

APPENDIX B. MITIGATION MONITORING PLAN

1. INTRODUCTION

The purpose of the Mitigation Monitoring Plan (MMP) is to briefly describe the mitigation monitoring process for the proposed project elements, and describe the roles and responsibilities of government agencies in implementing and enforcing the adopted mitigation measures. The MMP provides the recommended framework for monitoring and reporting on the implementation of mitigation measures as it would be handled by the California Environmental Quality Act (CEQA) Lead Agency: the California Public Utilities Commission (CPUC).

The Public Utilities Code, in numerous places confers authority upon the CPUC to regulate the terms of service, as well as safety, practices, and equipment of utilities subject to its jurisdiction. It is the standard practice of the CPUC, pursuant to its statutory responsibility to protect the environment, to require that mitigation measures stipulated as conditions of approval be implemented properly, monitored, and compliance reported. In 1989, this requirement was codified statewide as Section 21081.6 of the Public Resources Code. Section 21081.6 requires a public agency to adopt an MMP when it approves an environmental review document under CEQA that identifies mitigation measures to reduce environmental effects that would otherwise be significant.

The purpose of the MMP is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. The CPUC views the MMP as a working guide to facilitate both the implementation of mitigation measures by the project applicant, and the monitoring, compliance and reporting activities of the CPUC and any monitors it may designate.

The CPUC will address its responsibility under Public Resources Code Section 21081.6 when it takes action in relation to Level (3)'s Application for Modification to its existing Certificate of Public Convenience and Necessity (CPCN) for the Level (3) Infrastructure Project. If the CPUC approves the Application for Modification, it will also adopt this MMP.

2. OVERVIEW OF THE MONITORING PROGRAM

The currently approved project under Negative Declaration IX includes a suite of mitigation measures that have been adopted by the CPUC under a Mitigation Monitoring Plan; this Mitigation Monitoring Plan is included as Appendix C of Negative Declaration IX. The stipulations of the original Mitigation Monitoring Plan are applicable to the proposed project elements and are herein incorporated by reference.

Multiple construction crews, and their subcontractors, are simultaneously conducting construction of the approved project across ten portions (segments) of the inner duct Right-Of-Way (ROW). Construction activities of both the currently approved project and the proposed project elements, if approved, are monitored by one to two environmental monitors per ROW segment. The number of environmental monitors assigned to a given segment is dependent on its length. The environmental monitors are present during construction one to two days per week, per segment, on a random basis; the hours of monitoring per week is dependent on the volume of construction activity. In addition, the environmental monitors are present one day per week at each of the project's support facility sites.

As described in Section 2.6 of the proposed project elements' Initial Study, the project's existing monitoring program includes quarterly compliance reporting by Level (3), weekly compliance reporting

by environmental monitors, and the development of facility-specific Work and Line Books that document necessary compliance-related activities required by the project's regulatory approvals.

The Applicant and its contractors will be required to comply with this MMP in all respects. In all instances where non-compliance occurs, the CPUC's designated environmental monitors shall issue a warning to the construction supervisor and Level (3)'s project manager. Any decisions to halt work due to non-compliance shall be made by the CPUC. The CPUC's designated environmental monitors shall keep records of any incidents on non-compliance with mitigation measures. Copies of these documents will be supplied to both Level (3) and the CPUC.

3. MITIGATION MONITORING PLAN

Table B-1 provides a compilation of the mitigation measures identified in this the Final Subsequent Mitigated Negative Declaration (SMND) for the 21 proposed project elements. The purpose of the table is to provide the CPUC, its environmental monitors, and other regulatory agencies with a single, comprehensive list of mitigation measures and their associated effectiveness criteria, timing, and enforcing agencies.

Table B-1 Mitigation Monitoring Table

IMPACT	MITIGATION MEASURE	MONITORING ACTION	EFFECTIVENESS CRITERIA	RESPONSIBLE AGENCY*	TIMING
AESTHETICS					
Tionesta 3R (Site 1): Obstruction of existing views.	Mitigation 1-I-1: All project facilities including buildings, fencing, and signs, will be painted with neutral earth-tone colors that will blend with existing facilities and the background of existing vegetation. A specific painting plan will be submitted for CPUC approval prior to issuance of a construction notice to proceed to ensure that the proposed colors do not unduly contrast with the surrounding landscape colors. All treatments will be in non-reflective colors. The painting plan will also be submitted sufficiently early to ensure that any precolored structures can have colors approved and included in bid specifications for buildings. Adherence to the approved painting plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Painting Plan. Approval prior to issuance of Notice to Proceed (NTP). Confirmation of Plan implementation in construction quarterly reports.	Visual effects are minimized by blending facility into the existing landscape.	CPUC	Pre-Construction
Tionesta 3R (Site 1): Substantial degradation of existing visual character of site.	Mitigation 1-I-2: Appropriate tree species will be planted along the north and west sides of the ILA site to soften the industrial appearance of the ILA facility and to more effectively blend the facility with the existing landscape as viewed from County Road 97. A specific landscaping plan will be prepared showing the location of proposed landscaping, the varieties and sizes of plants to be used, and the proposed time to maturity for each species. The landscaping plan will be submitted for CPUC approval prior to issuance of a construction notice to proceed. Adherence to the approved landscaping plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Landscaping Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Visual effects are minimized by blending/screening facility into the existing landscape.	CPUC	Pre-Construction
Tionesta 3R (Site 1): Substantial nighttime glare.	Mitigation 1-I-3: Except as required by security and worker safety requirements, night lighting will be hooded to direct illumination downward and inward toward the areas to be illuminated in order to minimize nighttime light and glare, backscatter to the nighttime sky, and visibility of lighting to motorists on County Road 97 and the nearby residence. A specific lighting plan consistent with operational and safety needs will be submitted to the CPUC for approval prior to issuance of a construction notice to proceed. The plan will include provisions for timed and/or motion detection-controlled switches. The lighting plan will also propose a procedure to resolve any lighting complaints. Adherence to the approved lighting plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Lighting Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Visual effects of nighttime light and glare, backscatter light, and facility visibility are minimized.	CPUC	Pre-Construction
San Ardo ILA (Site 9): Obstruction of existing views.	Mitigation 9-I-1: All project facilities including buildings, fencing, and signs, will be painted with neutral earth-tone colors that will blend with the existing landscape. A specific painting plan will be submitted for CPUC approval prior to issuance of a construction notice to proceed to ensure that the proposed colors do not unduly contrast with the surrounding landscape colors. All treatments will be in non-reflective colors. The painting plan will also be submitted sufficiently early to ensure that any precolored structures can have colors approved and included in bid specifications for buildings. Adherence to the approved painting plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Painting Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Visual effects are minimized by blending facility into the existing landscape.	CPUC	Pre-Construction.
San Ardo ILA (Site 9): Substantial degradation of existing visual character of site.	Mitigation 9-I-2: Appropriate tree and shrub species will be planted along the north, west, and south sides of the ILA site to soften the industrial appearance of the ILA facility and to more effectively blend the facility with the existing landscape as viewed from Cattlemen Road and Short Street. A specific landscaping plan will be prepared showing the location of proposed landscaping, the varieties and sizes of plants to be used, and the proposed time to maturity for each species. The landscaping plan will be submitted for CPUC approval prior to issuance of a construction notice to proceed. Adherence to the approved landscaping plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Landscaping Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Visual effects are minimized by blending/screening facility into the existing landscape.	CPUC	Pre-Construction.

LEVEL (3) COMMUNICATIONS INFRASTRUCTURE PROJECT
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IMPACT	MITIGATION MEASURE	MONITORING ACTION	EFFECTIVENESS CRITERIA	RESPONSIBLE AGENCY*	TIMING
San Ardo ILA (Site 9): Substantial nighttime glare.	Mitigation 9-I-3: Except as required by security and worker safety requirements, night lighting will be hooded to direct illumination downward and inward toward the areas to be illuminated in order to minimize nighttime light and glare, backscatter to the nighttime sky, and visibility of lighting to residents and motorists on Cattlemen Road. A specific lighting plan consistent with operational and safety needs will be submitted to the CPUC for approval prior to issuance of a construction notice to proceed. The plan will include provisions for timed and/or motion detection-controlled switches. The lighting plan will also propose a procedure to resolve any lighting complaints. Adherence to the approved lighting plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Lighting Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Visual effects of nighttime light and glare, backscatter light, and facility visibility are minimized.	CPUC	Pre-Construction.
Cuesta Grade Workaround (Site 10): Substantial degradation of scenic resources.	Mitigation 10-I-1: A landscaping and erosion control plan will be prepared showing the location of proposed landscaping, the varieties and sizes of plants and/or seed mixes to be used, and the proposed time to maturity for each species. The landscaping plan will be developed and submitted for CPUC approval prior to issuance of a construction notice to proceed, and should be consistent with local agency guidelines. Adherence to the approved landscaping plan will be determined by the CPUC construction monitor.	Pre-construction submittal of Landscaping and Erosion Control Plan. Approval prior to issuance of an NTP. Confirmation of Plan implementation in construction quarterly reports.	Minimize potential for visible land scars due to erosion of revegetation efforts.	CPUC	Pre-Construction.
Air Quality					
All Sites: Ozone precursors	Mitigation III-1: In order to minimize the generation of ozone precursors during the most sensitive times of the day, testing of the emergency generators at the Terminal, D-Node, 3R and ILA sites will be scheduled to occur between 3:00 and 7:00 p.m.	Documentation of compliance in quarterly reports.	No significant effect on regional attainment/non-attainment status of air quality standards.	Air Quality Management Districts	Operations.
Santa Barbara ILA (Site 14): Potential conflicts with applicable air quality plans.	<ul style="list-style-type: none"> • Trucks transporting fill material to and from the site shall be tarped from the point of origin. • The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. 	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Compliance with Santa Barbara County APCD mitigation measures outlined in its "Scope and Content of Air Quality Sections in Environmental Documents."	Santa Barbara County APCD	Construction.
Santa Barbara ILA (Site 14): Potential conflicts with applicable air quality plans.	<ul style="list-style-type: none"> • Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible. • The engine size of construction equipment shall be the minimum practical size. • The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. • Construction equipment shall be maintained in tune per the manufacturer's specifications. • Construction equipment operating on site shall be equipped with two to four degree engine timing retard or precombustion chamber engines. • Catalytic converters shall be installed on gasoline-powered equipment, if feasible. • Diesel catalytic converters shall be installed, if available. • Diesel powered equipment should be replaced by electric equipment whenever feasible. • Construction worker trips should be minimized by requiring carpooling and by providing for lunch on site. 	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Compliance with Santa Barbara County APCD mitigation measures outlined in its "Scope and Content of Air Quality Sections in Environmental Documents."	Santa Barbara County APCD	Construction.

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GEOLOGY AND SOILS					
All Sites: Excavation of recorded or unrecorded oil, gas, or injection wells.	Mitigation Measure VI-1: Should construction-related activities encounter any recorded or unrecorded oil, gas or injection wells, Level (3) will ensure that construction activities are immediately stopped or re-directed until such time that Level (3) has contacted the appropriate District of the Division of Oil, Gas and Geothermal Resources. Level (3) will ensure that all District recommended remedial actions are completed and approved by the District prior to continued construction in the vicinity of the subject well.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Ensure that necessary remedial actions are implemented in the event that an oil, gas or injection well is encountered during construction.	California Department of Conservation, Division of Oil, Gas and Geothermal Resources	Construction.
HAZARDS AND HAZARDOUS MATERIALS					
Cuesta Grade Workaround (Site 10): Exposure of people or structures to risk.	Mitigation 10-VII-1: The project proponent should prepare a fire prevention plan, to be approved by the appropriate local fire district, prior to construction on the Workaround.	Pre-construction submittal of Fire Prevention Plan. Approval of Plan prior to issuance of NTP.	Minimize risk of wildland fires due construction.	San Luis Obispo County Fire Department; CPUC	Pre-Construction.
LAND USE					
Tionesta Grade (Site 1): Potential conflicts with adopted land use plans and policies.	Mitigation 1-IX-1: Prior to the start of any construction-related activity, Level (3) shall ensure that the county has adopted General Plan Land Use and Zoning designations for the subject property, and that the proposed 3R facility fully conforms with these designations. Documentation of compliance with this measure shall be submitted to the assigned project Environmental Monitor at least two business days prior to construction.	Pre-construction confirmation of any necessary changes to the Modoc County General Plan and Zoning Ordinances. Note requirement in facility-specific Work Book. Verify compliance prior to issuance of NTP.	Consistency with Modoc County's adopted land use plans, policies and regulations.	Modoc County; CPUC	Pre-Construction.
NOISE					
Palo Cedro ILA (Site 2): Potential noise exposures in excess of adopted, local thresholds.	2-XI-1: Level (3) will restrict generator testing to the hours between 7:00 a.m. and 10:00 p.m., except as prescribed by Measure III-1	Documentation of compliance in quarterly reports.	Nighttime noise exposures to local residences minimized. Compliance with adopted noise thresholds of Shasta County.	Shasta County	Operations.
Palo Cedro ILA (Site 2): Potential noise exposures in excess of adopted, local thresholds	2-XI-2: Level (3) shall take immediate corrective actions to minimize the noise level below the County's threshold, if use of the emergency generator is necessary between the hours of 10:00 p.m. and 7:00 a.m.	Documentation of compliance in quarterly reports.	Nighttime noise exposures to local residences minimized. Compliance with adopted noise thresholds of Shasta County.	Shasta County	Operations.
San Ardo ILA (Site 9): Potential noise exposures in excess of adopted, local thresholds.	9-XI-1: To minimize noise-related impacts associated with testing of the emergency generator, the generator shall be set back a minimum of 200 to 250 feet from the closest receptor.	Documentation of compliance in quarterly reports.	Construction and operational noises minimized. Compliance with adopted thresholds of Monterey County.	Monterey County	Design; Operations.
Hanford ILA (Site 19): Potential noise exposures in excess of adopted, local thresholds.	19-XI-1: Level 3 shall comply with the City of Hanford General Plan by restricting construction and routine operation activities to between the hours of 7:00 a.m. and 10:00 p.m., except as prescribed by Measure III-1.	Periodic inspections by environmental monitors during construction; documentation of compliance in quarterly reports	Construction and operational noises minimized. Compliance with adopted thresholds of the City of Hanford.	City of Hanford.	Construction; Operations.

IMPACT	MITIGATION MEASURE	MONITORING ACTION	EFFECTIVENESS CRITERIA	RESPONSIBLE AGENCY*	TIMING
Transportation/Traffic					
Cuesta Grade Workaround (Site 10): Potential impediment of emergency access.	10-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.
Ventura ILA (Site 15): Potential impediment of emergency access.	15-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.
Moorpark ILA (Site 16): Potential impediment of emergency access.	16-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.
Hanford ILA (Site 19): Potential impediment of emergency access.	19-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.
Bakersfield ILA (Site 20): Potential impediment of emergency access.	20-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.
El Centro ILA (Site 24): Potential impediment of emergency access.	24-XV-1: At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes.	Periodic inspections by environmental monitors; documentation of compliance in quarterly reports.	Emergency access ensured.	CPUC	Construction.

* The CPUC is ultimately responsible for compliance with the mitigation measures listed in this document, but shall defer responsibility to federal, state and local agencies, unless otherwise designated.