



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243



February 1, 2017

In Reply Refer To
CACA-49698/2800(P)
CA670.25

NOTICE

Eric Lallum	:	
Vice President, Engineering and Construction	:	Tule Wind Project
Avangrid Renewables	:	CACA-49698
1125 NW Couch Street, Suite 700	:	
Portland, OR 97209	:	

Notice to Proceed With Construction Activities

Background

One January 20, 2017, the Bureau of Land Management (BLM) issued a Notice of Temporary Suspension of Construction Activities pursuant to the regulations at 43 CFR 2807.16. The Notice was issued as a safeguard to halt a pattern of violations in connection with ground disturbing activities on the Tule Wind project while the right-of-way grant holder determined the factors that caused the violations to occur and identified corrective actions to be taken to prevent further violations.

On January 25, 2017, the holder submitted a written assessment of the factors that caused the violations to occur and proposed corrective actions to prevent further violations. The holder requested that the BLM authorize construction operations to be resumed on January 31, 2017. On January 27, 2017, the BLM requested additional clarification from the holder and participated on conference calls with the holder on January 30 and 31, 2017, to obtain further clarification regarding proposed corrective actions. On January 31, 2017, the holder revised the assessment to include the requested clarification and requested that the BLM authorize construction operations to be resumed on February 1, 2017. Later on January 31, 2017, the holder submitted a final version of this document with further clarification and corrections.

Notice to Proceed With Construction Activities

With this Notice, the Temporary Suspension of Construction Activities is lifted for the Tule Wind project subject to the implementation of all safeguards and corrective actions identified by the holder in the letter of January 31, 2017 (copy attached). These safeguards and corrective actions are hereby incorporated by reference as additional stipulations into right-of-way grant CACA-49698.

Please be advised that all other terms and conditions of the Record of Decision and right-of-way grant CACA-49698 continue to apply to the Tule Wind project.

How to Appeal This Decision

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1 (Enclosure 3). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Please contact Miriam Liberatore, BLM Project Manager, at 541-618-2412 if you have any questions about this Notice. Alternatively, I can be reached at 760-337-4410. Thank you for your cooperation with the BLM.



Thomas F. Zale
Field Manager

Enclosures (2):

1. Letter from Avangrid Renewables dated January 31, 2017 (with attachments)
2. Form 1842-1



January 31, 2017

Tom Zale
Field Manager
Bureau of Land Management (BLM), El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
Via e-mail: tzale@blm.gov

RE: Tule Wind permission to resume activities associated with temporary suspension

Dear Mr. Zale,

Tule Wind (BLM Project Number CACA-49698) is in receipt of your letter dated January 20, 2017 providing notice of the temporary suspension of construction activities at the Tule Wind Project (BLM Notice). Tule Wind is committed to constructing and operating this project in accordance with its permitted terms and conditions. As such, we respectfully request permission to resume activities at the Tule Wind site once all additional compliance measures identified in this letter have been implemented. Tule Wind originally replied to the temporary suspension letter on January 25, 2017 requesting a start date of today, January 31, 2017. Upon review, your office provided a list of clarifying questions for our consideration which was discussed with Tule Wind on January 30, 2017. This updated letter provides the requested clarification and a request to commence construction activities on February 1, 2017.

Tule Wind recognizes that there have been project challenges which have led to the compliance incidents observed by the BLM. We have dedicated millions of dollars towards compliance activities; however, we have reviewed your notice and our current processes concluding that increased effort and investment is required. It is unfortunate that these violations have occurred and Tule Wind believes the initiatives described in this letter address the root causes of the incidents and will prevent to the greatest extent possible recurrence of them. Compliance on this project, like any other aspect, is a team effort. It requires an aligned understanding of the rules and regulations by all parties, clear communications across the entire construction team including contractors, compliance monitors, regulatory representatives, and construction management, and a team culture with a shared goal of achieving success and maintaining compliance. To this extent, Tule Wind has discussed the importance of communication and culture of compliance with representatives of all partners on this project and feels we are aligned as one team. The additional initiatives expressed in this letter are aimed at promoting clear communications among all parties and establishing a site culture where compliance is a shared mission by all.

The following list represents a few of the actions Tule Wind, and our project team, have already undertaken to improve and enforce a culture of compliance:

- Creation of a Compliance Matrix with all permit conditions from major permits.
- Creation of a Plan Matrix with applicable plan requirements.
- Appointment of a full-time on-site Environmental Compliance Lead.

- Establishment of clear lines of communication regarding site protocols through the creation of a draft Compliance Manual.
- Comprehensive management training for all high level site management.
- Creation of a comprehensive WEAP program with voice over.

Additionally, Tule Wind is currently collaborating with our construction contractors and qualified monitors to identify and implement additional measures to help ensure compliance with the permit conditions and specifically address the concerns summarized in the referenced notice. From this collaboration, Tule Wind recognizes that beyond the specific act resulting in the notice of violation, we have recognized that communication errors and misunderstandings related to the compliance conditions contributed in part to the incidents. As a result of this collaboration effort, Tule Wind has identified several improvements to implement in our construction practices aimed at eliminating the types of compliance issues referenced in the BLM Notice.

Communication between monitoring crews and construction crews is pivotal to remaining in compliance. Contractors have high band hand held radios for monitors as well as operators and foreman. Informational training is given explaining channels to utilize, how to communicate with the appropriate language, and only communicate necessary information. Trucks, equipment and hand held radios use channel 3. Channel 1 is the safety channel and is only used for emergencies. When project infrastructure NTP is received and/or the building permit for the temporary construction trailer is approved, radio communications will be improved with signal boosters and the installation of repeaters. Tule Wind has used this time of this stand down to examine organization and communication and ensure that everyone on site understands each other's role and that the Tule Wind Site Manager, or his designee, has ultimate responsibility to all activities on site. Site organization and communication is detailed in the attached file.

Clearing beyond the approved disturbance limits- instances

The BLM Notice references three instances in which clearing activities have occurred beyond the approved disturbance. The first of these instances involved an equipment operator placing a boulder beyond the approved limit of disturbance at a project intersection. The second instance of clearing beyond the approved disturbance limit was a result of an operator mistaking a disturbance limit demarcation with a stake in the field depicting an offset of that limit of disturbance. The third instance of clearing beyond the approved disturbance limit occurred because clearing limits were staked in an area where a pending variance had not yet been approved. All three of these isolated issues occurred due to different reason and thus different corrective measures are necessary. Each instance is discussed below with the corresponding corrective action noted.

- On December 7, 2016, a boulder was pushed outside of the approved limits of clearing. An equipment operator placed a boulder outside of the limit of disturbance to avoid it being too near the flow of construction traffic where a blind spot exists at an intersection with an access road and the primary public access road. Although we commend the operator for thinking about safety, we recognized the need to reiterate the importance of compliance. At the time this instance occurred, the operator inspected the area with the compliance monitor and they discussed the incident. Additionally, the next day the incident was discussed in the daily POD and manager's meeting. Finally, a slide was added to the site orientation slide deck which depicts limits of disturbance flagging and discusses the importance and rules surrounding limits of disturbance. We have informed all personnel that anyone has the right and responsibility to stop work at any time if

they believe there is a compliance or safety concern, or have doubts of where they are going or what they are doing. Work will not begin without all monitors executing the signoff sheet (bio, arch, and native). If the task or location changes, work will again stop and the crew will wait and contact monitors to get the appropriate review and sign off before starting work.

Response: The Clearing and Grading Superintendent is now assigned to regularly check in with the construction team to discuss areas which are problematic for large boulders. Since these measures were put in place, there have been no other instances of a contractor placing any materials outside of the approved disturbance limits.

- On January 11, 2017, a contractor operating a skid steer mistook an "offset stake" with a limit of clearing stake which resulted in the clearing of approximately 230 square feet outside the disturbance limits. In this instance, the error was immediately noted in the field by the environmental monitors, as well as, by the equipment operator. The error occurred because the operator had limited visibility in front of his equipment due to the placement of the masticator required to perform the job and thus did not see the offset mark on the stake. Additionally, due to the unsafe conditions associated with the operations of a masticator, monitoring personnel were not near the equipment and were not able to stop it until it had cleared the area. Furthermore, the flagging of offset stakes were not differentiated in any way from regular clearing disturbance limit stakes, thus requiring that the operator see the offset mark on the stake to know it is not a clearing limit stake.

Response: The site was shut down to discuss this instance and to assess the number of offset stakes placed on site with the goal of providing assurances that this had not happened elsewhere on the site. Because all stakes have GPS locations recorded in the field, the contractor quickly assessed that a total of forty-five (45) offset stakes had been placed throughout the project. A new protocol was put in place requiring removing offset stakes and clarifying the limits of disturbance when a rock or other immobile object blocked appropriate stake placement. Specifically, these new protocols consist of staking on either side of the object at the clearing limits. If for any reason this is not possible, an offset stake will only be placed within the limit of clearing. Moving forward, two colors of ribbon (both green and yellow) will be tied onto any offset stakes. An update will be made to the safety orientation training slide which notes flagging color keys. Additionally, surveyors will verify that existing stakes are flagged with the correct color. Clearing activities near limits of disturbance were ceased until all offset stakes were removed and new staking was in place following new protocols. Additionally, areas already cleared near offset stakes were reviewed to ensure that this was a one-time error. It was confirmed to be a single event error.

- On January 18, 2017 clearing was discovered outside of approved disturbance limits due to a set of stakes placed in the field from a not yet approved Variance Request. The Variance was requested to avoid a cultural ESA on the F-String which was discovered in pre-construction sweeps in the early fall. Additionally, grading occurred along an unauthorized portion of the existing McCain Valley Road which leads to the A-string. These areas were both part of the Variance Request 001. These clearing errors occurred because the two variance areas were included as part of the Issued For Construction (IFC) drawings provided to the BLM on July 19, 2016 and updated on November 11, 2016. The drawings did not delineate the areas associated with the Variance Request and were mistakenly

staked prior to BLM approval. Because these two areas were known to need a variance, they were engineered accordingly and included as part of the design set. When survey crews went into the field they recorded staking points for both the variance and approved limits of staking. This resulted in clearing approximately 0.06 additional acres along the F string. In the instance near the A-string, where McCain Valley Road cannot be closed off, the limits of disturbance associated with the variance contained no differential markings. As such, when grading took place in early December along McCain Valley Road, approximately 0.2 acres of McCain Valley Road was graded outside of approved survey corridors. It should be noted that no additional widening of McCain Valley Road occurred as a result of the grading work.

Response: After these incidents were discovered on January 18, 2017, the site was shut down and the incidents were assessed. At that time, the only remaining variance staking in the field was on the G-line associated with the last area in Variance 001. To avoid risk of grading in this area, those stakes were pulled from the field. Staking points will only be re-established if Variance 001 is approved. To avoid confusion with future variances, any design layout changes will be provided to monitors in the form of shapefiles for cultural and biological monitoring teams to conduct appropriate surveys using handheld GPS equipment. Shapefiles for variance areas will only be released to the construction contractor and staked once the variance has been approved. Therefore, we believe that this is also a one-time error. Going forward we will make sure to use purple ribbon on any variance stakes. We will update slides and make sure surveyors verify that they are flagged with the correct color.

Clearing beyond the approved disturbance limits – additional safeguards

Because incidents involving clearing beyond the limits of disturbance were not replicated, we believe that the field changes we have implemented provide adequate safeguards. However, to provide further assurances that there are no staking errors in our staking data, the waypoints of every stake has been overlaid with the approved limits of clearing and reviewed for potential errors. While we did not find any errors during this exercise, these data will be provided to Dudek and the BLM for review as well. With most staking already completed for the project, we believe that this approach to staking will greatly increase confidence that appropriate staking has occurred in the field.

Additionally, contractors will change methods of initial clearing in areas where brush requires the use of a masticator, which limits operator visibility and affects the monitors' proximity to the work for safety reasons. Specifically, the initial clearing areas will first be walked down with bulldozers to provide better operator visibility from an elevated position to ensure the operation can see limits of clearing demarcation. The use of this alternate equipment also has the benefit of allowing monitors to walk closer to equipment which provides additional assurance that the operator will stay within the limits of clearing. As a final precautionary measure, contractor spotters will verify all upcoming staking and road alignments with the survey crews ahead of clearing. As part of this verification process rope or construction tape will be used to visually demark the limits of clearing creating a visible linear boundary. This process will result in the contractor spotter becoming educated with each area through visual inspection and direct question and answers from the surveyor which will provide the clearing crews more direct access to survey methodologies and field implementation. The spotter will walk ahead of the dozer to locate stakes ahead of the clearing and identify any irregular boundaries that an operator might miss. The spotters would have hand held radios and the operators have radios mounted in their equipment. The operator and the spotter would communicate both by radio and by

visual hand signals. Our contractors use spotters extensively in our operations and they are already an integral part of the crew. We do not use them with the masticators as that equipment throws rocks and debris so it can be quite dangerous to stand in front of or in close proximity to this equipment. As with the rest of the crew, the spotter will report directly to the crew Foremen and working directly in conjunction in the operator. The spotter has the authority to stop the work.

By implementing the measures referenced above in addition to the measures already put in place at each instance noted, we believe that we can safely, efficiently, and effectively clear the tough terrain associated with the Tule Wind Project and stay within the confines of our limits of disturbance and permit conditions.

Grading without required monitoring – incidents

There have also been three instances where grading activities occurred without the required monitoring crews present. All three incidents involve grading of previously disturbed earth with based on a misunderstanding of when monitors were required.

- On December 16, 2016 equipment was discovered grading previously disturbed earth that had not yet been cleared for work without a cultural monitor present. In this instance equipment traveling to perform work elsewhere dropped its blade and began to grade a location which had been previously disturbed the day before. The operator dropped the blade to smooth out a 'bump' in the road to allow easier access on the rough graded road. When monitors noted the activity, they flagged the operator who immediately ceased work. At that time, the Tule Wind team was unaware that a monitor was needed in areas previously disturbed the day before when new vertical strata are disturbed.

Response: A meeting was held to discuss both the permit conditions surrounding the use of monitors as well as the purpose of each monitor resulting in additional clarification around the use and need for Cultural and Biological Monitors. New definitions were circulated and agreed upon and these were shared with the Tule Wind construction team via e-mail. They were also discussed at the first POD of the New Year once the construction team returned to the site.

The new definitions are as follows:

Cultural Monitors must continue to work in an area until it has been cleared for a particular activity to a particular grade. If clearance is not received, no work activities can occur in that area without cultural monitors until clearance is received. The clearance will be granted based on consultation with the BLM and will be granted subject to the availability of appropriate BLM staff. Just because a team went somewhere yesterday doesn't mean they can go back there without monitors.

Biological Monitors shall monitor all brush removal, topsoil removal, and initial excavations. In regard to excavations, the biological monitor shall monitor the initial removal of soil and inspect the area of excavation including all areas adjacent to the work area for signs of potential biological resources, including burrowed animals.

Once this has occurred in a work area, then daily biological sweeps of that area before subsequent work and roving monitoring of all active work areas throughout the shift would occur. Daily clearance will not be granted until the sweep has been completed and deemed clear by the environmental monitor.

- On January 16, 2017 a second instance, similar to the instance on December 16, 2017 occurred. Equipment moved from the H line to the G line to smooth already disturbed areas on the G line. The BLM monitor observed this grading activity without the appropriate monitors present. The BLM monitor discussed this activity with the operator and the activity ceased. In this instance, corrective actions taken several days before failed because of communication errors. The operator thought the area was part of an area cleared for additional ground disturbance without monitors. By stating previously that no work would occur without a monitor, Tule Wind failed to take into account instances when it was indeed OK to work without a full-time monitor and switching locations. The operator was previously working in an area for which no full-time monitoring was required and did not realize the change in requirements when shifting locations. This was a scenario that was not fully thought out, thus Tule Wind believed that no additional incidents involving clearing without a monitor would occur. Both the operator and monitors were made aware of the previous commitment to not perform any work without a monitor. However, the first activity of the crew was cleared for full-time monitoring days prior for cultural and was slated for a bio sweep that morning and was not contemplated at the morning POD.

Response: As a result of this second incident of grading activity without a monitor, the site was shut down and the team started to brainstorm options to alleviate any confusion related to the need for monitors for previously disturbed areas.

- On January 12, 2017 a third instance of work without a cultural monitor present happened along the east/west access road. In this instance equipment separated from a crew which had appropriate coverage for monitoring. The cultural monitor felt that both areas could be adequately covered with one cultural monitor and the original team stood down while the solo piece of equipment and cultural monitor went to a new location. At this new location, the monitor surveyed the area and concluded that there would be no cultural resource damage if work occurred in the area. Then, the monitor left the equipment operating without a monitor present; therefore, the operator was under the mistaken assumption that he had the approval of the cultural monitor to proceed to perform grading activities.

Response: When discovered, this issue was discussed with the BLM and the management lead for the cultural monitoring team. The monitor was removed from site the next day and retrained. Additionally, monitoring crews were increased to include three floater monitors per day to avoid situational dilemmas of a monitor choosing what activity to monitor and the on-site contractor noted that no activities would occur without a monitor going forward. Roving (floating) monitors are assigned to sites and/or activities that do not require full time monitoring. Roving monitors will be scheduled to "spot check" multiple sites and/or other biological tasks (including but not limited to preconstruction sweeps, nesting bird surveys, updating ESAs, and/or SWPPP inspections). Roving monitors' schedules are based on the number of activities requiring spot checks, the intensity of the activities, and the proximity of the locations. Sites or activities will be prioritized based on the risk to biological resources. We believe this was a one-time error

Grading without required monitoring – safeguards

All three monitoring incidents involved communication errors resulting in the failure to comply with the established guidelines, field whether they were by the monitoring team or the contractor team. As such, Tule Wind is implementing measures to help clarify the use of monitors. First, we believe that increasing the use of floater monitors is a cost effective



measure to manage this compliance effort by ensuring that additional monitors are available if the POD changes throughout the day. The inclusion of these monitors will be identified as part of the three (3) Day Look Ahead. Second, effective immediately, Tule Wind and its contractors will be implementing a monitor signature log for all activities on site. Construction foremen will be responsible for seeking and obtaining appropriate monitor signatures daily prior to each activity to occur at each location. In addition, the foreman will sign each log. Construction activities will not commence without completed monitor approval forms. These forms note the activity, location of activity, start time, and signature of the monitors present. These forms will be audited by the Environmental Compliance Lead and will be kept on site and will be made available for Dudek/BLM review. Third, more environmental training will be provided. Each and every person on site will be WEAP trained a second time prior to conducting new work on site. In addition to the second round of WEAP training, additional training will also include reinforcement and restatement of monitoring requirements in addition to the BLM approved slides and voiceover. Additional slides will be added to the contractor orientation training which addresses breaks. In addition, the foreman and construction staff will be trained by the contractor management to stop work when asked to do so by the, BLM, Dudek, and ICF or ASM monitoring teams. The monitoring requirements discussed on December 28 with the BLM and noted in this letter will be visually depicted in a secondary component to the WEAP training. A ten question test will be given with this training and reviewed at the end of the training session.

Communications have been reviewed and new communication protocols will be implemented. In field training will take place reminding all field personnel of the requirements for monitoring at each days' POD meeting. Additionally, as part of the initiative to create a compliance first culture, monitors will engage construction crews in daily discussion topics about what resource they are monitoring for and why it is important. The Site Management team meets daily at 6:30 AM, which include lead monitors, contractor site management safety coordinators and foreman. During this meeting the daily work tasks, location of the work, and monitoring needs are discussed. The Management team then moves to the laydown area at 7AM to discuss the plan of the day which includes safety and compliance topics with all personnel including the managers, foreman, monitors, operators and laborers. Once these discussions are completed crews split into their respective teams and work with their assigned monitors to discuss and determine the level of monitoring needed at each location and task. Next, the teams travel to their work site and the assigned monitors perform a review of the location and tasks, and then execute the monitor sign off sheet. If during the day a task or location changes, the monitors and foreman/crews will reconvene to review the new task, location, and execute a new monitoring sign off sheet.

Tule Wind and our contractors take all incidents seriously and are committed to continued training and finding new ways to solve the complex problems that occur on site. Contracts between Tule Wind and our contractors include language which requires adherence to all permits and permit conditions. Contract Section 3.3 regarding compliance is attached. Additionally, Tule Wind held a project realignment meeting on January 26, 2017 with all team members including our BOP contractor, electrical contractor, foundation contractor, environmental monitor leads, cultural monitor leads, and BLMs 3rd party monitor to focus on what compliance means to our company and how we can create and uphold a culture of compliance at the Tule Wind site. We have increased the number of monitors, improved the communication amongst the site team and created a policy to halt work if a question arises whether a monitor is required. We have taken the past several days to

reflect upon these actions and discuss the impact of the measures proposed in this letter. We will be implementing the following management practices immediately:

- Survey points will be verified;
- Spotters will work with Survey teams to ask questions and rope disturbance limits;
- Low visibility areas will incorporate different clearing methods;
- Implement floater monitors;
- Monitor signature and sign off sheets will be implemented;
- Retraining will occur including WEAP, daily POD reinforcement of monitoring requirements, and in field training; and
- Using the same methods and strategies Avangrid Renewables uses to create a safety first culture, the project team will begin Incorporating compliance first topic discussions at PODs and other construction meetings.

Although we are making every effort to stay in compliance, should future instances occur, Avangrid renewables will reply with a written report documenting the incident, potential damages or plan to evaluate potential damages, and corrective actions within 48 hours of written notification of a non-compliance or a serious violation. .

As such, we request that full activities be allowed to resume on BLM controlled land on Wednesday, February 1, 2017.

We look forward to continuing this partnership which began a decade ago and thank you for your efforts and the efforts of the staff at the El Centro office in making Tule Wind a reality. If you have any questions at all please do not hesitate to contact me directly at Erik.Lallum@Avangrid.com (503-478-6361) or Kristen Goland at Kristen.Goland@Avangrid.com (503-478-6360).

Yours Sincerely,



Erik Lallum
Vice President Engineering and Construction
Avangrid Renewables

CC: Miriam Liberatore, Carrie Simmons (BLM), David Hochart, Keith Carwana (Dudek), Kamber, McAllister, Talia Haley, John Rodgers (ICF), Ed Clark, Mark Croissant, Chris Wyly, Laura Nagy (Avangrid Renewables), Mark Larum (BEI)

Attachments:

Construction Service Agreement 3.3_Compliance
Tule Monitor Signoff log
Tule Organization and Communication flow charts
Supplemental training powerpoint

Tule Wind Responses to BLM clarifying questions. Responses are pulled directly from letter and are offered to provide quicker reference to responses.

General Comments:

1. Please clearly articulate how Avangrid will hold contractors accountable to adherence with the project requirements and permits.

RESPONSE: Tule Wind and our contractors take all incidents seriously and is committed to continued training and finding new ways to solve the complex problems that occur on site. Contracts between Tule Wind and our contractors include language which requires adherence to all permits and permit conditions. A redacted copy of our standard contract is attached. Additionally, Tule Wind held a project realignment meeting on January 26, 2017 with all team members including our BOP contractor, electrical contractor, foundation contractor, environmental monitor leads, cultural monitor leads, and BLMs 3rd party monitor to focus on what compliance means to our company and how we can create and uphold a culture of compliance at the Tule Wind site. We have increased the number of monitors, improved the communication amongst the site team and created a policy to halt work if a question arises whether a monitor is required.

2. We understand that Tule Wind will be implementing a "monitor signature log". Please provide a copy of the proposed monitor signature log and ensure that construction contractors, including foremen and operators will be signing the monitor signature log.

RESPONSE: These forms note the activity, location of activity, start time, and signature of the foreman and monitors present. (SEE ATTACHMENT - Monitoring Signoff log).

3. Include a graphic or table of how communications should flow between foremen, operators, and monitors, including floating monitors. Please indicate the different authorities of the foreman, operators, and monitors and clearly define who on-site has the ultimate authority.

RESPONSE: Communication between monitoring crews and construction crews is pivotal to remaining in compliance. Tule Wind has used this time of this stand down to examine organization and communication and ensure that everyone on site understands each other's role and that the Tule Wind Site Manager, or his designee, has ultimate responsibility to all activities on site. Site organization and communication is detailed in the attached file. SEE ATTACHMENT - *Site Organization and Communication which outlines the site construction organization and communication flow between the monitors and the crews.*

4. Please clearly define how communication between monitors, operators, and foreman will improve. For example, implementation of a radio program (or other communication program) with training on how to use radios and radio etiquette.

RESPONSE: Communication between monitoring crews and construction crews is pivotal to remaining in compliance. Contractors have high band hand held radios for monitors as well as operators and foreman. Informational training is given explaining channels to utilize, how to communicate with the appropriate language, and only communicate necessary information. Trucks, equipment and hand held radios use channel 3. Channel 1 is the safety channel and is only used for emergencies. When project infrastructure NTP is received and/or the building permit for the temporary construction trailer is approved, radio communications will be improved with signal boosters and the installation of repeaters.

Additionally, the Site Management team meets daily at 6:30 AM, which will include lead monitors, contractor site managers and foreman.

5. Please describe what improvements will be made to provide both the BLM and San Diego County with timely reporting of on-site problem areas and non-compliance events. Reporting should clearly define the issue, potential damages to environmental resources, and what corrective actions are being taken and/or proposed to prevent similar issues from reoccurring beyond those that are already in place.

RESPONSE: Although we are making every effort to stay in compliance, should future instances occur, Avangrid renewables will reply with a written report documenting the incident, potential damages or plan to evaluate potential damages, and corrective actions within 48 hours of written notification of a non-compliance or a serious violation.

6. The training program and/or WEAP should clearly define when an operator must stop work. For example, when a monitor uses the restroom or takes a lunch break. How will the monitors assigned to a specific activity notify a roaming team that they are going on lunch break and ensure that the activity continue only when monitors are present?

RESPONSE: Additional slides will be added to the contractor orientation training which addresses breaks and denotes when an operator must stop work. In addition to undergoing another round of WEAP training, all project personnel will receive this supplemental portion of the training prior to the start of work. A copy of the additional slides is attached. In addition, the foreman and construction staff will be trained by the contractor management to stop work when asked to do so by the BLM, ICF, ASM, and Dudek monitoring teams.

Specific Comments

1. First bullet, page 2 – The permission to resume activities letter states: “Finally, a slide was added to the site orientation slide deck which depicts limits of disturbance flagging and discusses the importance and rules surrounding limits of disturbance”.

In this case the operator didn’t recognize that the limits are absolute and did not know the communications protocol for conveying his/her safety concern. Please elaborate on what communication protocols will be put in place to prevent a reoccurrence or similar issue from occurring.

RESPONSE: We have informed all personnel that anyone has the right and responsibility to stop work at any time if they believe there is a compliance or safety concern, or have doubts of where they are going or what they are doing. Work will not begin without all monitors executing the signoff sheet (bio, arch, and native). If the task or location changes, work will again stop and the crew will wait and contact monitors to get the appropriate review and sign off before starting work.

2. Second bullet, page 2 – In the “response” section, the permission to resume activities letter states “Specifically, these new protocols consist of staking on either side of the object at the clearing limits. If for any reason that is not possible, an offset stake will only be placed within the limits of clearing”. Please specify that a new color code will be used for offset stakes and describe how all contractors will be made aware of what this new staking color represents.

RESPONSE: Moving forward, two colors of ribbon both green and yellow ribbon will be tied onto any offset stakes. An update will be made to the safety orientation training slide which notes flagging color keys. This update is included in the additional slides discussed in general comment #6. Additionally, surveyors will verify that existing stakes are flagged with the correct color.

3. Third bullet, page 2 – Please delete “occurred” in the sentence “On January 18, 2017 clearing occurred outside of approved disturbance limits due to a set of stakes placed in the field from a not yet approved Variance Request”.

RESPONSE: Updated to “was discovered”.

4. Page 3, sentence 4 – In the future it may be necessary to stake future variance proposal for planning purposes. How would you avoid confusion when staking future variance requests (i.e. different staking and staking reference sheet)?

RESPONSE: Going forward we will make sure to use purple ribbon on any variance stakes. We will update slides and make sure surveyors verify that they are flagged with the correct color.

5. Page 3, third paragraph – Tule Wind is proposing the use of contractor spotters to verify all upcoming staking and road alignments with the survey crews ahead of clearing. Can you please further describe the contractor spotter role?

RESPONSE: The spotter will walk ahead of the dozer to locate stakes ahead of the clearing and identify any irregular boundaries that an operator might miss.

In particular, how and when would they interact with the operator?

RESPONSE: The spotters would have hand held radios. The operators have radios mounted in their equipment. The operator and the spotter would communicate both by radio and by visual hand signals.

How is their role conveyed to anyone else on the crew?

RESPONSE: Our contractors use spotters extensively in our operations and they are already an integral part of the crew. We have not used them with the masticators as that equipment throws rocks and debris so can be quite dangerous to stand in front of or in close proximity.

How do they fit into the hierarchy?

RESPONSE: As with the rest of the crew the spotter will report directly to the crew Foremen.

When they are spotting they will be working directly in conjunction in the operator. Do they have any authority?

RESPONSE: Yes, the spotter will have the authority to stop the work.

Similarly, please provide details of how floater monitors will be used, assigned, requested, and moved around. What if there are more activities than monitors?

RESPONSE: Roving (floating) monitors are assigned to sites and/or activities that do not require full time monitoring. Roving monitors will be scheduled to “spot check” multiple sites and/or other biological tasks (including but not limited to preconstruction sweeps, nesting bird surveys, updating ESAs, and/or SWPPP inspections). Roving monitors' schedules are based on the number of activities

requiring spot checks, the intensity of the activities, and the proximity of the locations. Sites or activities will be prioritized based on the risk to biological resources.

6. Page 4, first bullet – The permission to resume activities letter includes the protocols that Tule Wind and the BLM agreed to in regards to when biological and cultural monitors are required. Please further describe the mechanisms that Tule Wind will use to remind the team of these protocols (i.e. tailboard meeting, team meetings, email notifications, etc.). Please add a description of how Tule Wind will accomplish this as part of the permission to resume activities letter.

RESPONSE: The Monitor Leads and our Foremen will meet at our 6:30 POD meeting to discuss work for the day and areas of concern. The monitors will later meet in the field with the crews to discuss the specific activity that is taking place, compliance concerns and safety concerns. The Monitoring Sign Off form will be completed by the Foreman/Lead person and Monitors prior to proceeding with any work.

7. Page 4, second bullet – In the description of the incident that occurred on 1/16/17 where a BLM monitor observed grading activities without the appropriate monitors present, please describe why the prior corrective actions did not prevent this incident from occurring? What else needs to be addressed to prevent another occurrence? What led Tule wind to believe the issue has been corrected sufficiently to allow work to resume? We would like to further understand how both the operator and monitor failed to prevent this incident from occurring. Were the monitors and operators aware of the new direction provided after the incident that occurred on 12/16/17?

RESPONSE: In this instance, corrective actions taken several days before failed because of communication errors. The operator thought the area was part of an area cleared for additional ground disturbance without monitors. By stating previously that no work would occur without a monitor, Tule Wind failed to take into account instances when it was indeed OK to work without a full-time monitor and switching locations. The operator was previously working in an area for which no full-time monitoring was required and did not realize the change in requirements when shifting locations. This was a scenario that was not fully thought out, thus Tule Wind believed that no additional incidents involving clearing without a monitor would occur. Both the operator and monitors were made aware of the previous commitment to not perform any work without a monitor. However, the first activity of the crew was cleared for full-time monitoring days prior for cultural and was slated for a bio sweep that morning and was not contemplated at the morning POD.

8. Page 5, second paragraph – Please clarify the “judgement errors”. We are interpreting this as more of a failure to apply established guidelines, not misjudgments.

RESPONSE: All three monitoring incidents involved communication errors resulting in the failure to comply with the established guidelines, field whether they were by the monitoring team or the contractor team.

9. Page 5, second paragraph – This paragraph states “Each and every person on site will be WEAP trained a second time prior to conducting new work on site”. Will this be the same training?

RESPONSE: Everyone on site will be WEAP trained again with the same original material. In addition the monitoring requirements discussed on December 28, 2016 will be visually depicted in the supplemental training. Everyone on site will also receive the supplemental training.

How will that assure better understanding and compliance? One suggestion would be to provide a test at the end of the training to ensure that the team is understanding how important these requirements are.

RESPONSE: A ten question test will be given with this training and reviewed at the end of the training session. The test will be reviewed by the group and correct answers will be discussed to assure test takers understanding of the questions.

10. Page 5, second paragraph – This paragraph states “monitors will engage construction crews in daily discussion topics about what resource they are monitoring for and why it is important”. Please define when these discussions are anticipated to take place. Will they occur at the daily tailboard meetings?

RESPONSE: The Site Management team meets daily at 6:30 AM, which include lead monitors, contractor site management safety coordinators and foreman. During this meeting the daily work tasks, location of the work, and monitoring needs are discussed. The Management team then moves to the laydown area at 7AM to discuss the plan of the day which includes safety and compliance topics with all personnel including the managers, foreman, monitors, operators and laborers. Once these discussions are completed crews split into their respective teams and work with their assigned monitors to determine the level of monitoring needed at each location and task. Next, the teams travel to their work site and the assigned monitors perform a review of the location and tasks, and then execute the monitor sign off sheet. If during the day a task or location changes, the monitors and foreman/crews will reconvene to review the new task, location, and execute a new monitoring sign off sheet.

3.3 Compliance. Contractor shall ensure that all Work conforms to and is in accordance with the Contract Documents (including the Specifications and any design Work required in accordance with Section 3.2), Prudent Wind and Utility Practices, Applicable Laws, Applicable Standards, Quality Assurance Procedures, Permits, the Project Site Plan (collectively, "Requirements"),. At least monthly, or at more frequent intervals if requested by Owner, Contractor shall provide a written report to Owner detailing Contractor's compliance with the Requirements.



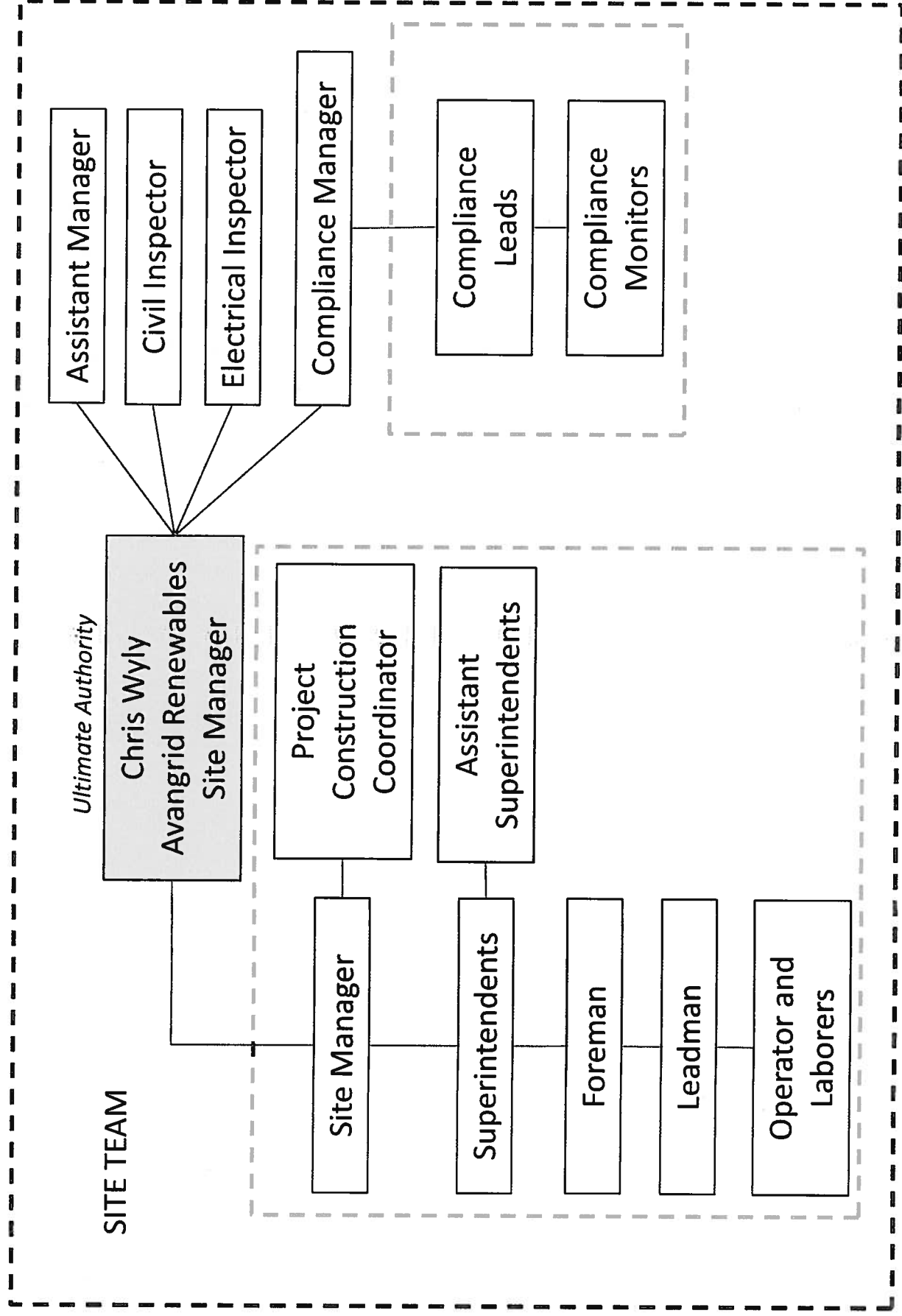
Date: _____

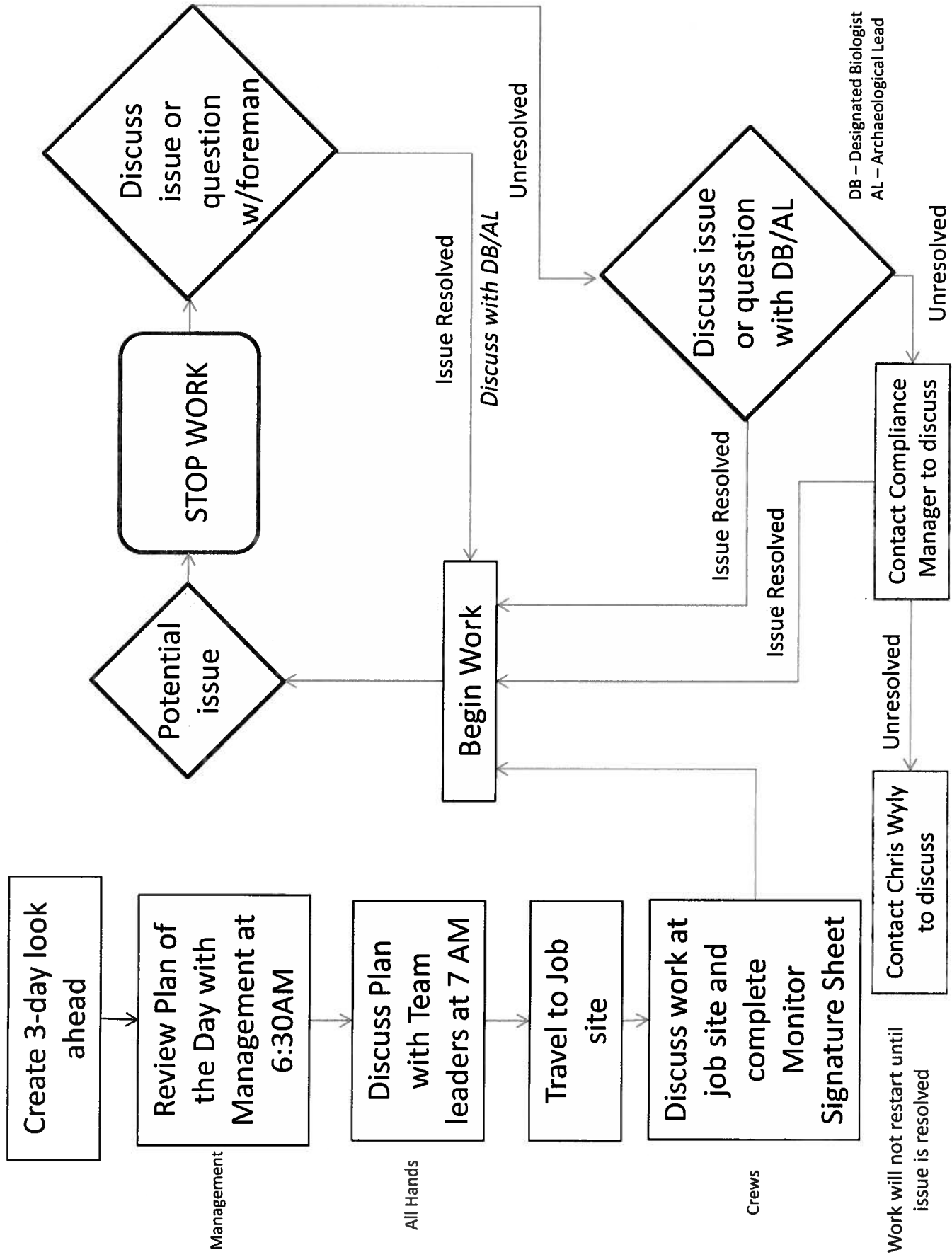
Foreman (Signature) _____ Phone # _____

Time	Work Area	* Only list one construction activity per line	Monitor Name & Company (Print)	Monitor Signature	Required Monitoring (circle if sweep was conducted and monitoring requirement)		
					Arch Monitoring	Tribal Monitoring	Environmental Monitoring
					Sweep Conducted	Sweep Conducted	Sweep Conducted
					Full Time Monitor	Full Time Monitor	Full Time Monitor
					Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
					No Monitor Required	No Monitor Required	No Monitor Required
					Sweep Conducted	Sweep Conducted	Sweep Conducted
					Full Time Monitor	Full Time Monitor	Full Time Monitor
					Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
					No Monitor Required	No Monitor Required	No Monitor Required
					Sweep Conducted	Sweep Conducted	Sweep Conducted
					Full Time Monitor	Full Time Monitor	Full Time Monitor
					Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
					No Monitor Required	No Monitor Required	No Monitor Required
					Sweep Conducted	Sweep Conducted	Sweep Conducted
					Full Time Monitor	Full Time Monitor	Full Time Monitor
					Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
					No Monitor Required	No Monitor Required	No Monitor Required

List possible risks (Similar to JHA) such as rocks on boundary, possible biological or environmental concerns to watch:

Site Organization





Communication Flow

Communication flow between the monitors and the crews.

1. If the monitor foresees a potential issue prior to work (after reading the JHA, for example) the monitor will discuss the issue prior to signing off on the monitor signature sheet. If there is a potential issue while work is occurring, the monitor stops the equipment by signaling to the operator to stop.
2. The monitor discusses the issue or question with the operator or foreman as appropriate.
3. If they are able to resolve the issue there, work can resume. The monitor will discuss the potential issue with the Designated Biologist (DB) and/or Archaeological Lead (AL) so they are aware of the discussion.
4. If the issue could not be immediately resolved and monitor needs additional input, the monitor calls the DB/AL to discuss the issue. If the DB/AL can resolve the issue after coordinating with the monitor, work will resume. If the issue cannot be resolved,
5. DB/AL coordinates with the correct personnel to address the issue (foreman and/or Compliance Manager).
6. The DB/AL provides guidance back to the monitor.
7. Work does not resume until the monitor informs the crew they are clear to resume.
8. If Compliance Manager was not previously informed by the DB/AL, the DB/AL informs Compliance Manager of the issue prior to the end of the day.
9. Compliance Manager contact Talia and/or Brian before elevating anything that comes from the field.
10. Compliance Manager reports the issue and how it was resolved to Chris Wyly in the evening summary email.

Staking color codes

- **Pink** - Centerline
- **Orange** - Environmentally Sensitive Area
- **Yellow** - Grading/Disturbance Limits
- **Yellow /Green** - Offset Staking
- **Green** - Turbine Centerpin
- **Blue** - Jurisdictional waterways.
- **Red/Yellow** - Turning or angle point of centerline
- **Purple** — Variance staking

Disturbance Limits

- Below is an example of the staking for our grading/disturbance limits. As well as an example of what not to do to stay in compliance. It is critical to the project that we take all necessary actions to stay within compliance.
- The blatant disregard for complying with any limit requirements will result in disciplinary action.



Monitor Roles

- *Biological Monitors shall monitor all brush removal, topsoil removal, and initial excavations. In regards to excavations, the biological monitor shall monitor the initial removal of soil and inspect the area of excavation including all areas adjacent to the work area for signs of potential biological resources including burrowed animals.*
- *Once this has occurred in a work area, then daily biological sweeps of that area before subsequent work and roving monitoring of all active work areas throughout the shift would occur. Daily clearance will not be granted until the sweep has been completed and deemed clear by the environmental monitor.*

Monitor Roles

- Cultural Monitors must continue to work in an area until it has been cleared for a particular activity to a particular grade. If clearance is not received, no work activities can occur in that area without cultural monitors until clearance is received. The clearance will be granted based on consultation with the BLM and will be granted subject to the availability of appropriate BLM staff. Just because a team went somewhere yesterday doesn't mean they can go back there without monitors.

- We have had a couple issues with judgment and miscommunication on site when it comes to monitors. To prevent this from happening, all our foreman will be using a monitor sign off sheet for each activity that they are doing.

Monitor Sign Off



Date: _____

Foreman (signature) _____ Phone # _____

Time	Work Area	* Only list one construction activity per line	Construction Activity*	Monitor Name & Company (Print)	Monitor Signature	Required Monitoring (circle if sweep was conducted and monitoring requirement)		
						Arch Monitoring	Tribal Monitoring	Environmental Monitoring
						Sweep Conducted	Sweep Conducted	Sweep Conducted
						Full Time Monitor	Full Time Monitor	Full Time Monitor
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						Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
						No Monitor Required	No Monitor Required	No Monitor Required
						Sweep Conducted	Sweep Conducted	Sweep Conducted
						Full Time Monitor	Full Time Monitor	Full Time Monitor
						Spot Check Monitor	Spot Check Monitor	Spot Check Monitor
						No Monitor Required	No Monitor Required	No Monitor Required

List possible risks (Similar to JHA) such as rocks on boundary, possible biological or environmental concerns to watch:



Protocol for Clearing

- Foreman and surveyors will do a walk through and check the location accuracy of each lath in designated area.
- Once locations are confirmed, caution tape will be strung lath to lath.
- With a spotter in front, we will track a dozer around the perimeter of the area that needs to be cleared.
- Once we have an outline of the area that needs to be cleared, we will have masticators go in and clear the area that is defined by the dozer.

Stop Work Authority

- Everyone on site has the right and the responsibility not only to stop any work for a Safety concern but also for a Compliance concern.

Protocol for stop work

- BEI expects all employees (laborer, operator, foreman, manager, monitor, etc) to stop work if there is any question about safety or compliance. If a full-time monitor is required but not present due to any reason (break, travel, etc.) work will stop until the required personnel are present and have given the required clearance as indicated on the monitor sign off log. This is ANY and EVERYONES responsibility if questions arise.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

Bureau of Land Management
El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243-4561

WITH COPY TO
SOLICITOR.....

Office of the Solicitor
Pacific Southwest Region
1800 Cottage Way, Room E1712
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

Office of the Solicitor
Pacific Southwest Region
1800 Cottage Way, Room E1712
Sacramento, CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)