



**SUNRISE POWERLINK:
FINAL – Response to Noncompliance Report #1
Breach of Environmentally Sensitive Area between EP195 and EP196**

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

Date Filed:	11.2.2011		
Preliminary Notification Date	N/A		
Date/Time of Event:	9.26.2011 at ~1:00 p.m.		
Event Location	EP195 and EP196		
Reported by:	Robert Jackson General Manager and Director – Construction and Engineering Sunrise Powerlink 1010 Tavern Road; Alpine, CA 91901 – SD1116 rcjackson@semprautilities.com		
Originator/Reporter:	CPUC EM		
Witnesses:	NA Monitor Archaeological Monitor		
Responsible Department(s)	<input type="checkbox"/> Aviation (Beige section below) <input checked="" type="checkbox"/> Construction/Operations <input checked="" type="checkbox"/> Environmental <input type="checkbox"/> Public Affairs <input type="checkbox"/> Safety <input type="checkbox"/> Waters of the U.S./State (Environmental) (Blue section below)		
Aircraft Involved:	Company Tail Number Type Pilot Name(s)		
Effect on Waters of the U.S. and/or Waters of the State			
Location:	Mapsheet #	Structure or Facility	Water #



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Type of Project Impact Associated with incident	<input type="checkbox"/> Permanent impact <input type="checkbox"/> Temporary impact <input checked="" type="checkbox"/> Other (None)
Injuries or Property Damage	No
Cited Permit/ Mitigation Measure	C-1c, C-1e, C-2a, C-3a CR-APM-1
Compliance Level	Level 3
Corrective Action(s)	<p>SDG&E takes this event very seriously and is committed to staying in compliance on this Project. The following corrective actions have occurred:</p> <ol style="list-style-type: none"> 1. Crews were immediately retrained in regards to Cultural ESAs and reminded that there is zero tolerance for entry into delineated areas without prior clearance and proper monitoring oversight as appropriate. 2. A professional archaeologist walked across the protected site to determine if there were any impacts created by this non-construction activity and saw no evidence of damage, displacement, or disturbance. The apparent route taken was along a "path of least resistance" between boulders and vegetation and no closer than 20 meters from the possible cremation area. 3. Future notification of all ESA violations, including unaccompanied pedestrian traffic, will be made to the CPUC/BLM via email or phone. 4. This letter serves as an event report including an archaeologist's assessment of any impacts that may have been caused. 5. Environmental Monitoring Manager and Link Leads reviewed monitoring requirements with all biological monitors during the Monthly Monitor Meeting on October 6, 2011.
Follow-up Required	No further action required.
Attachments	Appendix 1
Detailed Description of Event:	<p>San Diego Gas & Electric Company (SDG&E) is in receipt of Sunrise Powerlink Transmission Project (Project) Non-Compliance Report (NCR) Number 1. Unfortunately, prior to issuance of this report, SDG&E received no notice or opportunity to provide input regarding the allegations and conclusions contained in the NCR. The Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) for Sunrise states that SDG&E would receive an "oral warning" prior to any issuance of a Level 3 NCR. Had SDG&E been afforded the opportunity to address the issues and events discussed in this NCR, SDG&E would have provided additional information for the CPUC's consideration, including to correct and clarify several facts that have been relied upon in the NCR, as well as addressed SDG&E's</p>



compliance with applicable mitigation measures during this incident. For the reasons noted below, SDG&E respectfully disagrees with several of the factual allegations contained in the NCR as well as the ultimate conclusion that a Level 3 Non-Compliance is appropriate in these circumstances. SDG&E requests that this NCR be rescinded or, at a minimum, reduced in severity as much of the information presented in the NCR does not accurately or completely describe all of the events that took place nor the applicable mitigation measures.

NCR Number 1, issued on September 28, 2011, states the following:

A known Environmentally Sensitive Area (ESA) was breeched [sic] by construction foot traffic associated with the grading operations at EP195 and EP196, BLM Lands. A Native American (NA) monitor assigned to the grading crew at EP194 was told that crews were being split and sent to EP195 and subsequently to EP196 to expedite clearing operations. No additional monitors were called to site for these ground disturbing activities nor were the necessary biological "survey sweeps" performed on site immediately prior to work. As the NA monitor arrived at EP195, crew members decided to access EP196 by foot as well. The monitor followed suit and noted an ESA between sites that had been delineated. As the NA monitor followed the crew's footpath, the monitor observed and reported to the accompanying archaeologist that the site appeared to contain cremated remains with possible bone scatter. Upon arrival at EP196, the crews were informed by the NA monitor that they MUST be transported back to the western sites via helicopter due to the sensitivity of the ESA. NA and Arch monitors were transported back to the EP195 via helicopter and later observed the crew's arrival via foot and therefore indicating a clear violation of the aforementioned ESA. Despite monitors reporting through the designated channels, CPUC EMs and BLM were not notified until September 28, 2011, via a tribal council meeting.

SDG&E takes this event and the reported information very seriously and—as noted in the Corrective Actions, above—has, and will, continue to enforce the protection of cultural resources across the Sunrise Project area with the utmost care. Following the incident on September 26, 2011, actions were taken immediately to address the fact that Project personnel did not heed the request of the NA monitor, and clarification was provided



to Project personnel regarding access across areas identified as ESAs.

Issuing a Level 3 NCR for this event does not seem appropriate or consistent with the description of instances of Level 3 non-compliance contained in the MMCRP. Based on the MMCRP, the Historic Properties Treatment Plan (HPTP), and the Historic Properties Management Plan (HPMP), and as discussed further below, pedestrian traffic across an archaeological ESA is not ground-disturbing construction activity and does not constitute a reportable event. Further, as noted below, disregarding the request of the NA monitor not to traverse the ESA was immediately addressed through discussions with the offending individuals, at construction tailboard meetings, and with apologies from the offending parties to the NA monitor. While SDG&E considers the disregard of a request by a monitor to be a serious event that cannot be tolerated—and immediately took steps to address and correct the incident discussed herein—it should be understood that the two individuals who walked across the ESA did not create any disturbance to the site. Such an incident simply does not fall within the category of incidents constituting Level 3 non-compliances, where the implementation of a mitigation measure “is deficient or non-existent, resulting in significant impact(s), or there is immediate threat of major, irreversible environmental damage or property loss.” SDG&E presents additional facts for the CPUC’s consideration below:

Issue 1 - Sufficient monitoring:

First, the NCR’s contention that there was insufficient monitoring leading up to the event is incorrect. The monitors assigned to the crews at issue were 1) able to cover the work that was being done, and 2) conduct the necessary biological and cultural “survey sweeps” immediately prior to the start of work. The monitors requested that the crews wait on some activities until the monitors could return to observe the appropriate activities. Two biological monitors were present before the work began. The work being completed was an initial clearing of vegetation above ground surface, installation of BMPs such as straw wattles, and grading of TSAPs at EP194-3, EP195-2 and EP196. Below is a copy of the report entry submitted on Monday, September 26, 2011, by the archaeological monitor at this site:

I, Rebekah Loveless ASM and Affiliates, was assigned to a Colwell crew that was to grade the TSAPs at EP194, EP195, and EP196 and clear vegetation at the permanent work pads. After finishing work at EP194, the crew I was with received a call informing them that



the other brushing crew was going to clear the vegetation at EP195 and that they were to work at EP196 before EP195. Since there was an ESA at EP195 the NAM [Native American monitor] and I walked from EP194 to EP195. Once on site at EP195 we were informed that they were strictly going to clear vegetation and install straw waddles. The NAM and I cleared the site for vegetation removal, but asked the crew to wait until we returned with the crew at EP196 before they installed straw waddles. From EP195 the NAM and I walked to EP196. Colwell graded the TSAP and cleared brush at the pad as per the schedule. Once finished we all were going to EP195. Myself, the NAM, the bio monitor, and the CA flew to the site first. The crew onsite was still brush clearing, so the two crews were going to merge to finish clearing at EP195 and grade the TSAP. After arriving we noticed that two members of the Colwell crew walked from EP196 to EP195. Since a cultural site exists between the two tower sites the NAM and I informed them that walking between sites was not permitted. The rest of the crew was flown in and the two crews worked together to finish the brush clearing on site. (Rebekah Loveless, ASM and Affiliates).

The Link Lead also provided the following brief description of the events that transpired; this information was provided at the request of SDG&E after the NCR was filed by the CPUC:

A Warren James Crew moved from the Forest and arrived at EP195 at 1306 hrs. They brought a biomonitor with them but did not have a Cultural Team where they had been working at EP140. From talking to Rebekah Loveless, she and Veronica walked from EP194 [where their crew had been working] to EP195 to clear the site for the new crew, then walked to EP196 to clear the site before work started there. The crew that had been working at EP194 was in the process of moving to EP196 during this time. (Dean Lambert, Burns and McDonnell).

As these accounts show, the NCR's description of the sequence and scope of events is not factually accurate.

Issue 2 - Awareness of human remains and potential impacts to pottery shards:

Second, the NCR implies that it was understood that potential cremated



remains and bone scatter were present at the ESA where the two members of the crew walked. But SDG&E would like to clarify that this information was not communicated to the crews at the site nor to SDG&E at the time. The group of monitors and workers walked through the ESA as a group. The discussion of cremated remains was shared between the archaeological and NA monitors. The NA monitor commented to the archaeologist about the pottery sherds on the site surface and said that she saw a bone fragment. There is a previously identified area within this ESA where an area of suspected human remains was identified and recorded. This area is approximately 20 meters away from the path that is believed to have been taken. At no time did anyone stop and note or point out the area of possible human remains and the discussion about human remains did not occur until the meeting with the Manzanita tribal representatives.

Additionally, based upon concerns expressed by the NA monitor and after receipt of the NCR, SDG&E requested that their archaeological consultant, ASM Affiliates, visit the ESA to determine whether or not there were any impacts from the incident. ASM reported that they were able to follow the most likely footpath taken based on vegetation and landform and there were no indications of any surface damage or alteration.

Issue 3 - Reporting:

Third, the NCR omits that the original context surrounding the event indicated that it was not within the class of incidents requiring reporting to CPUC EMs and the BLM. The NCR's contention that SDG&E failed to promptly report the incident is based on an incorrect assumption that two personnel traversing the ESA on foot is a reportable event.

Context and communications surrounding the event:

On the day of the incident (September 26), Dayle Cheever, Project Archaeologist received the following email from Hillary Murphy, who oversees the NA monitors.

Hi Dayle,

Veronica Santos just called about a minor incident that occurred about an hour ago.

She's working at EP194-196 today. Apparently, Nolan and Amber of Colwell were asked to not walk between 195 and 196 due to dense pottery. Veronica said she mentioned it to them and then



saw them walk through it about 15 minutes later. When she asked them about it they said they didn't know to avoid it. Nolan apparently stated that he watched where he walked but she feels that (1) he doesn't necessarily know what to avoid and (2) some places were so dense that he couldn't possibly avoid the pottery.

Veronica said they are very nice people and didn't want to make a big fuss over it but felt that in order to effectively protect the resources, if crews are asked to refrain from walking in an area that they adhere to those advisements. Just thought I'd pass this on." (Hillary Murphy, Tierra Environmental).

After receiving this email Dayle Cheever immediately responded to Hillary that she would look into the event. The Link Lead for Burns and McDonnell (Dean Lambert) called Dayle soon after and explained what happened. Dayle asked that the Link Lead speak with the two people who had walked across the ESA and to the NA monitor to close the loop. The Link Lead did both of those things and sent the following email to Dayle Cheever on Tuesday, September 27.

Today I had the chance to talk to both Nolan Colwell and Veronica Santos about the incident yesterday. I explained to Veronica that we took issues such as this very seriously and I would have a talk to the Colwells. Nolan was the only one working today and I explained the severity of their actions. He was told to wait for the helicopter for transport no matter how close the next tower was if it keeps them out of an ESA. He understands and seemed very sorry about the entire event. After talking to Nolan, I spoke again to Veronica about my talk with Nolan and she was satisfied. She expressed regret that she had reported it and I told her no, that we needed to know about issues, as it happens if possible, and that she had done the right thing. We will be bringing this up at the tailboards so both monitors and crews understand. (Dean Lambert, Burns and McDonnell).

Applicable mitigation measures and non-compliance levels:

Based on this correspondence, and the fact that the definition in all mitigation measures for cultural resource protection and the activity threshold for monitoring is "ground disturbance," no further reporting was believed to be necessary. Pedestrian traffic across the ground surface does not fall under the category of ground disturbance and as such does not rise



to the level of a significant impact, or an “immediate threat of major, irreversible environmental damage or property loss” as defined under a Level 3 event.

The non-compliance levels from the MMCRP provide as follows:

Level 1 Non-Compliance. *One aspect of a mitigation measure has not been complied with resulting in only partial implementation of a mitigation measure, but no significant impact. An oral warning shall be issued to SDG&E’s Environmental Coordinator (or assigned designee) and corrective action shall be required within a stated maximum period, to be determined by the CPUC EM. If corrective action is not taken within the stated period, a Project Memorandum will be issued.*

Level 2 Non-Compliance. *One or more aspects of a mitigation measure have not been complied with, making the mitigation ineffective and resulting in minor impacts. If allowed to continue, this non-compliance could result in a significant impact over time. An oral warning followed by a Project Memorandum shall be submitted to SDG&E’s Environmental Coordinator (or assigned designee). Corrective action shall begin by the next construction day. If corrective action is not begun by the next construction day, a Non-Compliance Report shall be issued.*

Level 3 Non-Compliance. *One or more of the aspects or a mitigation measure are not complied with and the implementation of a mitigation measure is deficient or non-existent, resulting in significant impact(s), or there is immediate threat of major, irreversible environmental damage or property loss. An oral warning, followed by a Non-Compliance Report, shall be submitted to SDG&E’s Environmental Coordinator (or assigned designee). Corrective action shall begin immediately.*

Based on the information gathered and presented regarding this event, it is SDG&E’s opinion that this issue should have been addressed through the process outlined in the MMCRP. Given the additional information presented herein, SDG&E does not believe that a non-compliance violation level is warranted, and if one were, at most it should be Level 1, as there was no damage to the cultural resource site, corrective action was taken immediately, and the need to avoid Project ESAs was and will continue to be reinforced with all Project participants. This event was not reported to



the CPUC EM because SDG&E did not believe it fell within the realm of a reportable event and was taken care of quickly and SDG&E understood to the satisfaction of everyone involved. The event was directly addressed both the day of and day following the event. The understanding of SDG&E based on the Mitigation Measures, HPMP, and HPTP is that walking across an ESA is not a violation of that ESA. There were no impacts to the cultural resources in the ESA, which is on public land and traversed by the public regularly.

The above information was provided by SDG&E via email to the CPUC EM on Wednesday afternoon (September 28) with a brief write-up regarding the circumstances surrounding walking within ESAs as they were known at that time. SDG&E learned that the issue was raised in a meeting with representatives of the Manzanita Reservation on the afternoon of Wednesday, September 28. This meeting was attended by representatives of the BLM, CPUC, ASM, and Tierra to discuss various issues related to Sunrise, not specifically this issue. It is SDG&E's understanding that the NCR was based solely on the information provided during that meeting. No direct communication between SDG&E, CPUC, BLM, or Aspen Environmental occurred prior to receipt of the NCR.

Issue 4 – Applicable Mitigation Measures:

SDG&E questions the claim that C-1c, C-1e, C-2a, and CR-APM-1 were violated. These measures are provided in their entirety for reference as Appendix 1. Based on their text, it appears that only C1-e and potentially CR-APM-1 pertain to this particular event. C-1c calls for the Development and Implementation of the Historic Properties Treatment Plan. C-2a calls for the proper treatment of human remains, which is directed toward more than pedestrian traffic. CR-APM-1 requires training in the avoidance of cultural resources, and C-1e calls for monitoring of construction at known ESAs. Both of these requirements were fulfilled as the people present at this event have all been SWEAP trained and there were monitors present during construction near these known and staked ESAs.

Conclusion:

It is not disputed that there is a cultural resource site (SDI-19001) that occupies most of the right of way between EP195 and EP196, or that the two construction personnel were asked not to walk across the ESA by the NA monitor. However, after talking with the responsible parties, as discussed in more detail above, the SDG&E Project Archaeologist felt the



	<p>issue was resolved on Tuesday morning, September 27, and SDG&E understood that the NA monitor was satisfied with the results:</p> <ul style="list-style-type: none"> • The Colwell crew understands that this was unacceptable behavior and understands the reasons why this behavior was unacceptable; and • There was no damage to the cultural resource site. <p>Based on SDG&E’s understanding of the definition of impacts to cultural resource sites per the mitigation measures, HPMP, and HPTP, no reportable event occurred and there was no reason to elevate this event any further. Additionally, SDG&E immediately took corrective action.</p> <p>Again, based on the information presented, SDG&E requests that this NCR be rescinded or at the very least reduced in severity to non-compliance Level 1. Had this been a reportable event, BLM, CPUC, and their EMs would have been notified immediately.</p> <p>SDG&E will continue to work with the BLM and CPUC to create a policy for limiting access to certain highly sensitive areas.</p>
<p>Confirmation of Receipt</p>	<p>If you acknowledge receipt of this form and no further action is needed, please retain for your records. If, however, you would like additional information to determine regulatory action needed, please contact Rachel Romani Briles, SDG&E, Environmental Compliance Project Manager, Sunrise Powerlink Project: 858-636-6865 (office) 858-750-0754 (cell) rromani@semprautilities.com</p>

Distribution List:

- | | | | | | |
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APPENDIX 1

TEXT OF MITIGATION MEASURES CITED IN NCR #1

C-1c. Develop and Implement Historic Properties Treatment Plan. Upon approval of the inventory report and the National Register of Historic Places (NRHP)-eligibility and CRHR-eligibility evaluations consistent with Mitigation Measures C-1a (Inventory and evaluate cultural resources in Final APE) and C-1b (Avoid and protect potentially significant resources), the Applicant shall prepare and submit for approval a Historic Properties Treatment Plan (HPTP) for register-eligible cultural resources to avoid or mitigate identified potential impacts. Treatment of cultural resources shall follow the procedures established by the Advisory Council on Historic Preservation for compliance with Section 106 of the National Historic Preservation Act and other appropriate State and local regulations, as explicated in Section D.7.8. Avoidance, recordation, and data recovery will be used as mitigation alternatives; avoidance and protection shall be the preferred strategy. The HPTP shall be submitted to the BLM and CPUC for review and approval.

As part of the HPTP, the Applicant shall prepare a research design and a scope of work for evaluation of cultural resources and for data recovery or additional treatment of NRHP- and/or CRHR-eligible sites that cannot be avoided. Data recovery on most resources would consist of sample excavation and/or surface artifact collection, and site documentation. A possible exception would be a site where burials, cremations, or sacred features are discovered that cannot be avoided.

The HPTP shall define and map all known NRHP and/or CRHR-eligible properties in or within 50 feet of all project APEs and shall identify the cultural values that contribute to their NRHP- and/or CRHR-eligibility. The HPTP shall also detail how NRHP and/or CRHR-eligible properties shall be marked and protected as ESAs (in accordance with Mitigation Measure C-1b) during construction.

The HPTP shall also define any additional areas that are considered to be of high-sensitivity for discovery of buried register-eligible cultural resources, including burials, cremations, or sacred features. This sensitivity evaluation shall be conducted by an archaeologist who meets the Secretary's Standards and who takes into account geomorphic setting and surrounding distributions of archaeological deposits. The HPTP shall detail provisions for monitoring construction in these high-sensitivity areas for proper implementation of Mitigation Measures C-1e and C-3a. It shall also detail procedures for halting construction, making appropriate notifications to agencies, officials, and Native Americans, and assessing register-eligibility in the event that unknown cultural resources are discovered during construction. For all unanticipated cultural resource discoveries, the HPTP shall detail the methods, the consultation procedures, and the timelines for assessing register-eligibility, formulating a mitigation plan, and implementing treatment. Mitigation and treatment plans



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for unanticipated discoveries shall be approved by the BLM and CPUC, other appropriate agencies and local governments, appropriate Native Americans, and the SHPO prior to implementation.

The HPTP shall also identify all historic built environment resources (structures, roads, dams, etc.) that would be affected indirectly by visual intrusion of the Proposed Project on qualities that contribute to their register eligibility. Although the current analysis has assessed the potential for indirect visual impacts to previously recorded historic built environment resources within 0.5 miles of the Proposed Project and Alternatives, the HPTP shall include an identification effort focused on identifying any such resources that may not have been previously recorded. The scope of this identification effort shall be in accordance with 36 CFR 800, which requires a reasonable effort to identify potentially NRHP-eligible resources that would be adversely affected by indirect project impacts. The HPTP shall also detail the treatment for each affected resource that will minimize those long-term visual impacts.

The HPTP shall include provisions for analysis of data in a regional context, reporting of results within one year of completion of field studies, curation of artifacts (except from private land) and data (maps, field notes, archival materials, recordings, reports, photographs, and analysts' data) at a facility that is approved by BLM, and dissemination of reports to local and State repositories, libraries, and interested professionals. The BLM will retain ownership of artifacts collected from BLM managed lands. The Applicant shall attempt to gain permission for artifacts from privately held land to be curated with the other project collections. The HPTP shall specify that archaeologists and other discipline specialists conducting the studies meet the Secretary's Standards (per 36 CFR 61).

C-1e. Monitor Construction at Known ESAs. *The Applicant shall implement full-time archaeological monitoring by a professional archaeologist during ground-disturbing activities at all cultural resource Environmentally Sensitive Areas (ESAs). These locations and their protection boundaries shall be defined and mapped in the HPTP.*

Archaeological monitoring shall be conducted by a qualified archaeologist familiar with the types of historical and prehistoric resources that could be encountered within the project, and under direct supervision of a principal archaeologist. The qualifications of the principal archaeologist and archaeological monitors shall be approved by the BLM and CPUC.

A Native American monitor may be required at culturally sensitive locations specified by the BLM following government-to-government consultation with Native American tribes. The monitoring plan in the HPTP shall indicate the locations where Native American monitors will be required and shall specify the tribal affiliation of the required Native American monitor for each location. The Applicant shall retain and schedule any required Native American monitors.



Compliance with and effectiveness of any cultural resources monitoring required by an HPTP shall be documented by the Applicant in a monthly report to be submitted to the BLM and CPUC for the duration of project construction. In the event that cultural resources are not properly protected by ESAs, all project work in the immediate vicinity shall be diverted to a buffer distance determined by the archaeological monitor until authorization to resume work has been granted by the BLM and CPUC.

The Applicant shall notify the BLM of any damage to cultural resource ESAs. If such damage occurs, the Applicant shall consult with the BLM and CPUC to mitigate damages and to increase effectiveness of ESAs. At the discretion of the BLM and CPUC, such mitigation may include, but not be limited to modification of protective measures, refinement of monitoring protocols, data-recovery investigations, or payment of compensatory damages in the form of non-destructive cultural resources studies or protection within or outside the license area, at the discretion of the BLM.

C-2a. Properly treat human remains. *All locations of known Native American human remains shall be avoided through project design and shall be protected by designation as ESAs. If the approved project route will affect sites known to contain human remains that cannot be avoided in their entirety during construction, the Applicant shall contact the California Native American Heritage Commission (NAHC). The NAHC will identify the Most Likely Descendant (MLD), within 48 hours, who will specify the preferred course of treatment in the event that additional human remains are discovered. The Applicant shall also contact the BLM (lead federal agency for the Proposed Project) and any additional land management agencies if the site is located on public lands administered by a State or federal agency other than the BLM. The Applicant shall follow all State and federal laws, statutes, and regulations that govern the treatment of human remains (see Section D.7.7). The Applicant shall assist and support the BLM in all required government-to-government consultations with Native Americans and appropriate agencies and commissions, as requested by the BLM. The Applicant shall comply with and implement all required actions and studies that result from such consultations.*

If human remains are discovered during construction, all work shall be diverted from the area of the discovery and the BLM authorized officer shall be informed immediately. The Applicant shall follow all State and federal laws, statutes, and regulations that govern the treatment of human remains. The Applicant shall assist and support the BLM in all required government-to-government consultations with Native Americans and appropriate agencies and commissions, as requested by the BLM. The Applicant shall comply with and implement all required actions and studies that result from such consultations, as directed by the BLM.

Although subject to the recommendations of the MLD, it is likely that the human remains would be respectfully removed by the MLD and/or qualified archaeologists and reinterred in an area not subject to impacts from the Proposed Project. The reinterment location may be



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identified as a nearby locale within SDG&E ROW, or an off-site location may be selected. The Applicant shall assist and support the MLD in identifying, acquiring, and protecting the reinterment location.

C-3a. Monitor Construction in Areas of High Sensitivity for Buried Resources. *The Applicant shall implement archaeological monitoring by a professional archaeologist during subsurface construction disturbance at all locations identified in the Historic Properties Treatment Plan (HPTP) as highly sensitive for buried prehistoric or historical archaeological sites or Native American human remains. These locations and their protection boundaries shall be defined and mapped in the HPTP. Intermittent monitoring may occur in areas of moderate archaeological sensitivity at the discretion of the BLM and CPUC. Monitoring shall be conducted in accordance with procedures detailed in Mitigation Measure C-1e.*

Upon discovery of potential buried cultural materials by archaeologists or construction personnel, or damage to an ESA, work in the immediate area of the find shall be diverted and the Applicant's archaeologist notified. Once the find has been inspected and a preliminary assessment made, the Applicant's archaeologist shall consult with the BLM or CPUC, as appropriate, to make the necessary plans for evaluation and treatment of the find(s) or mitigation of adverse effects to ESAs, in accordance with the Secretary's Standards, and as specified in the HPTP.

CR-APM-1. Prior to Construction, Construction Personnel Shall Be Instructed on the Protection and Avoidance of Cultural Resources. *To assist in this effort, the construction contract will address state and federal laws regarding antiquities, fossils, and plants and wildlife, including the collection and removal, as well as the importance of these resources and the purpose and necessity of protecting them.*