



Overland Pass Pipeline Company Piceance Basin Lateral Project

Environmental Compliance Monitoring Plan



Prepared by



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**Overland Pass Pipeline Company Piceance Basin Lateral
Environmental Compliance Monitoring Plan**

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**ENVIRONMENTAL COMPLIANCE MONITORING PLAN
FOR THE OVERLAND PASS PIPELINE COMPANY
PICEANCE BASIN LATERAL PROJECT**

1.0 INTRODUCTION

Overland Pass Pipeline Company LLC (OPPC) will employ Environmental Inspectors (EIs) to ensure compliance with the mitigation measures contained in the Overland Pass Pipeline Company Piceance Basin Lateral Project (Project) documents during construction of the Project. In addition, OPPC has committed to provide funding to implement a third-party environmental compliance monitoring program during construction of the Project. This program will be implemented by Natural Resource Group, LLC (NRG) working as a third-party contractor under the direction of the Bureau of Land Management (BLM).

This document presents the objectives of the environmental compliance monitoring program, describes the responsibilities of NRG, outlines the level of effort anticipated, defines the decision-making authority of NRG, and describes participation by NRG in the Project training program. In addition, this document discusses the reporting and documentation requirements, stop work authority, and the variance process.

2.0 PROGRAM OBJECTIVES

The overall objective of the environmental compliance monitoring program is to monitor and document OPPC's compliance and/or noncompliance with the Project's environmental requirements during construction of the Project. NRG will provide a Compliance Manager and three full-time Compliance Monitors to meet this objective. The Project environmental requirements include:

- the environmental mitigation measures that were proposed by OPPC throughout the permitting phase of the Project;
- stipulations of the BLM's Record of Decision, Right-of-Way Grant, and Notice to Proceed documents;
- construction procedures and mitigation measures included in the Plan of Development (POD); and
- additional stipulations included in permits from other authorizing federal, state, and local agencies, including those of the Colorado Division of Wildlife and the Wyoming Game and Fish Commission.

During construction, the Compliance Monitors will conduct inspections of construction activities and required mitigation measures, and provide regular feedback on compliance issues to the BLM, OPPC, and OPPC's environmental inspection team. NRG will involve other agencies in the environmental compliance monitoring program (e.g., the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Colorado Division of Wildlife, and the Wyoming Game and Fish Commission) to the extent requested by those agencies and authorized by the BLM. Construction progress and environmental compliance will be tracked and documented by the preparation and submittal of daily and biweekly reports (see section

4.0). The Compliance Monitors will report directly to the Compliance Manager. The Compliance Manager will report directly to the BLM Project Manager and Compliance Contacts.

Other objectives of the environmental compliance monitoring program are to:

- facilitate the timely resolution of compliance-related issues in the field;
- provide continuous information to the BLM and other agencies as authorized, regarding noncompliance issues and their resolution;
- review, process, and track construction-related variance requests; and
- develop and implement a system for storing the information collected during the environmental compliance monitoring program in a format that will allow easy retrieval and search functions.

NRG will assist with implementation of the variance process in accordance with a predetermined level of decision-making authority granted by the BLM (see section 5.0).

3.0 ENVIRONMENTAL COMPLIANCE MONITORING AND MANAGEMENT

3.1 Construction Plan

Based on the information currently available, OPPC will be constructing the Project in three spreads. One spread will be between the Willow Creek Gas Plant and the crossing of Moffat County Road 57 in Colorado. The second spread will be constructed from Spread 1 north to the Little Snake River. The third and final spread will be from the Little Snake River north to Echo Spring, Wyoming. The Project is anticipated to be constructed in two phases. The first phase will be from approximately October 23 through November 31, 2008, with an approximate 5-month-long shutdown over the winter. The second phase will be from approximately May 1 through July 31, 2009 with an in-service date before the end of July 2009. There will potentially be some additional final cleanup/restoration work after the pipeline is in service.

3.2 Compliance Monitoring and Management

NRG has assigned an experienced Compliance Manager to supervise and support a field team of skilled Compliance Monitors. NRG's Compliance Manager is very experienced at managing compliance during major pipeline construction projects and providing expeditious review of variance requests. The field team consists of individuals experienced with pipeline construction, including projects in the western United States. The NRG Compliance Management and Monitoring Team is presented on the organizational chart on Figure 1 and described below. The organizational chart identifies positions and reporting relationships.

3.2.1 Corporate Sponsor

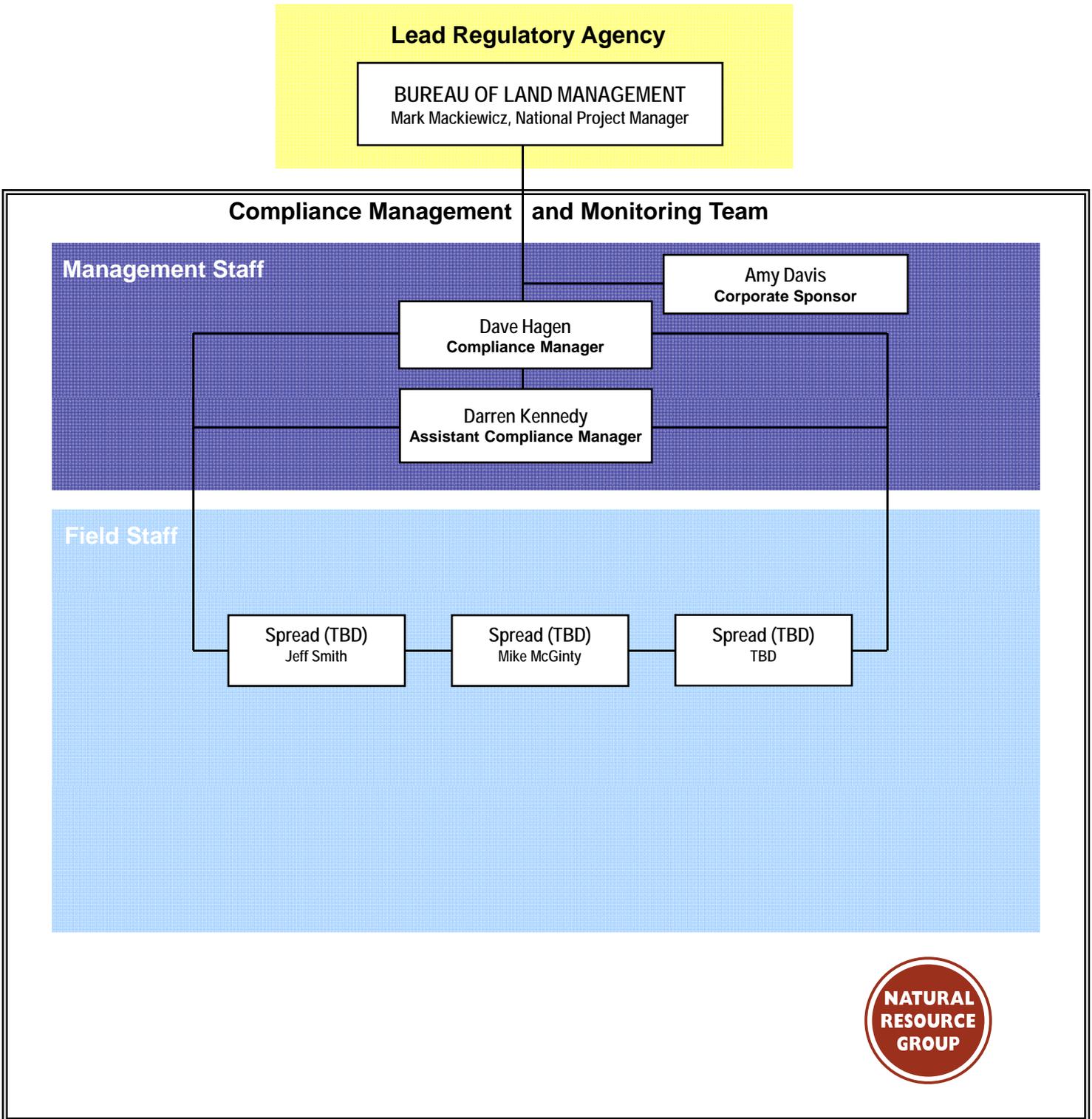
NRG has assigned Amy Davis as the Corporate Sponsor to provide full corporate and management support for the Project.

3.2.2 Compliance Manager

NRG has assigned Dave Hagen to be the Compliance Manager for the Project. The Compliance Manager will oversee management of the program, prepare Project materials, participate in the BLM's preconstruction meeting; participate in OPPC's environmental training program; supervise the monitoring activities, materials, and schedules; supervise the Compliance Monitors; provide guidance on and review of compliance issues; review and process variance requests; and review and distribute daily and biweekly reports. More specifically, the Compliance Manager will:

- report directly to the BLM Project Manager and Compliance Contacts;
- participate in the BLM's preconstruction meeting;
- participate in OPPC's environmental training program/kick-off;
- verify OPPC's compliance with the Project environmental requirements;
- supervise the monitoring activities, materials, and schedules;
- supervise the Compliance Monitors;
- ensure that all reported noncompliances are tracked for resolution by OPPC;
- 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 Project Manager and Compliance Contacts on a regular basis;
- serve as the contact between the BLM and OPPC for compliance issues;
- serve as the BLM's representative to permitting agencies, private landowners, and special interest groups regarding the environmental mitigation efforts on the Project; and
- coordinate with the BLM and other agencies as determined necessary, on reviewing and approving variance requests.

OVERLAND PASS PIPELINE COMPANY
PICEANCE BASIN LATERAL PROJECT
ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM
ORGANIZATIONAL CHART



The Compliance Manager will manage the compliance monitoring efforts from NRG's Denver office with bimonthly visits to the field. There are several purposes for the Compliance Manager's field visits. One purpose is to ensure consistency in the level of reporting and compliance determinations between the Compliance Monitors. In addition, the Compliance Manager will assess the overall condition of the right-of-way, construction progress, the level of compliance by the contractors, and the level of interaction between the Compliance Monitors and the environmental inspection staff. The Compliance Manager will accompany the Compliance Monitors individually during their daily inspection routines and may meet with them collectively to discuss any compliance, scheduling, or other issues that may arise. During these inspections, the Compliance Manager will review upcoming areas that may be subject to upcoming variance requests to become familiar with the site constraints in order to more expeditiously process the variance requests when submitted. These inspections generally include brief onsite meetings with the Lead EIs and EIs. During these visits, the Compliance Manager will also meet with other OPPC construction management staff if requested to discuss any issues or concerns they may have. The Compliance Manager will coordinate visits to the field with the BLM Project Manager and Compliance Contacts.

3.2.3 Assistant Compliance Manager

NRG has assigned Darren Kennedy to be the Assistant Compliance Manager for the Project. The Assistant Compliance Manager, also based in NRG's Denver office, will provide back-up and regular support as needed to the Compliance Manager. This support will primarily consist of assistance in the preparation and review of daily and biweekly reports and review and processing of variance requests.

3.2.4 Compliance Monitors

Based on discussions with the BLM National Project Manager, NRG will provide three full-time Compliance Monitors, one for each spread. As discussed in section 3.1, the Project will be constructed in two phases with an approximate 5-month-long shutdown over the winter months. NRG will attempt to keep the same Compliance Monitors for both phases; however, it may be necessary to use different Compliance Monitors on some of the spreads for the second phase.

During construction, many factors can affect the specific deployment of the Compliance Monitors. These include the activity occurring at specific times of inspection, any noncompliance or problem areas documented during previous inspections by the Compliance Monitors, landowner complaints received, site-specific conditions at the time of construction, skill levels and attitudes of the contractor crews and foremen, and the number and qualifications of the staff on OPPC's inspection team.

The Compliance Monitors are expected to work 60 hours per week during both phases of construction. This should provide sufficient coverage to adequately monitor construction, including the preparation of necessary reports and documentation.

NRG's planned monitoring coverage assumes that OPPC's construction contractors will demonstrate a high level of environmental compliance, and OPPC's environmental inspection team will be qualified and experienced.

The Compliance Manager will regularly evaluate the effectiveness of the environmental compliance monitoring in consultation with the BLM Project Manager and Compliance Contacts

to ensure adequate staffing. If determined necessary, NRG will provide additional, adequately trained support staff to act as Compliance Monitors on an as-needed basis. It is expected that the Compliance Monitors will obtain housing near the construction spreads. Each Compliance Monitor will be provided with a vehicle and other equipment necessary to properly fulfill their duties (see section 8.0).

The primary responsibility of the Compliance Monitors will be to monitor and document OPPC's compliance and/or noncompliance with the Project environmental requirements. Some examples of measures to be monitored include: contractor compliance pertaining to the use of only the approved contractor yards, construction right-of-way, and extra workspaces; methods and locations of topsoil segregation; specific waterbody crossing procedures; dewatering activities; treatment of spills; construction of aboveground facilities; observance of time windows for wildlife and sensitive species; observance of exclusion areas for cultural resources and sensitive species; and restoration requirements.

The Compliance Monitors will provide interpretation and clarification to the OPPC environmental inspection team in the field regarding the Project environmental requirements. The Compliance Monitors 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 OPPC or stipulated by other agencies (see section 5.0).

Before the start of construction, the Compliance Monitors will become familiar with OPPC's environmental compliance management program, participate in the BLM's preconstruction meeting, participate in OPPC's environmental training program, and receive additional training from NRG. The Compliance Monitors will become familiar with the roles and responsibilities of OPPC's field team, the organizational structure of the construction spreads, environmental reporting responsibilities, and the chain of communication on the spreads. It is assumed that OPPC will provide the Compliance Monitors and the Compliance Manager with all permit requirements for the Project prior to initiation of construction.

NRG plans to mobilize the Compliance Monitors to the Project area 1 week ahead of the start of construction activities to allow them time to review the documentation necessary to understand and monitor the Project environmental requirements. In addition, mobilization before construction activities begin will allow the Compliance Monitors to become familiar with the pipeline route and specific resources crossed; verify that the construction right-of-way, staging areas, and other extra work areas are correctly delineated in the field; verify that the correct signage is installed; and confirm that the appropriate buffer zones, exclusion areas, and fencing are in place.

During construction, a critical component of a successful compliance monitoring program is timely, open, and regular communication between all parties. Communication protocols for the Project will be developed in consultation with OPPC and the applicable agency representatives during the BLM preconstruction meeting and the environmental training program.

At a minimum, the Compliance Monitors will maintain daily contact with OPPC's environmental inspection team. Construction activities will be inspected on a daily basis by the Compliance Monitors, and environmentally sensitive areas will be regularly inspected to ensure protection of the resource. As discussed above, the level of monitoring coverage of specific portions of each construction spread will be determined based on several factors, including the construction activity occurring at the time of the inspection, any noncompliance or problem

areas documented during previous inspections by the Compliance Monitors or the EIs, and landowner complaints received.

The Compliance Monitors will communicate with OPPC's Lead EI on each spread on a regular basis. This approach will allow the Lead EI and the Compliance Monitors to exchange information on the status of construction and to discuss any significant construction events scheduled over the next 2 or 3 days. The Compliance Monitors may inspect the spread with the Lead EI, other EIs, or independently. The Compliance Monitors will not communicate directly with the construction contractor personnel for the purposes of directing construction activities or to ensure compliance. However, the Compliance Monitors 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 Compliance Monitors will record daily 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 daily report (see section 4.1).

4.0 REPORTING AND DOCUMENTATION

The compliance management and monitoring staff will utilize a comprehensive daily and biweekly summary database reporting system that is posted on the Project website and available to other jurisdictional agencies and authorized representatives of OPPC. Under this program, the entire daily report, consisting of all compliance levels and photographic documentation, is available each day and will provide OPPC and the applicable agencies with a record of construction progress, photographic documentation, and documentation of compliance with the Project environmental requirements. Specifics of the reporting and documentation to be used for the Project are described below.

4.1 Daily Reports

Each Compliance Monitor will complete one or more daily report(s) documenting the Project-related activities he/she inspected. The Compliance Monitor will document the milepost and station number; the presence of threatened or endangered species habitat, waterbodies, wetlands, and culturally sensitive sites; and provide a brief description of the activities observed. When appropriate, relevant digital photographs will be taken and included in the report. A sample of the Daily Monitoring Report form is included in Appendix A.

Each separate activity monitored and documented in a daily report will be assigned a compliance level. The compliance levels that will be used for the Project are:

- Communication;
- Acceptable;
- Problem Area;
- Noncompliance; and
- Serious Violation.

Communication – A communication report will be prepared when necessary to document and track relevant meetings or discussions between the Compliance Monitor and agencies, landowners, company representatives, EIs, or contractor personnel.

Acceptable – An acceptable report will be prepared when a Compliance Monitor determines that an inspected area or activity is in compliance with the Project specifications and all mitigation measures have been adequately implemented.

Problem Area – The Compliance Monitor 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 on a range of events and observations including:

- an incident that is accidental or unforeseeable but is not out of compliance with the Project specifications, and OPPC'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 Compliance Monitor, damage to resources could occur if corrective actions are not taken. Some examples include:
 - a silt fence with substantial build-up of soil;
 - a slope with insufficient waterbars;
 - a subsoil pile on the verge of covering a topsoil pile; and
 - an improperly constructed/located dewatering structure; and
- an activity that the Compliance Monitor determines is an unintentional, isolated, departure from the Project specifications, with no damage to resources. An example would be a small amount of soil or slash off the right-of-way that has no effect on sensitive resources such as designated wildlife habitat, wetlands, or waterbodies.

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 timeframe, or results in resource damage because timely corrective action failed to occur, the Compliance Monitor may document the problem area as a noncompliance. The Compliance Monitor will inform the EI about the problem before issuing the problem area report. The Compliance Monitor and the EI will discuss and agree upon a reasonable timeframe for resolution. The Compliance Monitor will note in the daily report the name of the EI that was notified about the problem area and the agreed upon time for resolution. The EI will maintain a list of problem areas identified and the corrective actions taken.

Noncompliance – A noncompliance report will be issued when a Compliance Monitor observes an activity that violates (is not in compliance with) the Project specifications, results in damage to resources, or places sensitive resources at unnecessary risk. Some examples of a noncompliance activity include:

- failure to install or maintain required erosion control devices;
- ground-disturbing activities conducted outside the approved right-of-way limits; or
- use of unapproved access roads.

The Compliance Monitor will notify an EI about a noncompliance before issuing a noncompliance report. The noncompliance report will include the name of the EI and the time of notification. The EI will take immediate action to inform the appropriate contractor personnel, and to identify the required corrective action and appropriate priority and timeframe for completing the corrective action. Where practicable and where the nature of the noncompliance activity warrants, the EI will work closely and collaboratively with the Compliance Monitor and other resource monitors to determine the appropriate corrective action.

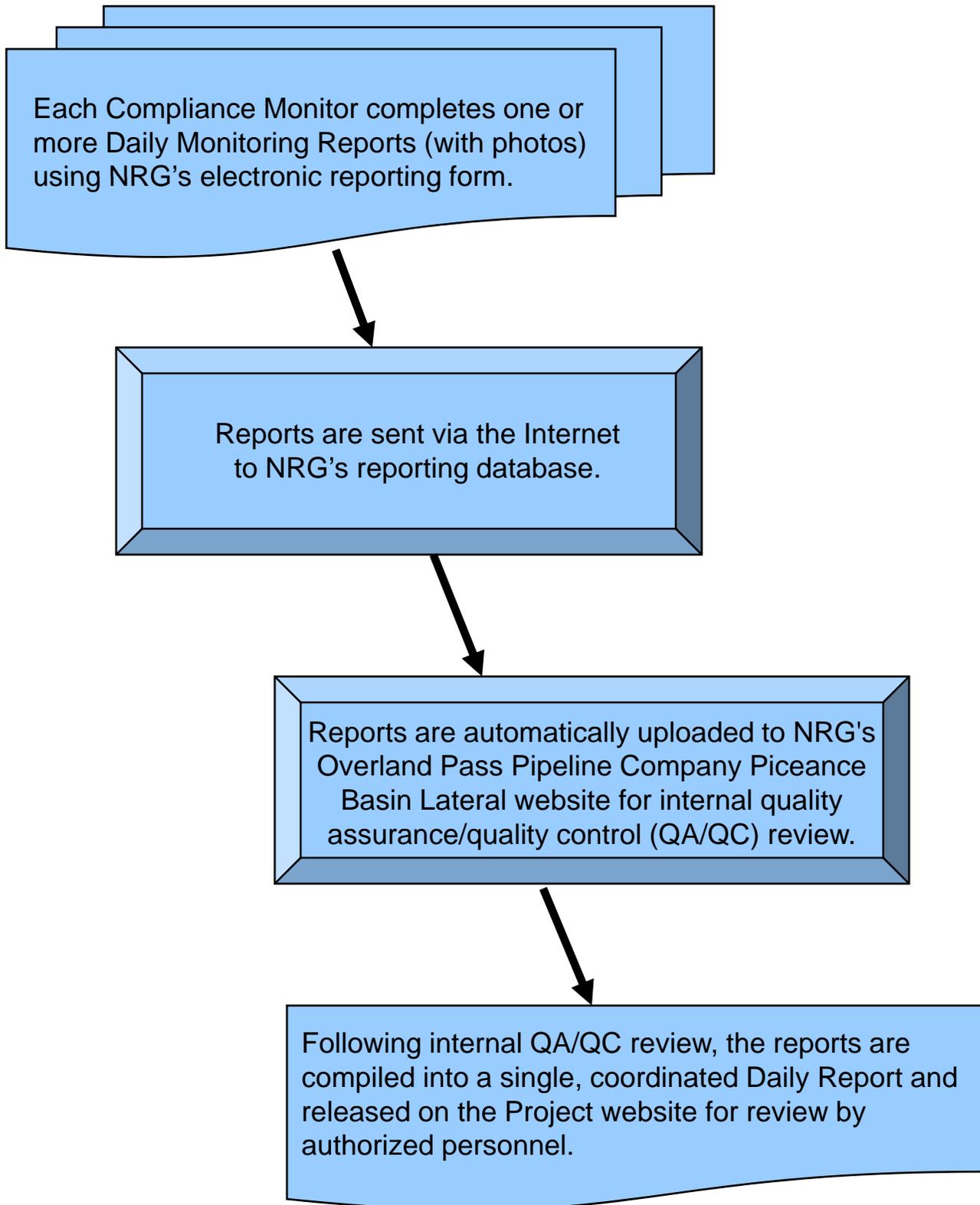
Resolution of noncompliance activities will involve close coordination between the EIs, the Lead EI, the Chief Inspector, and contractor construction supervisory personnel to ensure that the corrective measures are properly understood and implemented. The EI will follow up to confirm that corrective actions have been completed. It will be the responsibility of OPPC's environmental inspection team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the Compliance Manager. Once OPPC documents the resolution of a noncompliance, the applicable Compliance Monitor will inspect the area and verify and document that the noncompliance has been adequately resolved.

Serious Violation – A serious violation report will be issued by a Compliance Monitor immediately upon 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. Some 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 timeframe.

A serious violation report requires that the Compliance Manager and the BLM Project Manager participate in a conference call with OPPC's Environmental Lead for the Project and Environmental Field Manager to discuss the violation, the proper corrective actions, and possible follow-up enforcement actions that could be imposed. It will be the responsibility of OPPC's environmental inspection team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the Compliance Manager. Once OPPC documents the resolution of a serious violation, the applicable Compliance Monitor will inspect the area and verify that the issue has been adequately resolved.

Daily reports and relevant photo documentation completed by each Compliance Monitor will be sent electronically to NRG's database server at the end of each work day. The following morning, the separate reports will be compiled into one Daily Monitoring Report, reviewed by the Compliance Manager, and posted on the non-public password-protected Project website (see section 4.3). A flow diagram of the electronic web-based reporting system is depicted on Figure 2. When the reports are posted, the Compliance Manager will send an e-mail to the authorized distribution that they are available. The e-mail will summarize the compliance levels for the reports issued each day and include the link to the website. Agency, NRG, and authorized OPPC representatives will be included in the distribution for all reports.

ELECTRONIC WEB-BASED REPORTING SYSTEM



4.2 Biweekly Summary Reports

Biweekly summary reports will be issued that briefly describe construction activities during the reporting period and summarize by compliance level the number of reports completed by the Compliance Monitors during the reporting period and cumulatively. The biweekly summary report will also summarize in a tabular format the problem area and noncompliance reports issued by the Compliance Monitors during the reporting period and the Level 1, 2, and 3 variance requests approved by the Compliance Monitors and the Compliance Manager during the reporting period. The biweekly summary report will also summarize in a tabular format the net acreage of land affected by approved variances on federal land and non-federal land with some federal jurisdiction (see section 5.2) for the reporting period and cumulatively. NRG's baseline electronic database reporting system has been designed to generate all of the information in the biweekly summary report that is presented in a tabular format.

The biweekly summary report will be posted on the non-public Project website (see section 4.3). When the biweekly summary report is posted, the Compliance Manager will send an e-mail to the authorized distribution that it is available. The e-mail will include the link to the website. Agency, NRG, and authorized OPPC representatives will be included in the distribution for the biweekly summary report. A sample biweekly summary report is included in Appendix A.

4.3 Non-public Project Website

NRG will establish and maintain a non-public, password-protected Project website to display the daily and biweekly monitoring reports and the approved Level 1, 2, and 3 variances (see section 5.0). The Project website may also be used to post meeting minutes, notes from conference calls, and guidance from agencies regarding interpretation of environmental requirements. Agency and NRG representatives will have access to the entire website; OPPC representatives will have access to the portions of the website as authorized by the BLM Project Manager and Compliance Contacts. A sample Project webpage is included in Appendix A.

5.0 VARIANCES

During construction, unforeseen or unavoidable site conditions can result in the need for changes from approved mitigation measures and construction procedures. Additionally, the need for route realignments, extra workspaces, or access roads outside of the previously approved construction work area 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 OPPC and reviewed and approved or denied by the BLM with the delegation of some authority to NRG. The variance process can also be a good mechanism to clarify discrepancies 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, review and distribution process, and decision-making authority proposed for use for the Project are discussed below. A sample variance request form is included in Appendix A.

5.1 Level 1 Variances (Field Decisions)

Level 1 variances are site-specific, minor, performance-based changes to Project specifications or mitigation measures that provide equal or better protection to environmental resources. These minor variance requests can be reviewed and either approved or denied by the Compliance Monitors in the field during normal construction operations. Examples of Level 1 variance requests include:

- allowing rubber-tired vehicles to use additional access roads that would not require any improvement to the road or repairs after construction (“like use”);
- minor variations in site-specific stream crossing plans that reflect differences in site conditions from those that were expected when the plan was developed (e.g., relocation of a spoil storage area within previously approved work areas); and
- shifting extra workspace along the right-of-way a short distance or to the opposite side of the right-of-way when the overall acreage and configuration of disturbance remain the same, and completed surveys indicate that no sensitive resources would be affected and landowner approval is granted.

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 Lead EI or other designated OPPC representative will fill out a variance request form and obtain the appropriate signatures. The Lead EI will then contact a Compliance Monitor to review the proposed change. The Lead EI and the Compliance Monitor will work together to evaluate the site-specific situation and determine if the request is appropriate.

The Compliance Monitor 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 Compliance Monitor 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 Compliance Monitor. In some cases, the Compliance Monitor may grant verbal approval and then complete the paperwork.

The Compliance Monitor will document the variance approval in the daily monitoring report (see section 4.1) and transmit the approved form to the Compliance Manager for posting on the Project website (see section 4.3). If the variance exceeds the Compliance Monitor’s authority level, the Compliance Monitor will inform the Lead EI 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 Compliance Monitor and requires processing by the Compliance Manager. Before the Compliance Manager can issue approval of a Level 2 variance request on federal land, the BLM Project Manager must approve the request. Level 2 variance requests generally involve Project changes that would affect an area outside of the previously approved work area, but within the corridor

previously surveyed for cultural resources and sensitive species. Level 2 variance requests typically require the review of supplemental documents, correspondence, and records. Examples of Level 2 variance requests include:

- the use of extra workspace outside of the previously approved work area but within the previously surveyed corridor;
- the use of existing access roads that have not been previously approved if the use would not be considered “like-use” that could be approved as a Level 1 variance (see section 5.1);
- modifying a previously approved access road in ways not previously identified; and
- increasing the width of the construction right-of-way.

To initiate a Level 2 variance request, the Lead EI or other designated OPPC representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

If the Level 2 variance request is on federal land, the designated OPPC representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM Project Manager with a copy to the Compliance Manager. Once the approval of the BLM Project Manager is obtained, the Compliance Manager will process the request.

If the Level 2 variance request is not located on federal land but is located within 300 feet of previously identified cultural resources or listed species or their habitat, the designated OPPC representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the Compliance Manager. The Compliance Manager will review the request and supporting documentation and consult with other agencies and BLM field offices as necessary. The Compliance Manager may also discuss the request with the appropriate Compliance Monitor.

If the Level 2 variance request is approved, the Compliance Manager will sign the variance request and e-mail the approved form (scanned copy) to the designated OPPC representatives, the Compliance Monitors, and the BLM Project Manager and 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 Compliance Manager will document the variance approval in the daily monitoring report (see section 4.1) and post the approved variance request form on the Project website (see section 4.3).

If a Level 2 variance request is not located on federal land or within 300 feet of previously identified cultural resources or listed species or their habitat, Compliance Manager approval is not required. However, the designated OPPC representative will complete and submit the reviewed and approved variance request form and supporting documentation by e-mail (scanned copy) or fax to the Compliance Manager for the Project files. OPPC will be responsible for tracking these Level 2 variance requests, including acreage affected, and will provide this information to the BLM and the Compliance Manager upon request.

5.3 Level 3 Variances

Level 3 variance requests generally involve Project changes that would affect an area outside of the previously approved work area that are outside the corridor previously surveyed for cultural resources and sensitive species.

To initiate a Level 3 variance request, the Lead EI or other designated OPPC representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

If the Level 3 variance request is on federal land, the designated OPPC representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM Project Manager with a copy to the Compliance Manager. Once the approval of the BLM Project Manager is obtained, the Compliance Manager will process the request.

If the Level 3 variance request is not located on federal land but is located within 300 feet of previously identified cultural resources or listed species or their habitat, the designated OPPC representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the Compliance Manager. The Compliance Manager will review the request and supporting documentation and consult with other agencies and BLM field offices as necessary. The Compliance Manager may also discuss the request with the appropriate Compliance Monitor. Regarding cultural resources, clearance from the applicable State Historic Preservation Office (SHPO) must be obtained before the Compliance Manager can approve the variance. If sensitive biological species and/or habitat are encountered during the additional surveys, documentation of consultation with applicable agencies must be provided with the variance request. The Compliance Manager must consult with the BLM Project Manager and receive appropriate agency approvals before authorizing the variance. All agency-approved mitigation measures must be adhered to if the variance is approved by the Compliance Manager.

If the Level 3 variance request is approved, the Compliance Manager will sign the variance request and e-mail the approved form (scanned copy) to the designated OPPC representatives, the Compliance Monitors, and the BLM Project Manager and Compliance Contacts. The variance may be implemented in the field as soon as the approved variance is received. Verbal approval for Level 3 variance requests will not be granted. The Compliance Manager will document the variance approval in the daily monitoring report (see section 4.1) and post the approved variance request form on the Project website (see section 4.3).

If the Level 3 variance request is not located on federal land or within 300 feet of previously identified cultural resources or listed species or their habitat, Compliance Manager approval is not required. However, the designated OPPC representative will complete and submit the reviewed and approved variance request form and supporting documentation by e-mail (scanned copy) or fax to the Compliance Manager for the Project files. OPPC will be responsible for tracking these Level 3 variance requests, including acreage affected, and will provide this information to the BLM and the Compliance Manager upon request.

6.0 STOP WORK AUTHORITY

The BLM has the authority to stop construction if an activity is determined to be a deviation from the Project environmental requirements. This authority may be delegated to the Compliance Manager and the Compliance Monitors.

7.0 TRAINING AND PRECONSTRUCTION MEETING

NRG anticipates that OPPC will prepare and conduct an environmental training program for the environmental inspection team and contractor personnel prior to the start of construction. The BLM Project Manager and Compliance Contacts, the Compliance Manager, the Assistant Compliance Manager, and the Compliance Monitors will participate in OPPC's environmental training program to present an overview of the environmental compliance monitoring program and to become familiar with OPPC's environmental inspection program and personnel. It is anticipated that personnel from other agencies (e.g., the Colorado Division of Wildlife) may attend as well. The Compliance Manager or BLM Project Manager will explain the various components of the program, emphasizing the objectives of the compliance monitoring program. The discussion will focus on the daily activities of the Compliance Monitors and their interactions with OPPC's inspection and construction personnel.

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 Compliance Monitors will have in the field. Procedures that may be required to address variance requests will also be presented, as well as the timeframe required for decisions to be made prior to implementation.

Before OPPC's training, NRG anticipates that the BLM will hold a preconstruction meeting, which is required prior to issuance of the Notice to Proceed. At this meeting, the BLM Project Manager will discuss the requirements of the Record of Decision and Right-of-Way Grant as well as those of the POD. The Compliance Manager and one of the Compliance Monitors will participate in the BLM's preconstruction meeting.

In addition to participation in OPPC's training and the BLM's preconstruction meeting, NRG will train the Compliance Monitors in all procedures, duties, responsibilities, reporting requirements, and authorities, including the authority to grant variances, to complete their assigned tasks.

8.0 EQUIPMENT

The environmental compliance monitoring program will require field support equipment such as notebook computers and associated software, digital cameras, cellular phones, and vehicles for field personnel as described below. All equipment will be leased to OPPC by NRG and will remain the property of NRG after completion of the Project.

Each Compliance Monitor will be equipped with a notebook computer and appropriate software to facilitate the compilation, transfer, and storage of data. Each Compliance Monitor will also be equipped with a digital camera, cellular phone, and vehicle adapter. A 4-wheel drive vehicle will be provided to each full-time Compliance Monitor throughout construction to maintain access to all areas of the right-of-way.

APPENDIX A

Sample Reports and Forms



**OVERLAND PASS PIPELINE COMPANY
PICEANCE BASIN LATERAL PROJECT
ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM
SAMPLE DAILY MONITORING REPORT (COVER PAGE)**

The following report is a compilation of the daily monitoring reports issued by the Compliance Monitors and/or Compliance Manager for activities conducted on XXX, XX, 200X. Should you have any questions regarding the information contained in this report, please contact Dave Hagen at (720) 932-7041 (office) or (720) 425-6256 (cell phone).

Compliance Level

Communication	2
Acceptable	6
Problem Area	0
Noncompliance	1
Serious Violation	1
Approved Level 1 Variance	0
Approved Level 2 Variance	1
Approved Level 3 Variance	0

Total Reports	11
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OVERLAND PASS PIPELINE COMPANY
PICEANCE BASIN LATERAL PROJECT
ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM
SAMPLE DAILY MONITORING REPORT

Report Number: Date of Report:
Compliance Monitor: Compliance Level:
Environmental Inspector: Construction Method:

Location

Construction Spread: Tract #: Tract #: Tract #:
Begin Milepost: End Milepost: Begin Station: End Station:

Inspection Notes:

Photos:



Photo Label



Photo Label



**OVERLAND PASS PIPELINE COMPANY
PICEANCE BASIN LATERAL PROJECT
ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM
BIWEEKLY SUMMARY REPORT
For the Period:
XX-XX, 200X**

The following is a summary of the reports issued by the Compliance Monitors and Compliance Manager for activities conducted between XX-XX, 200X. This report also summarizes Level 1, 2, and 3 variance requests approved during the same period. The environmental compliance monitoring program for Overland Pass Pipeline Company's (OPPC) Piceance Basin Lateral Project is being implemented under the direction of the Bureau of Land Management (BLM). Copies of the daily monitoring reports and approved Level 1, 2, and 3 variance requests are posted and available for review on the environmental compliance monitoring program website.

Should you have any questions regarding the information contained in this report, please contact Dave Hagen at (720) 932-7041 (office) or (720) 425-6256 (cell phone).

SUMMARY OF ACTIVITIES

Between XX-XX, 200X, the Compliance Monitors and Compliance Manager issued eight daily monitoring reports. A tabular summary of the reports by compliance level is presented below.

PICEANCE BASIN LATERAL PROJECT ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM Summary of Daily Monitoring Reports For the Period: XX-XX, 200X		
Compliance Level	Compliance Reports for the Period	Cumulative Compliance Reports for the Project
Communication	2	638
Acceptable	3	1,322
Problem Area	1	95
Noncompliance	0	0
Serious Violation	0	0
Approved Level 1 Variance	0	56
Approved Level 2 Variance	2	66
Approved Level 3 Variance	0	1
Total Reports	8	2,184

During this period, three full-time Compliance Monitors conducted daily inspections of project-related activities and documented OPPC’s compliance with the project documents and permits. The Compliance Monitors continued to coordinate with the Lead Environmental Inspectors (Lead EIs) and other EIs to inspect and discuss areas of concern prior to construction, review areas potentially subject to variance requests, assist with resolution of landowner complaints, and clarify interpretations of the project requirements. The activities of the three Compliance Monitors were directed by the Compliance Manager who continued to coordinate with the BLM as well as with OPPC’s field management and support staff.

A brief summary of the activities conducted during the reporting period is presented below. Copies of the detailed daily monitoring reports that were used to prepare this summary are posted and available for review on the environmental compliance monitoring program website.

SUMMARY OF ACTIVITIES

A brief text summary of activities that occurred by spread during the reporting period will be provided here.

PROBLEM AREAS AND NONCOMPLIANCES

One problem area report and no noncompliance reports were issued by the Compliance Monitors between XX-XX, 200X as shown in the table below. The Compliance Monitors were notified of one noncompliance report issued by OPPC's EIs.

SUMMARY OF PROBLEM AREA AND NONCOMPLIANCE REPORTS

Compliance Level/Report Number	Date Issued	Location (Spread/Milepost)	Description	Corrective Action
Problem Area				
-None-				
Daily Monitoring Report #XX	X/X/200X	Spread X – X.X	A construction vehicle was parked outside of the approved right-of-way.	The Lead EI was notified and contacted the foreman to have the vehicle moved back onto the approved workspace.
Noncompliance¹				
-None-				
¹ It was reported to the Compliance Monitors that the OPPC EIs issued one noncompliance report. This noncompliance occurred on Spread X on XX, 200X and was issued to the trenching crew for partially burying the windrowed seedbank with trench spoil for approximately 1,000 feet.				

VARIANCES

One Level 1 variance request was approved during the period. No Level 2, and no Level 3 variance requests were approved between XX-XX, 200X as shown in the table below. A summary of the acreage of land affected by the approved variance requests is also provided below.

SUMMARY OF APPROVED LEVEL 1, 2, AND 3 VARIANCES					
Variance Number	Date Issued	Location (Spread/Milepost)	Brief Description	Net Acreage Affected	
				Federal Land	Non-Federal Land
LEVEL 1					
XX-XX-001	X/X/200X	Spread X - X.X	Approved the like-use of an existing gravel road. This road is needed to allow travel around and 8-inch-diameter aboveground waterline that crosses the right-of-way.	X.X	X.X
LEVEL 2					
-None-					
LEVEL 3					
-None-					

SUMMARY OF ACREAGE AFFECTED BY VARIANCES		
	Acreage Affected this Reporting Period	Cumulative Acreage Affected
Federal Land	X.X	X.X
Non-Federal Land with some Federal Jurisdiction ^a	X.X	X.X
Total	X.X	X.X

^a Includes variances on non-Federal land that are within 300 feet of previously identified cultural resources or listed species or their habitat.

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OVERLAND PASS PIPELINE COMPANY PICEANCE BASIN LATERAL PROJECT

[SAMPLE WEBPAGE]

[Home](#) [Daily Reports](#) [Report Summaries](#) [App'd Variances](#)

Welcome to the **Overland Pass Pipeline Company Piceance Basin Lateral Project Portal**

Editors' Login

This Portal has been designed for viewing up-to-date information on the project.

Email:

Password:

[→ sign-in](#)

[→ register](#)

Project Contacts

Name	Role	Email	Office	Mobile
Dave Hagen	Compliance Manager	djhagen@nrg-llc.com	720-932-7041	720-425-6256
Darren Kennedy	Assistant Compliance Manager	dkkenedy@nrg-llc.com	720-932-7047	720-330-4555

Project Websites

[NRG](#)

Done

Discussions not available on <https://projects.nrginc.com/>

Internet

Variance Request Form

**OPPC Piceance
Basin Lateral
Project**

OPPC Variance

Request No.: _____

Date Submitted: _____

Date Approval Needed: _____

Date Agency Received: _____

Agency Approval Reference No.: _____

Request Prepared by: _____

Spread/ Location _____

(Milepost): _____

Alignment Sheet / Sta. _____

No.: _____

Net acreage affected: _____

Tract No.(s): _____

Landowner: _____ In or within 50 feet of a wetland: Yes No

Current Land Use/ Vegetative Cover: _____ Within 50 feet of a waterbody: Yes No

Nearby Features (Waterbody, T&E Habitat, Wetland, Noxious Weed Area, Residence, Cultural Resource Site (distance), etc.): _____

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

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

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

Variance Justification:

For OPPC 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	Conditions (See Attached)
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
OPPC Spread Supervisor			<input type="checkbox"/> Yes <input type="checkbox"/> No
OPPC 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: