

**Environmental and Construction Compliance
Monitoring Plan**



OCOTILLO EXPRESS WIND ENERGY FACILITY

Environmental and Construction Compliance Monitoring Plan

Ocotillo Express LLC
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El Centro, California

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Acronyms and Abbreviations

AO	Authorized Officer
BLM	United States Bureau of Land Management
BOP	Balance of Plant
CBC	California Building Code
CDFG	California Department of Fish and Game
CM	Compliance Manager (Compliance Contractor)
CEM	Compliance Environmental Monitors (Compliance Contractor)
CPM	Compliance Project Manager
CWA	Clean Water Act
OWEF	Ocotillo Wind Energy Facility
ECCMP	Environmental Construction Compliance Monitoring Plan
EM	Environmental Monitors
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy Management Act
LORS	laws, ordinances, regulations, and standards
MW	megawatt
NPS	United States Department of the Interior National Park Service
NTPs	Notices to Proceed
POD	Plan of Development
ROD	Record of Decision
ROW	Right-of-Way
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

1 Introduction

1.1 Background

The U.S. Bureau of Land Management (BLM) may issue a right-of-way (ROW) grant authorizing the construction, operation, maintenance, and decommissioning of the Ocotillo Express Wind Energy Facility (OWEF) to Ocotillo Express LLC (hereafter referred to as “Holder” of ROW Grant). The Project covers approximately 12,500 acres (ac) and is located in Imperial County, California, near the unincorporated town of Ocotillo. The Project consists of construction, operation & maintenance of 112 wind turbine generators, a project substation, utility switchyard, access roads, underground collection system, laydown yard, on-site permanent radar and up to 3 permanent meteorological towers. A complete description of the project is found in the OWEF Final Plan Amendment and Final Environmental Impact Statement/Environmental Impact Report (BLM 2011) and in the project’s Plan of Development.

1.2 Purpose

The BLM requires holders of right-of-way grants to prepare and fund an environmental and construction compliance monitoring program to ensure compliance with the BLM terms, conditions, and stipulations in the right-of-way grants, the Plan of Development (POD), and required mitigation as provided for in the Record of Decision.

The purpose of this plan is to address the requirements found in the Record of Decision and Appendix G of the FEIS: Holder will develop an Environmental and Construction Compliance Monitoring Plan for the OWEF, covering both construction and operation. In addition, the Holder will establish a Compliance Monitoring Team, which will include a Compliance Manager, and Compliance Environmental Monitors (CEMs). A qualified individual would be designated to serve as the Compliance Manager (CM). The Compliance Monitoring Team would be responsible for development and implementation of the OWEF’s compliance program. They would be responsible for communication and coordination with the applicable regulatory agencies and ensuring compliance with the various conditions and requirements of the full range of Project environmental permits and approvals. They would be responsible for the necessary record keeping and reporting required by OWEF permits. They would ensure that all applicable plans are up to date. The CM’s role would include advising BLM and Project management of compliance/non-compliance issues and for ensuring that Project planning takes appropriate account of compliance issues in advance.

This Environmental and Construction Compliance Monitoring Plan (ECCMP) includes the following:

- Description of the responsibilities of the Compliance Monitoring Team including the CM hired to report findings to the BLM

- Outline of the level of effort anticipated from the Compliance Monitoring Team in implementing this ECCMP
- Definition of the decision-making authority of the Compliance Monitoring Team
- Description of the Compliance Monitoring Team's participation in the Holder's Worker Environmental Awareness Program (WEAP)
- Discusses plan for monitoring, reporting, and documentation requirements, stop work authority, and the variance process.

Appendixes to this document are as follows:

- Appendix A: Monitoring Report Cover Page Form
- Appendix B: Monitoring Report Form
- Appendix C: BLM Authorized Officer Weekly Report
- Appendix D: Certification of Completion of Worker Environmental Awareness Program
- Appendix E: Variance Request Form
- Appendix F: Summary of BLM Mitigation and Monitoring

2 Objectives of the Environmental and Construction Compliance Monitoring Program

The overall objective of the ECCMP is to provide direction for the Compliance Monitoring Team on conducting inspections, evaluate compliance or noncompliance with the project environmental measures and conditions during project construction, and document compliance or noncompliance. This ECCMP Plan focuses on the construction phases of the OWEF. Prior to operations, a separate EECMP would be issued to focus on the roles and responsibilities of the operations team.

The environmental mitigation requirements for Holder comprise the following:

- Mitigation measures, Project design features, and other measures documented in the FEIS and Appendices to be included in the Record of Decision (ROD)
- Terms, conditions, and stipulations in the ROD, ROW grant, and Notices to Proceed (NTPs) for the Project
- Construction procedures and mitigation measures in the approved POD for the Project
- Stipulations, terms, conditions, and other measures from other authorizing Federal environmental agencies' permits and approvals
- Stipulations, terms, conditions, and other measures from State and regional environmental agencies' permits and approvals

During construction of the OWEF Project, the Holders Environmental Monitors (EMs) will conduct required biological or cultural surveys of construction activities and the implementation of the required mitigation measures, and will provide regular feedback through the CEM's to the Compliance Manager (CM) on compliance issues to the BLM. The CM will involve other agencies such as the U.S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG) in the monitoring and documenting of environmental compliance to the extent requested by those agencies and authorized by the BLM. The CM will provide BLM with weekly status updates on the construction and monitoring efforts and will provide BLM with copies of the monthly monitoring reports and the final monitoring report. Documentation of the monitoring efforts for this Project by the Holder's archeological contractor will be conducted through the utilization of daily logs, biweekly summaries and monthly reports. This documentation will ensure a proper record is kept for all encountered cultural resources and subsequent actions taken pursuant to the terms of the MOA. Construction progress and environmental compliance will be tracked and documented in weekly and monthly reports prepared and submitted as described in detail later in Section 4, Reporting and Documentation. The CEM's will report directly to the CM. The CM will report directly to the BLM Compliance Project Manager (BLM CPM or Authorized Officer [AO]) and other identified Compliance Contacts as directed by the BLM.

DUDEK is serving as the BLM's designated CM and will provide CEM's during on-site activities.

Other objectives of the ECCMP Team are to:

- Facilitate the timely resolution of compliance-related issues in the field
- Provide continuous information to the BLM and other agencies and parties as authorized regarding noncompliance issues and their resolution
- Review, process, and track construction-related changes to Project environmental plans (as described later in Section 5, Variances, the CM will assist with implementation of the variance process in accordance with a predetermined level of decision-making authority granted by the BLM)
- Develop and implement a system for storing the information collected during the ECCMP in a format that will allow easy retrieval and search functions

Construction activities not related to environmental compliance are not considered part of this plan and are not part of the CM's responsibility. Examples are items such as structural design, material inspection or quality control requirements, schedule, pricing, etc.)

Tables 1-1, 1-2, and 1-3 list the most significant environmentally-related Project permits and approvals and rules associated with each.

FEDERAL AGENCY	PROCESS/PERMIT	JURISDICTION
Bureau of Land Management	<p>Proposed PA/final EIS/EIR Record of Decision (ROD)</p> <p>Land Use Plan Amendment</p> <p>Native American Consultation</p> <p>Right of Way (ROW) Grant</p> <p>National Historic Preservation Act, Section 106 Compliance</p>	<p>National Environmental Policy Act compliance required for Federal actions. Joint EIR/EIS with Imperial County. Part of EIR process; Federal Land Policy and Management Act of 1976; BLM Planning Regulations (43 CFR Part 1600); BLM Land Use Planning Handbook (H-1601-1). Indian tribes must be consulted to identify sacred sites and other places of traditional religious and cultural importance. Consultation will be done by BLM. Authorized under Title V of FLPMA (43 U.S.C. 1761-1771).</p> <p>Identification and evaluation of cultural resources within Area of Potential Effects in accordance with BLM requirements. BLM will consult with State Historic Preservation Officer and other parties consistent with BLM/SHPO Protocol.</p>
US Fish & Wildlife Service	Biological Opinion/Endangered Species Act/Section 7 Consultation	Federal Endangered Species Act (Title 16, United States Code, Section 1531 et seq., and Title 50, Code of Federal Regulations, part 17.1 et seq.).
U. S. Army Corps of Engineers	Clean Water Act Sect. 404	Depending on water discharges.

STATE AGENCY	PROCESS/PERMIT	JURISDICTION
Colorado River RWQCB Region 7	National Point Discharge Elimination System (NPDES) Permit Stormwater Pollution Prevention Plan (SWPPP) Water Quality Certification/Clean Water Act Sect 401	
CDFG	Endangered/Threatened Species Take Authorization under CESA and Sections 2050 (general provision for endangered species) and 2080 (take of endangered species) of the California Fish and Game Code	California Endangered Species Act of 1984 (Fish and Game Code, Sections 2050 through 2098) California Code of Regulations (Title 14, Sections 670.2 and 670.5) Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515)
CDFG	Section 1600-1602 Streambed Alteration Agreement process under the California Fish and Game Code	Streambed Alteration (Fish and Game Code Sections 1600 et seq.)#
LOCAL AGENCY	PROCESS/PERMIT	JURISDICTION
Imperial County	Environmental Impact Report (EIR) Determination /Findings Mitigation Monitoring and Reporting Plan	California Environmental Quality Act compliance required for State and Local actions.

3 Environmental Compliance Monitoring and Management

3.1 Construction Plan

In the event the United States Bureau of Land Management (BLM) approves the OWEF project, a ROW grant will be issued to the Applicant. The ROW Grant will cover all facilities associated with windfarm, as well as the SDG&E owned switchyard and transmission tie in facility, prior to construction of the switchyard and tie-in. The ROW grant will be partially assigned to SDG&E who will be the owner and operator of the facility. The Applicant has filed an application with the BLM for a ROW grant pursuant to the Federal Land Policy and Management Act (FLPMA). Under FLPMA Title V (Rights-of-Way), the United States Secretary of the Interior is authorized to grant rights-of-way for the purpose of allowing systems for generation, transmission, and distribution of electric energy.

The project covers approximately 12, 500 acres and is located in Imperial County, CA in proximity to the rural community of Ocotillo. The project will consist of 112 wind turbines producing up to 315MW. The project will include approximately 34 miles of roads and 732 mile of underground collection system, a project substation, utility switchyard, laydown yard, operations and maintenance facility, on-site permanent radar and up to 3 permanent meteorological towers.

3.2 Compliance Monitoring and Management

The BLM's compliance representatives for the OWEF Project are as follows:

- BLM Authorized Officer (AO): the BLM El Centro Field Office official with the administrative authority for the right-of-way grant issuance and authority for accepting and approving Project related changes.
- BLM Compliance Project Manager (BLM CPM): staff level position designated by the BLM AO as the point of contact for all compliance issues.
- Compliance Manager (CM): point of contact position for all compliance related issues; reports to the BLM Authorized Officer (AO) or the designated BLM Compliance Project Manager for all compliance related issues.

CEM: responsible for assisting the CM in overseeing the Holders Environmental Monitors (EM's) to assure they are in compliance with the terms and conditions of the BLM right-of-way authorization for all phases of Project construction. In instances of monitoring related to biological and archeological resources, the CEM's will be BLM-approved (and in some instances require additional approval).

The Holder's Compliance team will consist of the following personnel:

- **Environmental Monitors (EMs):** on the ground compliance personnel responsible for implementing the compliance program dictated under the terms and conditions of the BLM right-of-way authorization for all phases of Project construction. Environmental monitors will be made up of the Holder's biological and cultural monitors. Cultural monitors must be authorized under the California Statue Cultural Use Permit and must have obtained a fieldwork authorization used by the El Centro Field Office prior to monitoring on-site activities.
- **Construction Site Manager:** The construction site manager works with the Holders construction project manager to assure all project contracts and obligations are fully implemented. The Holder has the right to change Construction Site Managers but such change requires prior authorization by BLM

The third party compliance company (CM) will provide BLM compliance monitoring services for the Project. The Holder will enter into a contract with the third party compliance company and the Holder will be responsible for payments to the third party compliance company. payment of the Compliance company payments will be based on hourly rates, or as otherwise agreed to by the CM and the Holder. Payments to the CM for work satisfactorily completed may be paid directly to the CM in advance, in arrears, or from a credit account established with the CM by the Holder. The contract between the Holder and the CM will include a provision that the Holder may not terminate the contract with, or payments to, the CM without prior authorization of the BLM AO.

3.2.1 Holder Contacts

The following are contact persons for the construction of the OWEF:

- Project Manager – Joan Inlow – 858-587-5834
- Construction Site Manager – To be provided

3.2.1 Compliance Manager

The CM for the OWEF will oversee management of the ECCMP, prepare Project materials, participate in any BLM preconstruction meeting; participate/assist in the Holders WEAP supervise the monitoring activities, materials, and schedules; supervise the CEMs and EM's/;; provide guidance on and review of compliance issues; review and process variance requests; and review, provide biweekly and monthly status updates.

Specific CM responsibilities are as follows:

- Report directly to the BLM CPM or BLM AO or other designated BLM Compliance Contacts.
- Participate in the preconstruction meeting.
- Participate/assist in the WEAP kick-off meeting.
- Verify the Holder's, compliance with the Project environmental requirements.
- Supervise the monitoring activities, materials, and schedules.
- Supervise the CEM's
- Ensure that all reported noncompliance is tracked for resolution by the Holder.

- Review, approve, and distribute monitoring reports, correspondence, and scope of work and schedule changes.
- Review work progress, schedules, and budgets related to compliance monitoring activities.
- Confer with the BLM CPM and Compliance Contacts on a regular basis.
- Serve as the contact between BLM and the Holder, for compliance issues.
- Serve as BLM's representative to permitting agencies, private landowners, and special interest groups regarding the environmental mitigation efforts on the Project.
- Coordinate with the BLM and other agencies, as determined necessary, on reviewing and approving variance requests.

Compliance Environmental Monitors. The CM will supervise the CEM during construction of all phases of the Project. Specifically, the need for the full-time CEM may be re-evaluated throughout the construction phase and a schedule adjusted, as necessary, as conditions demand.

During construction, many factors may affect the specific deployment of the CEM's. These include the activities occurring at specific times of inspection, any noncompliance or problem areas documented during previous inspections by the CEM's, site-specific conditions at the time of construction, skill levels and attitudes of the contractor crews and foremen, and the number of inspection team members.

The CM's planned monitoring coverage assumes that the construction contractors will demonstrate a high level of environmental compliance, and that the Holder's environmental monitors (EMs) will be qualified and experienced.

The CM will regularly evaluate the effectiveness of the environmental compliance monitoring in consultation with the BLM and Compliance Contacts to ensure adequate staffing. If determined necessary, the CM will provide additional, adequately trained support staff to act as CEM's on an as-needed basis. Holder to be notified to discuss additional staffing requests prior to implementation in order to evaluate costs.

The primary responsibility of the CEM's will be to monitor and document the Holder's construction, compliance, and/or noncompliance with the Project, environmental requirements. The CEM's will also review and approve variance requests, as appropriate to their authority level, for implementation of limited variations from mitigation measures previously agreed to by the Holder or stipulated by other agencies (refer to Section 5, Variances).

Prior to the start of construction, the CEM's will become familiar with the Holder's environmental compliance management program, participate in the preconstruction meeting, participate in the WEAP, and receive additional training as needed from the CM, as needed. The CEM's will become familiar with the roles and responsibilities of the Holder's field team(s), EMs, environmental reporting responsibilities, and the chain of communication. It is assumed that the Holder will provide the CEM's and the CM with copies of all environmental permit requirements for the Project prior to initiation of construction.

At a minimum, the CEM's will maintain contact with the Holder staff. Construction activities related to the environmental plans, environmental compliance of the project will be

inspected by the DB/DA and environmentally sensitive areas will be regularly inspected to ensure protection of the identified resources.

The CEM's will communicate with the Holder's environmental compliance staff on a regular basis. This approach will allow the Holder's inspectors and the CEM's to exchange information on the status of construction and to discuss any significant construction events scheduled over the next 2 or 3 days. The CEM's may inspect all environmentally related activities either with the Holder's inspectors or independently. The CEM's will have the authority to order the halt of a specific noncompliance activity that is damaging, or has the potential to damage a sensitive environmental resource.

The CEM's will record observations, including digital photo documentation at each location visited. This process will ensure consistent and accurate reporting of site conditions at the time of inspection. Each activity monitored will be assigned a compliance level and documented in a monthly report.

Compliance Environmental Monitors Role - Biological

BLM approval will be obtained for the CEM's responsible for overseeing construction monitoring during all construction activities to ensure that construction activities are contained within the staked and flagged construction areas at all times. The construction monitor shall also inspect fencing and netting at all construction ponds to ensure that the ponds are not accessible to potential avian or to wildlife that could drown or become entrapped within the enclosures. The CEM's will oversee the Holders EM's to ensure compliance and protection of sensitive biological resources. The CEM's will have the authority to stop work and report directly to the CM to ensure compliance with the Project Description, applicant-proposed measures, and mitigation measures. The CEM's will also provide the CM with weekly updates and monthly monitoring reports. After construction has been completed, the CEM's will provide the CM with a final monitoring report. The CM will provide BLM with bi weekly and monthly status updates on the status of construction and monitoring efforts and will provide BLM with copies of the monitoring reports and the final monitoring report. The Compliance Manager shall be responsible for ensuring that environmental monitoring is conducted during all construction activities by the Holders EM's.

Compliance Environmental Monitor Role - Archeological

BLM approval will be obtained for the CEM responsible for overseeing construction monitoring during all construction activities to ensure that construction activities are contained within the staked and/or flagged construction areas at all times. The CEM will oversee the EM's to ensure compliance and that all archeological resources are not being physically impacted. The CEM will have the authority to stop work and will report directly to the CM to ensure compliance with the Project Description, applicant-proposed measures, and mitigation measures. The CEM will also provide the CM with biweekly and monthly reports and. After construction has been completed, the CEM will provide the CM with a final monitoring report. The CM will provide BLM with biweekly and monthly status updates on the status of construction and monitoring efforts and will provide BLM with copies of the monitoring reports and the final monitoring report. The Compliance Manager shall be responsible for ensuring that environmental monitoring is conducted during all construction activities by the Holders EM's.

4 Reporting and Documentation

It is anticipated that the CM and all compliance monitoring personnel will use a comprehensive monthly summary database reporting system that is posted on a non-public, secure website (refer to Section 4.3, Non-Public Project Website) and available for review to other approved jurisdictional agencies. Under this program, each entire biweekly and monthly reports, consisting of all compliance levels and photographic documentation from logs, will be available on the non public website and will provide the BLM Project personnel and applicable agencies with a readily accessible record of construction progress, photographic documentation, and documentation of compliance with the Project environmental requirements. The specifics of the reporting and documentation to be used for the OWEF are described in the following sections.

4.1 Weekly Updates

Each EM will compile his/her activity logs and contact information documents into a weekly update on the required cover and form provided in Attachments A and B, respectively. A weekly update will be maintained for the OWEF. The CEM's will document the construction level as a percent complete or other identifying method as agreed to by the BLM; the presence of sensitive species or habitat and culturally sensitive sites; and provide a brief description of the construction activities observed (such as road grading, erosion control, etc.). When appropriate, relevant digital photographs will be taken and included in the weekly update.

Each separate activity monitored and documented in a log will be assigned a compliance level. The compliance levels that will be used for the OWEF are as follows:

- Acceptable
- Problem Area
- Noncompliance
- Serious Violation

4.1.1 Communication

A Communication Report will be prepared when necessary to document and track relevant meetings or discussions between the CM and agencies, the Holder monitors, or other contractor personnel.

4.1.2 Acceptable

An Acceptable Report will be prepared when a CEM determines that an inspected area or activity complies with the Project specifications and all mitigation measures have been adequately implemented.

4.1.3 Problem Area

The CEM will prepare a Problem Area Report to record an observation that a location or activity does not meet the definition of acceptable but is not considered a noncompliance.

The problem area category will be used to report a range of events and observations including the following:

- An incident that is accidental or unforeseeable but is not out of compliance with the Project specifications, and the Holder's, response is appropriate and timely. An example would be a fuel leak where Project personnel respond properly by stopping, containing, and cleaning up the spill in accordance with the Project specifications.
- A location where the Project is not out of compliance with the specifications but, in the judgment of the CEM, damage to resources could occur if corrective actions are not taken. Some examples are:
 - A topsoil pile located on the bank of a drainage
 - An improperly constructed/located erosion control structure
- An activity that the CEM determines is an unintentional and isolated departure from the Project specifications, with no damage to resources. An example would be a small amount of blading or mowing outside the access pathway that has no effect on sensitive resources such as sensitive plant habitat or a water body.

If a problem area is resolved in a timely manner, it will not be considered a noncompliance. If a problem area is found to be a repeat situation or multiple instances of a similar nature occur, is not corrected within the established time frame, or results in resource damage because timely corrective action failed to occur, the CEM may document the problem area as a noncompliance as described in the following section.

4.1.4 Noncompliance

A Noncompliance Report will be issued when a CEM observes an activity that violates (defined as not in compliance with) the Project specifications, or other requirements; results in damage to resources; or places sensitive resources, personal safety or worker safety at unnecessary risk. Some examples of noncompliance activities are:

- Failure to install or maintain required erosion control devices
- Surface-disturbing activities conducted without an appropriate biological, cultural, Native American/Tribal, or other resources monitor present, as necessary

The CEM will notify the CM who will notify the Applicant's, or Holder's, compliance staff about a noncompliance before issuing a Noncompliance Report. The Noncompliance Report will include the name of the inspector or monitor and the time of notification. Where practicable and where the nature of the noncompliance activity warrants, the inspector or monitor will work closely and collaboratively with the CM to determine the appropriate corrective action.

Resolution of noncompliance activities will involve close coordination with the Holder's compliance staff, the BLM, and contractor construction supervisory personnel to ensure that the corrective measures are properly understood and implemented. It is the responsibility of the Holder's compliance staff to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the CM. Once the Holder documents the resolution of a noncompliance, the applicable CEM will

inspect the area and verify and document that the noncompliance has been adequately resolved.

4.1.5 Serious Violation

A Serious Violation Report will be issued by a CEM immediately on observing an activity that is not in compliance with the Project specifications and causes substantial harm to resources or poses a serious threat to sensitive resources or worker/public safety. Examples of serious violations include deliberately conducting an activity that results in disturbance within an exclusion zone for a sensitive resource, repeated or cumulative noncompliance activities that could lead to a substantial impact on resources, and failure to correct previously identified noncompliance activities in an established time frame.

A Serious Violation Report requires that the CM and the BLM CPM participate in a conference call or meeting with the Holder's compliance staff for the Project to discuss the violation, the proper corrective actions, and possible follow-up enforcement actions that could be imposed. It will be the responsibility of the Holder's compliance staff to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the CM. Once the Holder documents the resolution of a serious violation, the CEM will inspect the area and verify that the issue has been adequately resolved. Violations of permits, stipulations or other requirements will be investigated by the BLM and subject to requirements and/or penalties under the Antiquities Act, Archaeological Resources Protection Act (ARPA), Federal Land Policy and Management Act of 1976, the rights-of-way regulations at 43 C.F.R. § 2805.12 and/or other relevant laws and regulations.

4.2 Monthly Summary Reports

Monthly Summary Reports may be issued that briefly describe construction activities during the reporting period and summarize by compliance level the number of reports completed by the CEM during that reporting period and cumulatively for the construction period for that project phase. The Monthly Summary Report will also include a table of Problem Area and Noncompliance Reports issued by the CEM during the reporting period and the Level 1, 2, and 3 variance requests approved by the CEM and the CM during the reporting period. The Monthly Summary Report will also include a table summarizing the net acreage of land affected by approved variances on federal land and, for the Archeological Resources Protection Act and Endangered Species Act, nonfederal land for the reporting period as well as cumulatively. The CM's baseline electronic database reporting system will be designed to generate all the information in the tables of the Monthly Summary Report.

The Monthly Summary Reports will be posted on the non-public, secure Project website (refer to Section 4.3). When the Monthly Summary Report is posted, the CM will send an email to the authorized distribution that it is available. The email will include the link to the website. The BLM, CM, and the Holder representatives will be included in the distribution for the Monthly Summary Report. A sample Monthly Summary Report is provided in Attachment C.

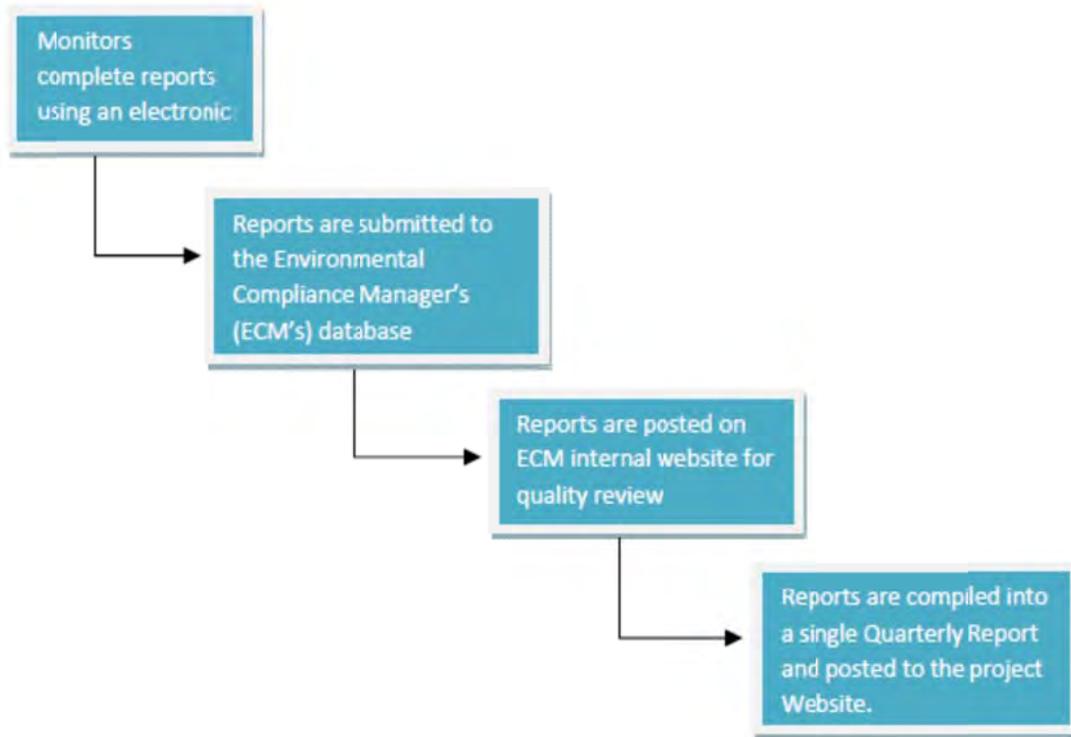


FIGURE 1
Electronic Web-based Reporting System

4.3 Non-Public Project Website

The CM will establish and maintain a non-public, password-protected project website to display the weekly and monthly monitoring reports and the approved Level 1, 2, and 3 variances (refer to Section 5, Variances). The BLM, CM representatives and Holders representative will have access to the website.

5 Variances

During construction, unforeseen or unavoidable site conditions could result in the need for changes from the approved site plan, mitigation measures and construction procedures. Specifically, the need for route realignments, extra workspace, or changes to previously approved construction work areas may arise. Changes to previously approved mitigation measures, construction procedures, and construction work areas will be handled in the form of variance requests to be submitted by the Holder and reviewed and approved or denied by the BLM, with the delegation of some authority for variances to the CM. The variance process can also be a good mechanism to clarify discrepancies or inconsistencies discovered in project materials and/or to distribute information to the entire project team.

A system of three variance levels (Levels 1, 2, and 3) will be used to categorize and process variance requests. The three variance levels, the review and distribution process, and the decision-making authority proposed for each level are discussed in the following sections. A sample Variance Request Form is provided in Attachment I. To the extent possible, the variance level should be determined by key criteria to allow the Holder, Holder's agent, CM, and CEM to efficiently and effectively assign responsibility to the appropriate parties.

5.1 Level 1 Variances (Field Decisions)

Level 1 variances are minor changes to Project specifications, construction methods, or mitigation measures that provide equal or better protection to environmental resources or better constructability. These minor variance requests can be reviewed and either approved or denied by the CEM in the field during normal construction operations.

Examples of Level 1 variance requests are:

- Shifts in permanent infrastructure alignments (and associated disturbance area corridors) up to 75-feet within the EIS/EIR and pre-construction surveyed areas.
- Modification of temporary work areas that do not result in more than 0.2 acres additional vegetation disturbance.
- Movement or modification of temporary work areas that do not result in additional ground and/or vegetation disturbance
- A change pursuant to the above that does not result in increased impacts to archaeological sites, jurisdictional habitat (FWS and CDFG), PBHS Essential Habitat, FTHL Habitat, or Sensitive Vegetation Areas.
- Installation and maintenance of temporary erosion and sediment control BMPs
- Minor undefined changes to work areas, work processes, and site features as defined by the CM that do not result in additional impacts.

Level 1 variances may also be used to document and disseminate agency-directed changes to mitigation measures.

To initiate a Level 1 variance request, the Holder's representative will fill out a Variance Request Form using the form in Attachment E and obtain the appropriate signatures. The Holder's representative will then contact the CM to review the proposed change. The Holder's representative and the CEM will work together to evaluate the site-specific situation and determine if the variance request is appropriate.

The CEM may approve a Level 1 variance request if the results of implementing the change will provide equal or better protection for the resource than the original mitigation measure or if the original mitigation measure is not applicable to that specific site. If a Level 1 variance request is approved in the field, the CEM will sign the Variance Request Form. A Level 1 variance request can be implemented in the field as soon as it is approved by the CEM.

The CEM will document the variance approval in his/her log and will include the variance in the weekly status update (refer to Section 4.1, Weekly Status Update) and will transmit the approved form for posting on the project website (refer to Section 4.3, Non-Public and Non-Public Website).

If the requested variance exceeds the CEM authority level, the CEM will inform the Holder's representative that a Level 2 or Level 3 variance request is required.

5.2 Level 2 Variances

A Level 2 variance request exceeds the field decision authority of the CEM and requires processing by the CM and BLM. Before the CM and BLM can issue approval of a Level 2 variance request on federal land, the CM must approve the request. All level 2 variances must also be approved by BLM and in some cases may require NEPA to be conducted. Generally, the actions linked to Level 2 variance are connected to permits, mitigation measures, off site habitat mitigation thresholds, and require oversight for conformance monitoring. Level 2 variance requests generally involve project changes that would affect an area outside the previously approved work area, but within the areas previously surveyed for cultural resources, sensitive species, and biological resources. Level 2 variance requests typically require the review of supplemental documents, correspondence, and records.

Examples of Level 2 variances are:

- Use of existing roads and/or proposed road corridors for initial access by geotechnical drilling rigs prior to construction of roads if not previously analyzed in the EIS/EIR
- Proposed new temporary roads or work areas or use of existing roads within the EIS/EIR and pre-construction surveyed areas, but not previously not defined in site plan.
- Shifts in permanent infrastructure alignments (and associated disturbance area corridors) greater than 75-feet within the EIS/EIR and pre-construction surveyed areas.
- Modification of temporary work areas that result in ground and/or vegetation disturbance and are up to 0.2 acres in size.
- Movement or modification of temporary work areas that result in additional ground and/or vegetation disturbance

- Shifts in turbine locations (and associated temporary work areas)
- Changes above that may result in a location specific increase in impact to jurisdictional habitat (WUS and CDFG), PBHS Essential Habitat, FTHL Habitat, or Sensitive Vegetation Areas.
- Impacts to jurisdictional habitat, PBHS essential habitat, FTHL habitat, or sensitive vegetation areas do not exceed permitting thresholds or mitigation plan thresholds.
- Modification of implemented work plan, processes or technologies approved by BLM and to meet specific mitigation measures.
- Major undefined changes to work areas, work processes, and site features as defined by the CM.
- Work plan changes that require biological, cultural, BLM, or oversight based on adopted mitigation measures.

To initiate a Level 2 variance request, the EM or other designated representative will fill out a Variance Request Form, prepare the appropriate supporting documentation, and obtain the required signatures.

The EM or other designated representative will complete and submit the Variance Request Form and supporting documentation by e-mail (scanned copy) or fax to the with a copy to the CM. Once the approval of the BLM CPM is obtained, the CM will process the request.

If the Level 2 variance request is approved, the CM will sign the variance request and e-mail the approved form (scanned copy) to the Holder's representatives, the EMs/CEM and the BLM CPM and other Compliance Contacts. The variance may be implemented in the field as soon as the approved variance is received. Verbal approval for Level 2 variance requests will not be granted. The CM will document the variance approval in the log and will include it in the weekly report (refer to Section 4.1) and post the approved Variance Request Form on the project website (refer to Section 4.3).

5.3 Level 3 Variances

Level 3 variance requests generally involve project changes that would affect an area outside the previously approved work area that are outside the areas previously surveyed for cultural resources, sensitive species, and biological resources, or one that would change the function, structure, technology required, or other part of the project previously approved in the POD. Level 3 variances may need to be implemented through an amendment to the ROW grant.

Examples of Level 3 Variances are:

- Proposed activities that were not previously defined in detail that affect agency permits and/or approved mitigation plans.
- Changes or modifications to specific mitigation measures in the BLM ROW Grant
- Impacts to jurisdictional habitat, PBHS essential habitat, FTHL habitat, or sensitive vegetation areas exceed permitting thresholds or habitat mitigation plan thresholds.

- Major undefined changes to work areas, work processes, and site features as defined by the CM and BLM.

To initiate a Level 3 variance request, the EM or other designated representative will fill out a Variance Request Form, prepare the appropriate supporting documentation, and obtain the required signatures.

The EM or designated representative will complete and submit the Variance Request Form and supporting documentation by e-mail (scanned copy) or fax to the CM. Once the approval of the BLM CPM is obtained, the CM will process the request.

Level 3 variance request approvals must be signed by the BLM CPM or the BLM AO in the case of a ROW grant amendment. The variance may be implemented in the field as soon as the approved variance is received. The CM will document the variance approval in the log and weekly status update (refer to Section 4.1) and post the approved Variance Request Form on the project website (refer to Section 4.3).

6 Stop Work Authority

The BLM has the authority to stop construction of the OWEF if an activity is determined to be a deviation from the Project environmental and cultural resource protection requirements or approved construction plans authorized. This authority may be delegated to the CM as determined appropriate by the BLM. The CEM and the EM personnel also have that authority to halt specific operations to protect cultural and biological resources.

7 Training and Preconstruction Meeting

The CM will ensure that the Holder prepares and conducts a WEAP for the construction contractor personnel prior to the start of construction. The BLM Project Manager and representative s of DUDEK will participate in the WEAP to present an overview of the ECCMP and to become familiar with the Holder's environmental inspection program and personnel. The CM or the BLM CPM will explain the various components of the ECCMP, emphasizing the objectives of the ECCMP. The discussion will focus on the activities of the CEM and their interactions with the Holder's compliance staff and construction personnel.

The monitoring and documentation of compliance issues and construction progress will be described. A clear and concise explanation will be presented with respect to the variance request decision authority that the CEM will have in the field. Procedures that may be required to address variance requests will also be presented, as well as the time frame required for decisions to be made prior to implementation.

Before the training, the CM will ensure that BLM and Holder participate in a preconstruction meeting. At that meeting, the BLM CPM will discuss the requirements of ROD, the additional stipulations, and the ROW grant as well as those of the POD. The CM and other members of the Compliance Monitoring Team will participate in this preconstruction meeting.

In addition to participation in the Holder's WEAP and the preconstruction meeting, the CM will train the CEM in all project-specific procedures, duties, responsibilities, reporting requirements, and authorities, which includes the authority to grant variances, to complete their assigned tasks during monitoring of the OWEF construction activities.

8 Equipment

Personnel responsible for monitoring and documenting compliance with the measures in the ECCMP will require field support equipment such as notebook computers and associated software, digital cameras, cellular phones (smart phones), GPS devices and vehicles for field personnel as described below. Specifically, the CM and each CEM will be equipped with a digital camera and a cellular phone or other communication device.

CEMs will be equipped with the appropriate equipment to conduct their surveys and monitor work at the site. 4-wheel drive vehicles will be used by the compliance personnel as needed to access the site.

9 OWEF Operations

Before operation of the OWEF begins, a separate ECCMP Plan will be issued to provide detail of roles and responsibilities for those operations, along with actions to be taken and maintained to ensure compliance with operational permits, approvals, plans and additional applicable rules. The revised document will include, at a minimum, provisions for the following:

- A Compliance Manager representing the Holder, in the role of ensuring compliance with the plan
- Adaptive management procedures to address change in conditions, regulations, etc.
- Means of accurately tracking compliance (e.g., compliance tracking database)
- Coordination with BLM and other agencies to report noncompliance issues
- Initial training and refresher training of personnel, commensurate with their roles and responsibilities
- Inspection and monitoring procedures
- Reporting and recordkeeping procedures
- Measures to address decommissioning of the OWEF at partial and final closure

Depending on the role and time required the CM may designate other appropriately trained staff to carry out his/her responsibilities.

Appendix A
Monitoring Report Cover Page Form

PROJECT: OWEF

COMPLIANCE MONITORING PROGRAM

MONITORING REPORT COVER PAGE

SAMPLE MONITORING REPORT (COVER PAGE)

The following report is a compilation of the monitoring reports issued by the Construction Monitors/Designated Biologists and/or Compliance Manager for activities conducted on [Month] [Day], 20[XX]. Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

Communication
Acceptable
Problem Area
Noncompliance
Serious Violation

Approved Level 1 Variance
Approved Level 2 Variance
Approved Level 3 Variance

Compliance Level

Total Reports

Appendix B
Monitoring Report Form

PROJECT: OWEF

**ENVIRONMENTAL INSPECTION AND MONITORING
PROGRAM**

MONITORING REPORT Form

Report Number: _____ Date of Report: _____

Compliance Environmental Monitor: _____

Compliance Level: _____

Environmental Monitor _____

Location: _____

SITE INSPECTION CHECKLIST

Air Quality	Yes	No
Is dust control being implemented (i.e., access roads watered, haul trucks covered, streets cleaned on a regular basis)?		
Do vehicles or equipment appear to be idling unnecessarily?		
Biology	Yes	No
Are appropriate measures in place to protect sensitive habitat (i.e., flagging, signage, exclusion fencing, biological monitor)?		
Are all activities being conducted within the approved work limits?		
Have impacts occurred to adjacent habitat (sensitive or non-sensitive)?		
Cultural and Paleontological Resources	Yes	No
Are known cultural resources clearly marked for exclusion?		
Is a cultural monitor on site if grading is occurring near known cultural sites?		
Is a paleontological monitor on site if grading is occurring (see mitigation measure for specifications)?		
Hazardous Materials	Yes	No
Have all spills been cleaned-up in accordance with the project's SPCC?		
Are fuels, oils, lubricants, and other hazardous materials on-site labeled and stored in appropriate containers?		
Water Quality	Yes	No
Have temporary erosion and sediment control measures been installed?		
Are BMPs in good condition and functional?		
Is mud tracked onto roadways cleaned-up in accordance with the project's SWPPP?		

DESCRIPTION OF OBSERVED ACTIVITY

ISSUES REQUIRING CORRECTIVE ACTION

Issue Requiring Corrective Action	Applicant Notification	Corrective Actions Implemented by Applicant

Photos:

Completed by:

Name: _____
Firm: Dudek
Date: _____

Distribution:

Appendix C
BLM Authorized Officer Report



BLM Authorized Officer Weekly Report

Address:
City, State Zip

Phone:
Fax:

Website:

Project: Ocotillo Express Wind Farm

Prepared By:

Reporting Period:

Summary:

Site Inspections/Mitigation Monitoring:

- Compliance Issues with Applicable Conditions of Certification (e.g., areas out of compliance, interpretational disagreements, etc.)
- Issues of Concern with or by the Applicant

Construction Activities:

Compliance:

Construction Progress:

Week	% Complete (projected)	% Complete (updated)

Note: The percentage complete is an estimate only and is not derived directly from the project schedule.

Construction Schedule:

- Scheduled Activities for Next Week
- Potential Delays to the Online Date of the Project

Plan Review Submittal Items

Submittal Type	Description

Notice to Proceed

NTP No.	Date Issued	Project Component	Conditions Included (Y/N)

Variance Requests

Variance Request No.	Submitted	Description	Status	Approval Date

Project Photographs from Week

Appendix D
Certification of Completion of Worker
Environmental Awareness Program

Certification of Completion Worker Environmental Awareness Program

This is to certify these individuals have completed a mandatory Worker Environmental Awareness Program (WEAP). The WEAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (that is, construction supervisors, crews, and plant operators) working on site or at related facilities. By signing below, the participant indicates that he/she understands and shall abide by the guidelines set forth in the program materials. Include this completed form in the Monthly Compliance Report.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Cultural Trainer: _____ Signature: _____ Date: ____/____/____
 Paleo Trainer: _____ Signature: _____ Date: ____/____/____
 Biological Trainer: _____ Signature: _____ Date: ____/____/____

Appendix E
Variance Request Form

Variance Request Form

LOGO

COMPANY
ADDRESS
CITY, STATE ZIP
PHONE

Variance: _____
Request No.: _____
Date Submit: _____
Date Approval Needed: _____
Date Agency Received: _____
Agency Approval Reference No.: _____

Request Prepared by: _____
Spread/ Location (Milepost): _____
Alignment Sheet / Sta. No.: _____
Landowner: _____
Current Land Use/ Vegetative Cover: _____
Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed) Area, Residence, Cultural Resource Site (distance, etc.): _____

Net acreage affected: _____
Tract No: _____

In or within 50 feet of a wetland: Yes No
Within 50 feet of a water body: Yes No

Variance Level: Level 1 Level 2 Level 3 (To Be Assigned by Designated Representative)

Variance From: Permit Plan/Procedure Specification Drawing Mitigation Measure Other:

Detailed Description of Variance: Attachments? Yes No Photos? Yes No

Variance Justification:

For (Company Name) Use Only

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
T & E Survey <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
Report Documenting Survey:		
Sign-off (as appropriate)	Name (print)	Approval Signature
Contractor Sup't. or Env. Coordinator		<input type="checkbox"/> Yes <input type="checkbox"/> No
Lead Environmental Inspector		<input type="checkbox"/> Yes <input type="checkbox"/> No
Spread Supervisor		<input type="checkbox"/> Yes <input type="checkbox"/> No
Environmental Field Manager		<input type="checkbox"/> Yes <input type="checkbox"/> No
ROW Agent		<input type="checkbox"/> Yes <input type="checkbox"/> No

For BLM Project Manager or Compliance Contact Use Only

Variance Approved: Variance Denied: Date: _____
Signature: _____

For Compliance Manager and Monitor Use Only

Variance Approved: _____ Variance Denied: _____ Date: _____
Signature: _____
Stipulations: _____

Spread:

OPPC Variance Request No.:

VARIANCE CONDITIONS

Name:

Title:

Organization:

Conditions:

Name:

Title:

Organization:

Conditions:

Name:

Title:

Organization:

Conditions:

Mitigation Monitoring and Reporting Program

Please see Appendix C in the Record of Decision