Name	Phone	Email
Delaney Colorado River Transmission (DCRT) Team			
Project Executive / Sponsor (DCRT Lead)	Jason Crew	713.569.8995	jcrew@starwood.com
Project Manager (DCRT PM)	Lowell Rogers	916.616.0292	lowell.rogers@oakstrategic.com
Project Engineering Lead (DCRT Engineer)	Emilio Rodriguez	480.442.2866	eri@nodo.solutions
Environmental Project Manager (DCRT EPM)	Randy Schulze	303.674.0551	rschulze@cbxinternational.net
Construction Contractor's Executive Sponsor	Phil Hutton	602.390.5065	phutton@ecsourceservices.com
Construction Contractor Construction Manager	Kyle Gladden	480.528.9007	kgladden@tanddpower.com
Construction Contractor Project Manager	Cole Clarke	570.309.4756	cclarke@ecsourceservices.com
Construction Contractor Environmental Compliance Manager/Lead Environmental Inspector	Kelli Cummings	570.690.9983	kcummings@energyenvirogroup.com
Construction Contractor Subject Matter Experts (SMEs)	Matt Sim Austin Mason Melissa Folsom Taylor Didesch Celeste LaFleur	505.818.5265 503.353.2286 480.532.5078 480.299.6120 346.267.6900	mattsim@energyenvirogroup.com aumason@energyenvirogroup.com mfolsom@energyenvirogroup.com tdidesch@energyenvirogroup.com celafleur@energyenvirogroup.com
Construction Contractor Biological Lead (Bio)	Nikki Walker	928.916.1251	niwalker@energyenvirogroup.com
Archaeological Lead (DCRT Arch)	TBD		

2.2 Responsibilities

2.2.1 Monitoring

As the lead agency under CEQA, the CPUC is required to monitor the Project to evaluate compliance with the relevant measures. The CPUC will monitor compliance with the provisions and implementation of this MMCRP. The CPUC EMs will be in the field on a regular basis, particularly when construction activities have the potential to impact a sensitive resource. Responsible agencies, such as the California Department of Fish and Wildlife and Regional Water Quality Control Board, may also elect to monitor construction or conduct a site visit during construction.

DCRT will have SME monitors on site, as required by the measures and resource agency permits. SMEs will submit reports as required. DCRT will be responsible for coordinating SME monitors and assisting construction crews with interpreting all measures and correcting compliance problems in a timely manner. SMEs will also provide worker

environmental awareness training as new workers arrive on the Project site, as required per applicable measures (refer to Appendix B for all measures related to worker environmental awareness training).

2.2.2 Enforcement

The CPUC and other jurisdictional agencies are responsible for ensuring compliance with applicable measures and for enforcing the procedures adopted for monitoring through the CPUC EMs assigned to each Project component.

Per Resolution E-4550 (May 9, 2013), the CPUC may impose fines in the event that DCRT does not comply with the measures. CPUC Safety and Enforcement staff will determine whether a fine is appropriate for noncompliance events, consistent with Resolution E-4550. Examples of noncompliance that may result in fines being issued by CPUC Safety and Enforcement staff include, but are not limited to, the following:

- Continuing construction after an authorized staff person has required construction to stop
- Starting construction components that have not been approved through an NTP
- Violating nest buffer zones
- Encroaching into an exclusion zone or sensitive resource area designated for avoidance
- Grading, line work, or other ground disturbance without required biological pre-construction surveys or biological monitor on site
- Using new access roads, overland travel routes, staging areas, or extra workspaces that have not been approved
- Failing to properly maintain an erosion or sediment control structure
- Working outside of any time limitations identified in the measures
- Project personnel working without training

Pursuant to Resolution E-4550, CPUC advisory staff (Energy Division and Legal Division) will meet and confer with DCRT prior to making a final decision on issuing a citation or fine.

Other jurisdictional agencies have the independent authority to halt construction, operation, or maintenance activities associated with the Project within their respective jurisdictions if the activities are determined to be a deviation from the approved Project or adopted measures, or if the activities put a sensitive resource at undue risk.

2.2.3 Mitigation Compliance

DCRT is responsible for successfully implementing all Project measures. Standards for successful mitigation also are implicit in many measures that include such requirements as obtaining permits or avoiding a specific impact entirely. Additional mitigation success thresholds may be imposed by applicable agencies with jurisdiction through the permit process.

DCRT will inform the CPUC and its monitors in writing of any measures that are not or cannot be successfully implemented. The CPUC, in coordination with its ECM and EMs, will assess whether alternative mitigation is appropriate, and specify to DCRT the subsequent actions required.

2.3 Communication

Communication is a critical component of a successful environmental compliance program. To avoid construction delays and possible shutdowns, environmental and construction representatives will need to interact regularly and

maintain professional, responsive communication at all times. Similarly, DCRT will need to coordinate closely with the CPUC ECM and EMs to address and resolve issues in a timely manner. Therefore, this section of the MMCRP provides a communication protocol to accurately disseminate information about ongoing surveys and measures, construction activities, contractors, and planned or upcoming work to all levels of the Project team.

2.3.1 Pre-Construction Kickoff Meeting

A pre-construction meeting will be held with CPUC, DCRT, and the CPUC ECM and EMs to review the MMCRP and mutually agree on the Project's communication protocol. Based on discussion at the meeting and input from each party, Chapter 2, Roles and Responsibilities, of this document will be finalized and incorporated into the MMCRP. The following section is an example of a typical communication protocol that provides a template from which the ultimate protocol can be derived.

2.3.2 Construction Progress Meetings

DCRT will conduct regularly scheduled meetings with the Construction Contractor's PM, the CM, the EPM, and the LEI to discuss work completed, work anticipated for the following period, and the status of relevant measures. The meetings will also be a forum for discussing environmental compliance issues or concerns with the construction contractors. DCRT may request CPUC's PM, ECM, and EM(s) to participate in the meeting to help resolve any issue that may have arisen during the previous period. Alternatively, DCRT's or CPUC's ECM/EM(s) may recommend a separate meeting to discuss measures, Minor Project Refinement requests, or other Project-related issues.

In addition to construction progress meetings conducted at the field level, the DCRT PM, DCRT CM, DCRT EPM, and CPUC ECM and/or CPUC PM may participate in teleconference calls. The teleconference calls would be similar to construction progress meetings, but the conference calls would focus on the MMCRP.

2.3.3 Daily Communication

Many of the problems that come up during construction can be resolved in the field through regular communication between CPUC EMs, and the Construction Contractor's SME monitors and construction crews. Field staff will be equipped with cell phones and available to receive phone calls at all times during construction. The following subsections provide additional guidelines to ensure effective communication in the field.

CPUC EMs

The CPUC EMs' primary point of contact in the field is the Construction Contractor's environmental team, including the ECM/LEI, Environmental Inspector, and DCRT EPM. The CPUC EMs will contact the Construction Contractor's environmental monitoring team if an activity is observed that conflicts with one or more of the measures so that the situation can be corrected. If the CPUC EMs cannot immediately reach the Construction Contractor's environmental monitoring team, then the DCRT EMP will be contacted to address the problem. DCRT's EPM will include the CPUC EM on daily and weekly schedules that detail where construction crews are working, the status of measures, and schedule forecasts. The CPUC EMs will not direct the construction crews; however, the EMs have the authority to stop work, assuming it is safe to do so, if an activity poses an imminent threat or puts a sensitive resource at undue risk (e.g., stopping a clearing crew from unknowingly clearing vegetation in an exclusion area).

DCRT

DCRT will provide the CPUC ECM and EMs with a list of construction monitoring personnel and construction supervisory staff in the event the need arises for the CPUC ECM or EM to contact them directly. The contact list will include each person's title, responsibility, and whether their position is segment specific. The contact list will be updated as new personnel are assigned to the Project and redistributed as necessary.

DCRT will prepare and distribute a bi-weekly construction status and MMCRP compliance report (bi-weekly report) to key Project members, including the CPUC. The frequency of MMCRP compliance status reports may be modified if construction activities warrant an increase or reduction in reporting frequency, and if approved in advance by the CPUC PM. The CPUC PM will review the reports to ensure that the status of measures is consistent with observations in the field. Any questions regarding the status of measures will be directed to the DCRT EPM. The environmental compliance status report will also be a tool to keep all parties informed of construction progress and schedule changes.

2.3.4 Questions and Clarifications

Questions and the need to clarify Project requirements will periodically arise throughout the implementation process. DCRT and CPUC will submit questions and clarifications in writing via email (e.g., full compliance with measures, procedures, and Project changes). Email correspondence and compliance and monitoring reports should be used to document resolutions.

2.3.5 Construction Schedule

Daily schedules, including plans of the day; weekly schedules; and 3-week look ahead schedules will be distributed regularly by DCRT so the CPUC monitoring staff can cover activities appropriately and efficiently. DCRT will keep the CPUC team informed of delays in the construction schedule. In particular, DCRT will inform the CPUC of any schedule changes that may affect implementation of the MMCRP. A construction schedule will be submitted with all NTP requests, consistent with the Final EIS.

2.3.6 Communicating Compliance Issues

Section 3.2.4, Compliance and Noncompliance Resolution Process, describes procedures to communicate minor deviation incidents and noncompliance events identified by the CPUC EMs during site inspections.

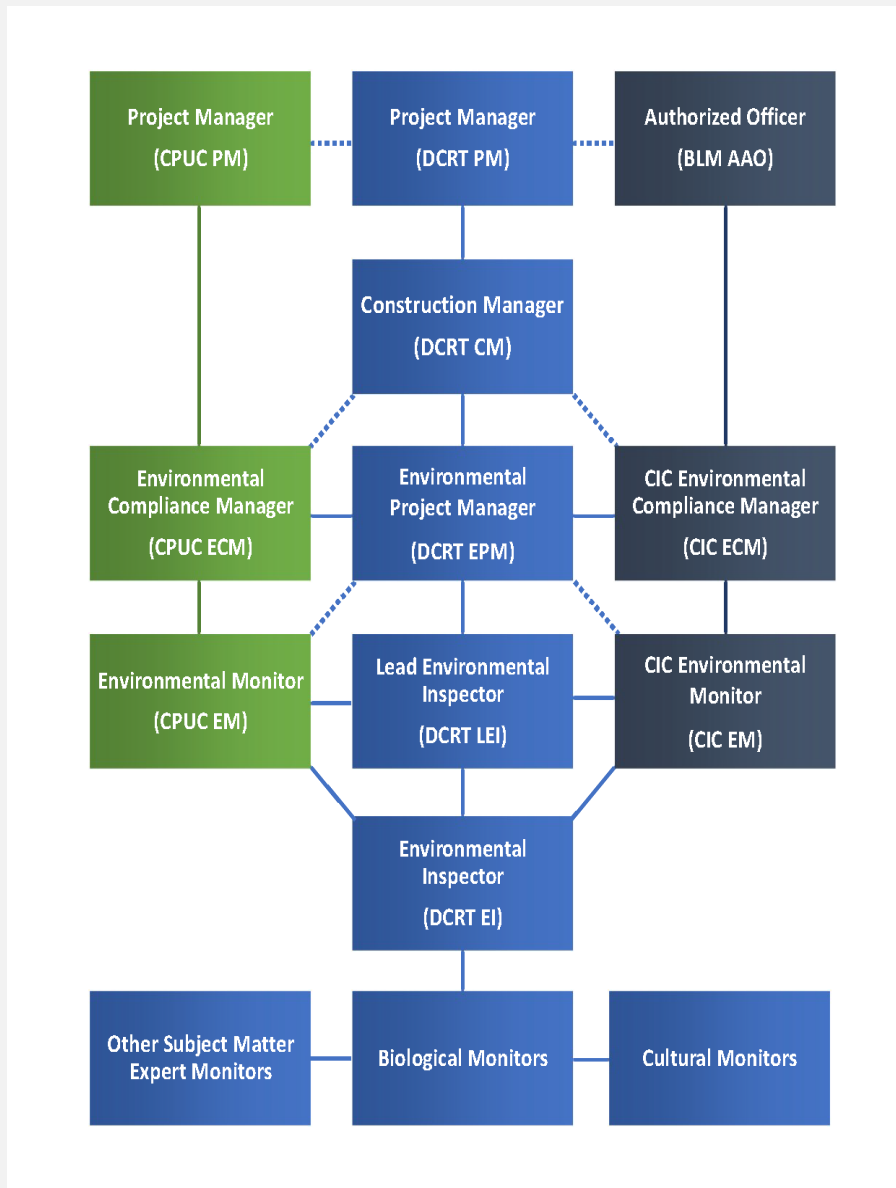
2.3.7 Coordination with Other Agencies

As discussed in Section 1.4, Agency Jurisdiction, several local, state, and federal agencies have jurisdiction over portions of the Project. In addition, some of the measures are associated with specific permit conditions or agency input. DCRT will be responsible for contacting resource agencies and immediately notifying them of issues regarding their jurisdiction. The CPUC ECM and/or EMs may request copies of email correspondence, phone logs, or other documentation between DCRT and resource agencies to avoid direct involvement. However, if there is an unresolved issue regarding compliance with a measure or Project-related permit requirement under the jurisdiction of a resource agency, the CPUC ECM and/or EMs may elect to contact the agency to discuss a resolution. The CPUC ECM and/or EMs will coordinate this call with DCRT and provide the opportunity to participate in the call.

2.4 Organizational Chart

Exhibit 1 is an organizational chart of CPUC, Compliance Inspection Contractor, and DCRT personnel that illustrates communication among these personnel. CPUC and DCRT are responsible for informing others about changes in staff.

Exhibit 1. Organizational Chart



* This chart depicts primary communication pathways only and does not preclude communication among various California Public Utilities Commission (CPUC) or DCR Transmission (DCRT) field staff (e.g., Compliance Monitors, Environmental Consultants, and Construction Leads/Managers) and/or all Environmental Managers.

3 Environmental Compliance and Field Procedures

3.1 Pre-Construction Compliance and Reporting

DCRT may be required by the terms of the measures and the permitting requirements of various other regulating agencies to prepare plans and obtain approval of these documents, in addition to performing various surveys and studies prior to construction. To the extent plans and studies are required, copies of this documentation will be retained by the CPUC ECM and provided to the CPUC with all files at the completion of the Project.

While these documents are being reviewed by the approving agencies, they will also be reviewed by the CPUC. Compliance with all pre-construction measures will be verified prior to construction. Construction may not start on any segment before DCRT receives a written NTP from the CPUC PM.

The CPUC ECM and/or EMs, including Project management staff and SMEs, will review all mitigation plans and reports and provide comments. Resource agencies will also be involved in the review of applicable plans and reports, primarily restoration related, and will provide comments as required by resource agency permits. Comments on these documents will be provided to DCRT to ensure that they adequately accomplish the intended reduction in impacts. For required local and state agency permitting/consultations, the CPUC ECM and/or EMs will track DCRT's progress as it relates to DCRT's construction plans and mitigation and permitting requirements. Based on DCRT's construction plans, the CPUC may authorize construction to begin on a phased basis, and the CPUC ECM and/or EMs will handle pre-construction compliance review accordingly. If DCRT requests more than one NTP, the CPUC may issue NTPs for construction of each phase separately as soon as pre-construction compliance for that phase is satisfactorily accomplished.

The CPUC will not authorize construction to begin until all pre-construction requirements for a given phase have been fulfilled and can be demonstrated by DCRT. To save time, DCRT should identify all workspace required for each phase of construction prior to the start of active construction so that the locations and their use can be included in the NTP.

3.1.1 Notice to Proceed Procedures

The CPUC PM and Dudek will ensure that the NTP process is consistent with the adopted CEQA document. The NTP approval will document that pre-construction measure requirements, applicable surveys and studies, and permit requirements have been met.

In general, an NTP request must include the following information:

- A description of the work
- Detailed description of the location, including maps, photos, and/or other supporting documents
- Verification that all applicable measures have been met or do not apply to the work covered by the NTP request

- Verification that all applicable permit conditions or requirements, Project parameters, or other Project stipulations have been met for the work covered by the NTP request
- A request outlining what submittals are outstanding and how they will be met and approved in a timely manner prior to construction (if some outstanding compliance items cannot be met prior to issuance of the NTP)
- Up-to-date biological resource surveys or a commitment to survey and submit results prior to construction
- Cultural resource surveys or verification that no cultural resources would be significantly impacted
- All applicable jurisdictional permits and/or agency approvals (if necessary)
- Date of expected construction and duration of work

The CPUC will review the NTP request and pre-construction requirement submittals per the steps outlined below to ensure that all information required to process the approval is included:

1. DCRT submits the NTP to the CPUC PM. CPUC will distribute the NTP request for specialist review, as needed or required by an applicable measure.
2. The CPUC will also review and, if needed, will prepare a bullet list of outstanding requirements and where additional information or clarification is needed.
3. All questions and comments, as well as required additional information or clarifications, will be sent to DCRT by the CPUC via email.
4. DCRT will supply clarifications and/or additional information to be added to the NTP request in a memo or letter format, along with responses addressing all comments and questions forwarded by the CPUC.
5. If applicable, the CPUC will complete a compliance status table documenting compliance and any outstanding requirements that can be made conditions of the NTP.
6. The CPUC will review the draft NTP approval letter and send the approval and an updated compliance table to DCRT.
7. The CPUC will then post the approved NTP documentation on the public CPUC Project website.

3.2 Construction Compliance and Reporting

As the lead agency under CEQA, the CPUC is required to monitor the Project to ensure that all applicable measures are implemented. The Energy Division has primary responsibility for ensuring full compliance with the provisions of the monitoring program. The CPUC EM, under the supervision of the CPUC PM and ECM, will monitor construction activities on the Project site on a regular basis, particularly when construction activities have the potential to impact a sensitive resource.

3.2.1 DCRT Monitoring and Compliance Reports

The Construction Contractor's ECM/LEI will be on site as needed to coordinate SME monitors (such as biologists and archeologists), assist construction crews with interpreting applicable measures, and help correct compliance problems in a timely manner. Several measures require DCRT to supply a specialty monitor with specific qualifications. These monitors and the related measures are identified in Table 5.

Table 5. DCRT Specialty Monitors Required During Construction

Specialty Monitor	Related Measures
Qualified Biologist	APM BIO-02, BMP BIO-02, APM BIO-20, APM BIO-22. APM BIO-23, BMP BIO-30, BMP BIO-31, BMP BIO-49, CMA LUPA-BIO-1, CMA LUPA-BIO-2, CMA LUPA-BIO-IFS-5, CMA LUPA-BIO-IFS-7, CMA LUPA-BIO-IFS 12, CMA LUPA-BIO-IFS-13, MM BIO-CEQA-2, MM BIO-CEQA-3, MM BIO-CEQA-4, MM WIL-CEQA-1, MM WIL-CEQA-3, MM WIL-CEQA-5, MM WIL-CEQA-6, MM WIL-CEQA-7, MM WIL-CEQA-8, MM WIL-CEQA-9, MM WIL-CEQA-10., MM WIL-CEQA-11, MM VEG-CEQA-1, MM VEG-CEQA-2, MM VEG-CEQA-3, MM VEG-CEQA-4.
Qualified Paleontologist	APM PALEO-01. BMP PALEO-02

APM = Applicant-Proposed Measure; BMP = Best Management Practice; CMA = Conservation and Management Action; LUPA = Land Use Plan Amendment; MM = Mitigation Measure

Construction Status Report

DCRT will submit a weekly three-week look-ahead schedule to the CPUC. The look-ahead schedule will include the type of work activity (e.g., roads, foundations, steel erection, wire stringing, reclamation the location of the work activity, and the day or days that work is anticipated to take place. The CPUC compliance team may communicate with the DCRT EPM or Construction Contractor’s ECM/LEI to confirm daily work locations and schedules to convey unanticipated minor schedule changes.

Compliance Report

DCRT will prepare and submit a bi-weekly MMCRP compliance report to the CPUC. The MMCRP compliance report will include the following:

- A construction status update for all active work phases and a look-ahead work description and schedule for subsequent work.
- A compliance summary detailing compliance activities such as notable survey efforts, noncompliance incidents and their resolutions, preparation for implementation of mitigation measures for future work phases, recently submitted or processed Project changes, a list of outstanding agency deliverables, and representative monitoring photographs. DCRT is required to keep accurate and detailed accounts of noncompliance incidents (and subsequent resolutions) as identified by the CPUC or as self-reported.
- Public Complaint Logs and Noncompliance Incident Reports, as detailed below.

3.2.2 CPUC Monitoring and Compliance Reports

As described in Chapter 2, Roles and Responsibilities, the CPUC EMs will perform compliance inspections throughout the construction period to evaluate compliance with all applicable measures, plans, permits, and CPUC’s conditions of approval. Site visits may be coordinated with DCRT or conducted unannounced. Supplemental information provided by DCRT, including pre-construction submittals, survey reports, bi-weekly MMCRP compliance reports, meeting notes, and agency correspondence, will also be used to verify compliance.

The CPUC EMs will document observations on-site through the use of field notes and digital photography. In addition, field inspection forms will be used in the field to document compliance of specific crews, construction activities, or resource protection measures. The forms will provide a standardized checklist to facilitate inspections

and will list applicable measures that were verified during the site visit. Information gathered from the inspection forms and field notes will be used to generate monthly compliance status reports and update the status of Project measures (refer to Appendix B). A sample field inspection form is provided as Appendix C. Monthly compliance status reports will be provided to all permitting agencies via email, if required by agency permits, and/or posted on a CPUC public website during construction.

Separate enforcement actions by the regulatory agencies may not follow these steps. The CPUC ECM will use the field inspection forms and supplemental information provided by DCRT, including pre-construction plan submittals, survey result reports, bi-weekly MMCRP compliance reports, meeting notes, and agency correspondence, to verify compliance. This information will be compiled into the monthly compliance status report that Dudek will submit to the CPUC PM.

3.2.3 Noncompliance Reporting

If DCRT discovers a noncompliance incident of any magnitude, the DCRT must notify the CPUC ECM of the incident (self-report). Noncompliance incidents may also be discovered by the CPUC compliance monitoring team and brought to the attention of DCRT. For both self-reports and discoveries, the CPUC ECM may request an email or a formal noncompliance incident report from DCRT, either of which must include a description of the incident and corrective actions taken or proposed. Upon receipt of the noncompliance incident email or formal report, the CPUC ECM and/or PM will determine next steps for reporting and follow-up to reestablish compliance. The CPUC ECM or PM will assign the incident a noncompliance level and issue a Noncompliance Report (NCR) to DCRT. DCRT must track all noncompliance incidents and document the incidents and implementation of corrective actions in its monthly reports (refer to Section 3.2.1, DCRT Monitoring and Compliance Reports, for reporting procedures).

3.2.4 Compliance and Noncompliance Resolution Process

The CPUC EMs, DCRT EPM, and Construction Contractor's ECM/LEI will document all observations and communications in a logbook and will determine whether the observed construction activities are consistent with applicable measures and Project parameters, as adopted by the CPUC. All compliance issues, regardless of level, will be documented in field notes, bi weekly MMCRP compliance reports, and monthly compliance status reports, which will be provided to all agencies upon request.

The CPUC EMs will not direct the work of construction crews. A construction activity that deviates from permit conditions or measures, or occurs outside of approved work areas, particularly when the activity puts a resource at risk, would be considered a noncompliance issue. A noncompliance issue may also be reported by the DCRT PM, DCRT CM, DCRT EPM, Construction Contractor's PM, CM and ECG/LEI, and/or a CPUC EM if a measure is not implemented according to established timing restrictions.

Examples of noncompliance include, but are not limited to, the following:

- Use of new overland access routes, access roads, staging areas, or extra workspaces not identified in the EIS or approved for use during construction
- Construction activity occurring in areas not identified in the EIS or approved for use during construction
- Encroachment into an exclusion zone or sensitive resource area designated for avoidance
- Construction activity during seasonal activity restrictions
- Excavating without required biological pre-construction surveys or a required biological monitor on site

- Failure of erosion or sediment control structures if it puts a sensitive resource at risk
- Discharge of sediment-laden trench water into a water body or storm drain

DCRT will immediately notify the CPUC EMs and the CPUC ECM and PM if any noncompliance events occur, verbally or through email. DCRT will follow up with a detailed written report of the event within 24 hours or at a time agreed upon with the CPUC PM. In the event the noncompliance is observed by a CPUC EM, the CPUC EM will immediately notify the Construction Contractor's ECM/LEI of a noncompliance issue that requires immediate corrective action. An NCR that outlines the incident will be sent to DCRT from the CPUC PM. The non-compliance report (NCR) will list all actions required to bring the activity back into compliance and provide a timeline for follow-up. All NCRs and Project Memoranda will be made available upon request to agencies with resources that were potentially affected by activities reported in the NCR. 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 ECM and/or DCRT PM 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, the following:

- Failure to properly maintain an erosion or sediment control structure, without structural failure occurring
- Use of an unapproved access route (first offense)
- Project personnel beginning work on site without proof of training
- Work outside the approved work limits where the incident is within a previously disturbed area, such as a gravel lot

Through the issuance of Project Memoranda and NCRs, patterns of compliance issues can be discerned, preventive measures can be developed, and remedial work, if needed, can be scheduled.

Incident reports (e.g., reportable spills) will also be tracked in the DCRT's bi-weekly MMCRP compliance reports as well as the CPUC's monthly compliance status reports. Repeated events that individually might not be considered noncompliant may become noncompliant if continued occurrences are observed and documented after the initial incident. In other words, repeated incidents will result in noncompliance.

Compliance and Noncompliance Violation Levels

Project compliance and noncompliance violation levels and the specific corrective actions are defined below. The compliance and noncompliance violation levels should be used by the DCRT PM and CPUC EMs to document compliance levels throughout construction.

- **Level 0 Compliance.** This level indicates that all measures and permit conditions are being complied with, and there are no violations. No corrective action is necessary.
- **Level 1 Minor Deviation.** This level indicates that a minor deviation from an approved applicable measure has been identified, and action is being taken in the field to immediately remedy the situation. No resources are being impacted, and no potential for resource damage exists. If a minor deviation is not expeditiously corrected, it could become a Level 2 Noncompliance issue.
- **Level 2 Noncompliance.** One or more aspects of an applicable measure have not been complied with, making the measure ineffective and resulting in minor impacts. If allowed to continue, this noncompliance could result in a significant impact over time. Noncompliance may also include one or more of the aspects of a measure not being complied with and the implementation of the measure being deficient or nonexistent, resulting in significant impact(s), or immediate threat of major, irreversible environmental

damage or property loss. The protocol outlined above for an NCR will be completed in the event Level 2 Noncompliance is identified by a CPUC EM and/or the DCRT EPM or Construction Contractor's ECM/LEI.

- **Level 3 Serious Noncompliance:** A Level 3 Serious Noncompliance incident is an action that deviates from Project requirements and results in major impacts or has the potential to immediately result in major impacts to environmental resources. These actions are not in compliance with the approved measures, permit conditions, and/or approval requirements (e.g., Minor Project Refinements, NTPs), and/or violate local, state, or federal law. Examples include irreparable damage to archaeological sites or destruction of active bird nests. A Level 3 Serious Noncompliance notice may also be issued if Level 2 incidents are repeated. Level 3 Serious Noncompliance incidents may result in a full or partial construction shutdown following a stop-work order from the CPUC PM.

The CPUC PM and EPM will be notified of all noncompliance activity by the LEI, ECM or EM. Reporting of all noncompliance activities will be included in DCRT's bi-weekly MMCRP compliance reports. Based on the severity or pattern of noncompliance activity, the CPUC PM has the authority to shut down construction activities. If a shutdown of construction activity occurs, construction will not resume until the CPUC PM authorizes it to do so. Dudek personnel will have the authority to shut down construction activities or redirect work on a component or site-specific basis to address issues of imminent harm to resources or other dangers to the general public. The CPUC will have authority to shut down construction on a Project-wide scale within the State of California.

3.2.5 CPUC Compliance Team Incident Response and Communication

The incident response communication process is described in detail below.

- A noncompliance incident may be discovered by the CPUC ECM (off site) or observed by the CPUC EM (on site) during a site visit.
- If the issue puts sensitive resources or human health and safety at risk and a stop-work order is warranted, the CPUC ECM will contact the CPUC PM and DCRT EPM immediately, as described further below. If the noncompliance incident does not require immediate resolution, the incident will be discussed in a phone call or email to the DCRT EPM or on the regularly scheduled conference call.
- If the incident is minor and can be easily resolved in the field by providing clarification to construction crews, if it requires immediate action to prevent an easily avoidable but serious environmental impact, or if time is needed to investigate a compliance incident further, the CPUC ECM will notify the CPUC PM and EPM, who may authorize a temporary hold. The temporary hold will be conveyed verbally by the CPUC ECM to the DCRT EPM to halt construction in a safe manner.
- Once the issue is resolved, and after the CPUC ECM consults with the CPUC PM, the ECM will verbally authorize the lift of the hold to the DCRT EPM. If the issue is not fully resolved and/or requires further action and/or management discussions, the CPUC ECM will recommend that the CPUC PM issue a stop-work order or initiate a stand-down.
- If on-site DCRT EMs/EPMs are unavailable or are aware of an issue but do not act within a reasonable time period to resolve it, the CPUC EM team may record the noncompliance in their reports. Level 1 Minor Deviations are generally recorded in the site inspection form but may also be identified by EMs during review of monitoring reports. Level 2 or 3 Noncompliance incidents require consultation with the CPUC PM and are issued in separate formal reports to DCRT.

- DCRT will contact the CPUC ECM immediately for Level 2 & 3 Noncompliance incidents and report minor deviations (Level 1) incidents via email and possibly a phone call. The CPUC ECM will send an email notification to the DCRT PM and EPM to ensure tracking of the incident. The CPUC will typically not issue a noncompliance notice for a minor (Level 1) self-reported incident. Noncompliance incident reporting is described in additional detail in Section 3.2.4, Compliance and Noncompliance Resolution Process.
- Following the initial discovery or report, the CPUC ECM may request photographs, a written incident description, and other relevant information from DCRT staff concerning the cause and potential resolution of the issue. The CPUC ECM will direct DCRT to submit the information via email or through a formal NCR, according to the incident severity. The CPUC ECM and/or PM may issue a follow-up NCR from CPUC for the same incident.
- All noncompliance incidents must be described and tracked in DCRT's monthly report to the CPUC PM. For serious noncompliance incidents, the CPUC PM may issue a stop-work order, as described in Section 3.2.6, Construction Halts and Stop-Work Orders. Work will be suspended within the affected area until a resolution can be planned and the CPUC PM authorizes the resumption of construction activities in writing.
- A stand-down may be initiated by the CPUC PM, CPUC ECM, or DCRT, as described in Section 3.2.6. In this case, work will be halted temporarily to discuss a current compliance concern and/or realign compliance activities as appropriate.
- Issues that are not resolved within the length of time agreed upon by DCRT and the CPUC ECM will be subject to further noncompliance notices and potential stop-work orders.
- Serious or emergency compliance incidents that occur on the weekend or after normal business hours (8:00 a.m. to 5:00 p.m.) will be addressed by staff identified as emergency contacts.
- Permitting agencies may require notification if there is an incident that relates to an agency's jurisdiction over the Project. DCRT will be responsible for notifications to permitting agencies and will provide copies to the CPUC of official notifications and submittals it sends to other agencies. If the CPUC finds that a notification to another agency is required, the CPUC may direct DCRT to notify the other agency.

3.2.6 Construction Halts and Stop-Work Orders

Several scenarios may occur during construction for which the CPUC Environmental Monitoring Team may need to communicate immediately with field staff to halt construction activity (when it is safe to do so), including the following:

- A **temporary hold** is a short-term (i.e., less than 8 hours) cessation of construction activities that could be called by CPUC EMs. This hold would be implemented in circumstances where a clarification of a mitigation measure or resolution of an issue by the field compliance crews is necessary, and a construction halt is necessary to ensure environmental compliance where a resource is at risk or where a serious environmental infraction could occur without immediate intervention. CPUC EMs would consult with the CPUC PM or ECM in the case of a temporary hold and are authorized to end the hold with clear communication to the DCRT EPM and Construction Contractor's ECM/LEI, if the monitor confirms that environmental compliance will be achieved. Depending on the issue, a temporary hold could transition to a stop-work order (below).
- In the event of a serious noncompliance or safety issue (e.g., unauthorized take of a listed species; repeated, high-level noncompliance incidents concerning the same resource; or serious worker injury), the CPUC may elect to issue a **stop-work order**. The stop-work order would be issued in writing by the CPUC PM and may require work to stop on all or portions of the Project in California, or on certain construction activities, for a time period determined by the CPUC PM on a case-by-case basis. The stop-work order would also include a timeline for resolution of the situation and any potential recommendations from

the CPUC compliance team. Resolution of the compliance issue would be communicated in writing by DCRT to the CPUC PM, who would then issue an end to the stop-work order in writing. DCRT would be required to implement any temporary hold or stop-work order in a responsible manner to avoid hazards to public health and safety, and impacts to environmental resources. Certain activities cannot be safely halted mid-course, and all work areas must be first safely secured for protection of humans and wildlife prior to complete cessation of work. Additionally, as appropriate, DCRT would address any serious safety issues by calling 911 immediately.

- The CPUC PM or ECM, or DCRT, may initiate a construction **stand-down** to discuss resolution of a noncompliance or safety issue. A stand-down differs from a stop-work order in that the issue at hand would not immediately result in serious consequences, but requires an overall realignment of protocols or practices to ensure continued compliance or safety. The stand-down could require work to stop on all, or a portion of the Project for up to one full day, or until a process and schedule for resolution can be determined by CPUC staff and DCRT. The purpose of the stand-down would be to give DCRT the opportunity to retrain construction personnel, confer with management staff to achieve resolution, and/or discuss an issue with the CPUC ECM or PM. As indicated, a stand-down can be a voluntary action by DCRT and should be issued in writing (email is acceptable) with clear timelines and recommendations stated. Resolutions resulting from a stand-down would be submitted in writing to the CPUC PM. A stand-down initiated by DCRT does not require approval by the CPUC to restart work.

3.2.7 Public Complaints

The public may complain about the Project; therefore, DCRT will provide summaries of public complaints relevant to specific Project measures in DCRT's bi-weekly MMCRP compliance reports, including how each complaint was addressed. The CPUC EMs and/or PM will coordinate with DCRT's PM or EPM who will work with DCRT's Regional Public Affairs Manager to determine the adequacy of corrective actions or additional measures to be implemented, as necessary.

Public complaints will not reflect negatively on DCRT's environmental compliance record unless a specific Project requirement, permit, or plan requirement was violated.

3.2.8 CEQA Citation Program

Refer to Section 2.2.2, Enforcement.

3.3 Minor Project Refinements

The CUPC's Energy Division may approve requests by the DCRT for Minor Project Refinements that may be necessary to complete the Project due to final engineering of the environmentally superior project, so long as such Minor Project Refinements are located within the geographic boundary of the study area of the Final EIS and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the Final EIS; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. DCRT will seek any other Project refinements by a petition to modify the CPUC's November 4, 2021, decision.

Requests for staff approval of a Project change must be made in writing via a Minor Project Refinement Request Form (Appendix D), and should include the following information:

- A detailed description of the proposed refinements, including the following:

- An explanation of how the Project refinement would deviate from the approved Project (include photos)
- The original condition as described and approved
- Justification for change
- Maps and figures
- Environmental impacts
- Concurrence with other relevant agencies
- Whether certain resources are present within the proposed refinement area (e.g., biological or cultural resources), and whether those resources were included in original baseline surveys and/or previous analysis (also include more recent pre-construction surveys, if applicable).
- Identification of applicable environmental document sections and potential impacts of proposed refinements, including original and new levels of impact and avoidance/minimization measures to be taken.

The CPUC PM or ECM may request additional information, agency consultation, or a site visit in order to process the request. Possible examples of refinements that may be approved by staff after final engineering include, but are not limited to, the following:

- Adding a temporary extra work area (for the duration of construction) or substituting a work area, including laydown and staging, for another work area that is as suitable or more suitable than the originally proposed work area. The temporary extra work area or substitute work area must be located in a disturbed area with no sensitive resources or sensitive land uses adjacent to the proposed work area, must not create any permanent impacts, and must be restored to either its initial condition or an improved condition.
- Adjusting the alignment of the Project within the study area, but outside the identified footprint that was used in the original environmental analysis to avoid unanticipated impacts related to cultural artifacts, buried utility infrastructure, hazardous and toxic substances, or other land use impacts, including effects on homeowners, so long as the adjustment does not create a new impact or a substantial increase in the severity of a previously identified impact.
- Adjusting the alignment of the Project within the study area, but outside the identified footprint that was used in the original environmental analysis to avoid or adapt to conditions on the ground that vary from the conditions that existed at the time of the original environmental analysis, so long as the adjustment does not create a new impact or a substantial increase in the severity of a previously identified impact.

To initiate a Project refinement request, DCRT will fill out a Minor Project Refinement Request Form (refer to Appendix D), prepare the appropriate supporting documentation, and obtain the required signatures. DCRT will complete and submit the Minor Project Refinement Request Form and supporting documentation to the CPUC and to Dudek.

3.4 Records Management

3.4.1 Electronic Submittals

All required documentation from DCRT, including plans, permits, reports, and staff qualifications as required by the approved measures, will be maintained by DCRT on a SharePoint site, with access to these documents provided to the CPUC and Dudek. If the CPUC is not directly involved with the coordination effort, DCRT will provide the CPUC with electronic records (i.e., emails, permits, and authorizations) related to final agency approvals for the Project. Furthermore, pursuant to Public Utilities Code Section 314, DCRT must also provide the CPUC with copies of permit

amendments and modifications, in addition to notifying the CPUC of proposed permit changes. The electronic records may be submitted by email or transmitted via DCRT's SharePoint (or equivalent) site.

3.4.2 On-Site Documentation

Copies of the MMCRP and all applicable plans and permits compiled prior to and during construction (e.g., Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasure Plan, Hazardous Materials Business Plan) will be available on site (e.g., construction trailer), and all supervisory staff working on the Project should be familiar with their contents.

3.4.3 Administrative Record

The CPUC ECM and other members of the Dudek team will compile all required documentation submitted by DCRT into the Project's Administrative Record during construction and will confirm that the record is complete after completion of all activities required by the adopted measures. The CPUC ECM will also use this documentation to create a final environmental compliance report or presentation for the CPUC PM that will discuss measure implementation and success, with the goal of identifying lessons learned that can be applied to future projects.

3.5 Public Access to Records

The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available by the CPUC for public inspection on request. To facilitate public awareness, the CPUC will make monthly compliance status reports and other pertinent Project documents accessible on its website at <https://www.cpuc.ca.gov/environment/info/dudek/egbert/egbert.html>.

3.6 Project Closeout

DCRT will send notification to the CPUC when all construction activities associated with each NTP have been completed. Following notification being provided to the CPUC, a site inspection of all work areas will be performed by the CPUC EM or ECM to verify compliance with all applicable measures related to Project closeout. The CPUC will then submit a memorandum to DCRT following the site inspection to identify any work areas that require corrective actions to ensure commitment with applicable measures. Upon all corrective actions being completed, field verified, and signed-off by the CPUC, the construction monitoring and reporting program will be closed out for the Project.

Daily inspection and monthly compliance status reports will then be filed and used by Dudek to prepare a final environmental compliance report for the Project. The final report will provide a discussion on how each measure was implemented, and include copies of submittals required for compliance. In addition, the success criteria will be evaluated and used for future projects.

4 References

BLM (Bureau of Land Management). 2019. *Final Environmental Impact Statement and Proposed Resource Management Plan Amendments for the Ten West Link Transmission Line Project* (DOI-BLM-AZ-CO20-2016-0010-EIS). September 2019. https://eplanning.blm.gov/public_projects/nepa/59013/20003312/250003944/Final_EIS_Ten_West_Link.pdf.

CPUC (California Public Utilities Commission). 2019. *Final Environmental Impact Report for the DCRT Ten West Link Project* (Application No. A.17-12-021). Prepared by Dudek for CPUC. Oakland, California: Dudek. December 2019.

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Appendix A

Project Overview Maps

Appendix B
Mitigation Measures, Applicant Proposed Measures,
and Project Commitments

Appendix C

Sample Site Inspection Form

Appendix D

Minor Project Refinement Request Form