



CPS Energy Environmental Documentation Requirements

This document contains the requirements CPS Energy will be incorporating into its design process for developer/customer requests for service. These requirements assume the developer/customer has obtained/conducted all necessary permits/studies associated with their projects. CPS Energy strongly advises the developer/customer to incorporate CPS Energy construction activities in their permits/studies to expedite environmental compliance review and to keep the project on schedule. If CPS Energy is required to obtain any permits or conduct any studies, all costs associated with such permits and or studies will be the responsibility of the developer/customer. CPS Energy's Application process will be revised to include an Environmental Requirements Checklist that developers/customers will be required to fill out and submit along with the application. The current Application forms will be revised to include a checkbox that will be checked to signify that the developer/customer has submitted the Environmental Requirements Checklist along with all required copies of documentation.

CPS Energy acknowledges that as long as the developer/customer provides the required information in accordance with the process outlined below and on the checklist, then the design and review process should not be extended beyond the currently agreed upon process timelines.

I. Storm Water Pollution Prevention

A. Requirements for On-site Construction:

1. Developers/Customers shall include CPS Energy construction activities in their SWP3 (including site map), name CPS Energy as a subcontractor, and provide copy of NOI.
2. Developers/Customers shall specify on application for service whether SWP3 has been prepared and submit required documentation, if applicable, to designer no later than at the time payment for services is made. Preconstruction meeting will not be scheduled until SWP3 and copy of NOI is received.
3. In rare occasions, if additional BMPs are needed for CPS Energy related work, CPS Energy will make changes on Developer's plan; submit NOI and post on job site; implement and maintain BMPs; and will submit NOT.

B. Requirements for Off-site Construction:

1. CPS Energy construction activities may be covered if identified early enough, whether in public right-of-way or in acquired easement. Developer/Customer will notify CPS Energy if offsite work is covered in their SWP3 or not at time of application.
2. If CPS Energy construction activities are being covered; then Developer/Customer shall include CPS Energy construction activities in their SWP3 and name CPS Energy as a subcontractor. CPS Energy will maintain BMPs and associated inspections. CPS Energy will complete the CPS Energy's Subcontractor Agreement form. If developer/customer provides copy of SWP3 to CPS Energy no later than at pre-design meeting, then there will be no schedule delays. CPS Energy will not send invoice without this documentation.

3. If CPS Energy construction activities are not covered by Developer's/Customer's SWP3, CPS Energy will develop SWP3 (if necessary); submit NOI, post and maintain BMPs, and submit NOT after construction has been completed.
4. After Scope of Services is approved by Customer, CPS Energy may need up to 4 weeks in order to develop SWP3 and submit NOI.

II. Karst Zones

- A. Requirements for On-site Construction for karst, prior to construction:
 1. If in Karst Zones 1 or 2, Developer/Customer will be required to submit copy of the COSA Habitat Compliance Form to CPS Energy representative at time of application. CPS Energy will not send invoice without this notification.
 2. If in Karst Zones 3, 4, or 5 or outside Bexar County, no action is required.
- B. Requirements for On-site Construction for karsts, during construction :
 1. Regardless of karst zone, any karst feature uncovered during construction will require construction activities to cease in the immediate vicinity of the karst feature.
 2. For sites on the Edwards Aquifer Recharge Zone, regardless of who is performing installation of CPS Energy facilities/infrastructure, they will notify Developer/Customer and CPS Energy representative within 24 hours of discovery or next business day if feature discovered on a Friday, Saturday, Sunday or holiday, that a karst feature was uncovered.
 3. Developer/Customer will be required to comply with all regulatory requirements and applicable agency notifications.
 4. If CPS Energy is performing the installation, once the Developer/Customer is complete with void closure, they will notify CPS Energy representative (via email) to proceed with construction.
- C. Requirements for Off-site Construction for karst, prior to construction:
 1. CPS Energy is required to comply with the COSA Habitat Compliance Form, TCEQ, Edwards Aquifer Protection and United States Fish and Wildlife Service (USF&WS) requirements, if needed.
 2. If CPS Energy construction activities are in Karst Zone 1 or 2 AND in the Culebra Hill quadrangle, and a Texas Department of Transportation (TXDOT) permit is required, CPS Energy will conduct karst surveys as necessary and provide TXDOT with required signed Letter of Concurrence from the USF&WS before construction begins.
 3. After Scope of Services is approved by Customer, CPS Energy may need up to 8 weeks in order to perform the required studies.
- D. Requirements for Off-site Construction for karst, during construction:
 1. Regardless of karst zone, any karst feature uncovered during construction will require construction activities to cease in the immediate vicinity of the karst feature.
 2. Regardless of who is performing installation of CPS Energy facilities/infrastructure, they will notify Developer/Customer and CPS Energy representative within 24 hours of discovery or next business day if feature discovered on a Friday, Saturday, Sunday or holiday, that a karst feature was uncovered.

3. CPS Energy Environmental will comply with all regulatory requirements and applicable agency notifications and notify CPS Energy representative (via email) to proceed with construction.
4. CPS Energy representative will notify Developer/Customer and/or CPS Energy construction crew (via email) to proceed with construction.

III. Endangered Songbirds

- A. Requirements for On-site Construction (activities within the development/project footprint):
 1. Developer/Customer will submit copy of the COSA (or applicable City) Tree Permit or Tree Affidavit and COSA Habitat Compliance Form at time of application. CPS Energy will not send invoice without this notification.
 2. CPS Energy will not clear any trees.
 3. CPS Energy will request from USF&WS and review prior survey data for the GCW and BCV to determine if previously documented occupied habitat occurs within or adjacent to the project footprint.
 4. If previously documented occupied habitat occurs within 300 ft of proposed CPS Energy construction activities, then such construction must occur during the non-breeding season for the GCW (September 1 through February 28) and BCV (July 2 through April 9), as applicable. In most circumstances, if construction commenced before the breeding season, it can continue into the breeding season.
 5. If no previously documented occupied habitat occurs within 300 ft of proposed CPS Energy construction activities, then construction activities may occur at any time.
- B. Requirements for Off-site Construction (activities outside the development/project footprint):
 1. CPS Energy will assess habitat:
 - a. Review prior GCW and BCV studies from USFWS within vicinity of project.
 - b. Conduct assessment of GCW and BCV habitat from aerials and available habitat models.
 - c. Conduct visual assessment of vegetation from nearby streets or public access areas.
 2. If habitat assessment (from step 1) indicates habitat is documented "occupied" habitat, follow requirements under "Clearing/Removal of Trees Involved".
 3. If habitat assessment (from step 1) indicates vegetation is not representative of potentially "suitable" habitat for the GCW or BCV, construction may occur anytime of the year.
 4. If habitat assessment (from step 1) indicates vegetation is potentially "suitable" habitat; assess if habitat is "occupied" depending if tree clearing is involved or not.
 5. After Scope of Services is approved by Customer, CPS Energy may need up to 8 weeks in order to perform the required studies.

- I. Endangered Songbirds - NO Clearing/Removal of Trees Involved
 - A. Developer submits written documentation at time of application demonstrating that CPS Energy's offsite construction activities have been addressed by Developer's environmental compliance actions. CPS Energy may continue construction under the terms of the Developer's environmental compliance documentation.
 - B. If documentation is not submitted at pre-design meeting, CPS Energy will determine which option is feasible to meet the project timeline.
 - (a) Option 1 - Assume adjacent habitat is occupied and conduct construction activities during the non-breeding season when the species are not present.
 - (b) Option 2 – Evaluate if construction can occur during the breeding season.
 - (i) Conduct monitoring by a permitted biologist for three days immediately prior to construction to determine if GCW or BCV are present in the adjacent habitat within 300 feet of proposed CPS Energy construction activities.
 - (ii) If no bird(s) observed or heard, document and proceed with construction.
 - (iii) If birds are seen/heard, then construction will be done during the non-breeding season.

II. Endangered Songbirds - Clearing/Removal of Trees Involved

If CPS Energy needs to remove or modify potentially suitable or occupied habitat then this higher standard of due diligence would be warranted before work begins. CPS Energy's Environmental will identify if project has major environmental impacts and any impacts to construction start date, if applicable.

- A. Developer submits written documentation at time of application demonstrating that CPS Energy's offsite construction activities have been addressed by Developer's environmental compliance actions. CPS Energy will not send invoice without this notification. CPS Energy may continue construction under the terms of the Developer's environmental compliance documentation.
- B. If documentation is not submitted at pre-design meeting, reroute to avoid the need to modify potentially suitable or previously documented occupied habitat. If not possible, continue to next step.
- C. If construction activities would modify previously documented occupied habitat, then a 3 year USF&WS protocol-level presence/absence survey would be warranted to determine whether or not the area remains occupied.
- D. If presence has not been previously established in an area of potentially suitable habitat, then at least one year of USF&WS protocol-level presence/absence surveys would be warranted to determine whether or not the potentially suitable habitat is occupied.

- E. If the appropriate surveys demonstrate the potentially suitable habitat is not occupied, then construction may proceed at any time.
- F. If surveys demonstrate habitat is occupied, then CPS Energy will assess the likelihood of construction activities to result in “take” and may require authorization from USF&WS.

IV. Waters of the US

- A. Requirements for On-site Construction:
If individual or Nationwide permit coverage is obtained, Developer/Customer will share with CPS Energy, at time of application. CPS Energy will not send invoice without this notification or confirmation that such is not applicable. Very rare to have impacts based on CPS Energy construction activities.
- B. Requirements for Off-site Construction:
 - 1. Very rare that CPS Energy would have impacts based on CPS Energy construction activities. CPS Energy will conduct review and if necessary conduct studies and obtain permits for off-site impacts.
 - 2. CPS Energy may need up to 8 weeks in order to perform the required studies. If developer/customer provides the approval to CPS Energy no later than at pre-design meeting, then there will be no schedule delays associated with these studies.

V. Cultural and Historic Resources

- A. Requirements for On-site Construction:
 - 1. All master development plans (MDP) get a one-time clearance from COSA Historic Preservation Office at MDP and/or plat phase.
 - 2. Letter from COSA Historic Preservation Office is sufficient; submit to CPS Energy at time of application. CPS Energy will not send invoice without this notification.
 - 3. For older projects that do not have one time clearance; Developers/Customers will be required to get COSA Historic Preservation Office clearance.
- B. Requirements for Off-site Construction:
 - 1. CPS Energy can forward COSA Historic Preservation Office email for verification/clearance on project impacts.
 - 2. If project requires Antiquities permit or additional surveys, after Scope of Services is approved by Customer, CPS Energy may need up to 8 weeks to complete and obtain THC clearance.

VI. Edwards Aquifer

- A. Requirements for On-site Construction:
If Water Pollution Abatement Plan or Contributing Zone Plan coverage is required, Developer will share with CPS Energy at time of application. CPS Energy will not send invoice without this notification or confirmation that such is not applicable.

B. Requirements for Off-site Construction:

Very rare that CPS Energy would have impacts based on CPS Energy construction activities.

VII. COSA Tree Ordinance

A. Requirements for On-site Construction:

1. Developer/Customer takes care of all tree related impacts. By the time CPS Energy is doing their install, trees have been cleared. CPS Energy may require indemnity letter from Developer/Customer if CPS Energy trenching is required in close proximity of a tree's root system.

B. Requirements for Off-site Construction:

1. If CPS Energy construction activities are covered in the developer's plat or if they are acquiring easement, Developer/Customer will notify CPS Energy at time of application. CPS Energy will not send invoice without this notification.
2. Extensions off-site not on plat - CPS Energy will conduct review and if necessary conduct studies and obtain permits for off-site impacts.

VIII. Federally Funded Projects – All of these type of projects will be reviewed by the CPS Energy Environmental, whether onsite or offsite.