

Appendix C

Framework Environmental Compliance Management Plan

Gateway West Transmission Line Project

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1.0 INTRODUCTION

Rocky Mountain Power and Idaho Power Company (Companies) are proposing to construct and operate approximately 1,000 miles of new 230-kilovolt (kV), 345-kV and 500-kV alternating current electric transmission system, called the Gateway West Transmission Line Project (Project), consisting of 10 segments between the Windstar Substation at Glenrock, Wyoming, and the Hemingway Substation approximately 30 miles southwest of Boise, Idaho. The proposed transmission line is needed to supplement existing transmission lines in order to relieve operating limitations, increase capacity, and improve reliability in the existing electric transmission grid, allowing for the delivery of up to 1,500 megawatts of additional energy for the Companies' larger service areas and to other interconnected systems. The Project includes ground-disturbing activities associated with the construction of above-ground, single-circuit transmission lines involving towers, access roads, multiuse areas, fly yards, and pulling sites as well as associated substations, communication sites, and electrical supply distribution lines. The Project crosses private land and public lands administered by the Bureau of Land Management (BLM), U.S. Forest Service (Forest Service), and the states of Idaho and Wyoming.

The BLM and USFS will be responsible for enforcement of the terms and conditions of the BLM's right-of-way grant and USFS's special use permit on federal lands during the term of the grant/special-use permit, respectively. As the lead federal agency, the BLM will engage a third-party Compliance Inspection Contractor (CIC) to act on behalf of the BLM and USFS to provide construction oversight and monitor compliance with the terms and conditions of the BLM's right-of-way grant and the USFS's special-use permit. Additional federal as well as state, local permits, and private landowner agreements will also be acquired for the Project some of which may include conditions to construct and operate the Project. The CIC will document construction activities of the entire Project on all lands, including non-federal lands that were analyzed in the Environmental Impact Statement (EIS) and enforce requirements related to BLM and USFS responsibilities under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). Because of the Project's potential to impact sensitive environmental resources, environmental protection plans (EMPs) have been developed to minimize potential impacts on these resources (see Section 4 of the Plan of Development [POD]).

2.0 ENVIRONMENTAL COMPLIANCE AND MONITORING PLAN ELEMENTS AND AUTHORITY

This Environmental Compliance and Monitoring Plan (ECMP) is the primary guidance document that states how the Project participants will uphold, document, and manage compliance with the right-of-way grant/special-use permit; the POD; landowner agreements, and all federal, state, and local permits. It is a centralized Project environmental compliance reference and is thereby intended to facilitate environmental compliance across the entire Project for all parties and describes the following essential elements:

- Roles and responsibilities of the participants

- 1 ▪ Comprehensive inspection and monitoring program
- 2 ▪ Corrective procedures in the event of noncompliance
- 3 ▪ Standard protocol for variance requests, exceptions, and other deviations
- 4 ▪ Communication plan
- 5 ▪ Reporting process
- 6 ▪ Comprehensive Project-specific environmental compliance training program

7
8 The Companies' commitment to environmental compliance will be demonstrated by
9 activities prior to, during, and following construction. The ECMP is intended to be a
10 controlled document and may be revised as needed throughout the construction
11 process. Because the Project will cross federal and state lands as well as lands owned
12 privately and/or under the jurisdiction of multiple agencies, the ECMP will be applicable
13 for multiple jurisdictional permitting entities and landowners.

14 Authority for implementation of this ECMP originates from the terms, conditions, and
15 stipulations of the BLM's right-of-way grant and the USFS's special-use permit, the
16 POD, the Final EIS, the Record of Decision (ROD), the Notice to Proceed (NTP), and
17 other conditions associated with nonfederal agency permits. As part of the Companies'
18 environmental compliance commitment, the Construction Contractor(s) will be
19 contractually bound to comply with all laws, regulations, and permit requirements,
20 including the mitigation measures and other specific stipulations and methods set forth
21 in the POD (within the bounds of construction activities and associated disturbance
22 analyzed in the Final EIS).

23 Project specific permitting documents, including but not limited to those identified above,
24 must be reviewed prior to any construction activities to identify all Project-wide and site
25 specific requirements. These documents will be distributed by the CIC to the
26 appropriate parties for their review prior to the initial construction kickoff meeting. At that
27 time, a document control system to manage distribution of all documents and revisions
28 will be presented and demonstrated.

29 The Companies propose to use a third-party CIC to act on the BLM and USFS's behalf
30 to ensure adequate oversight during construction. The CIC will be hired by the
31 Companies prior to the BLM and USFS offering the right-of-way grant and special use
32 permit, respectively, to allow adequate time for the CIC to review documents and
33 develop on-the-ground familiarity with the Project. The CIC will be authorized to enforce
34 the POD on BLM- and USFS-administered lands. The CIC will also ensure BLM and
35 USFS responsibilities under the NHPA and ESA are met on non-federal lands and
36 disturbance on non-federal lands is consistent with the analysis in the EIS.

37 Environmental Inspectors will be retained by the Construction Contractor(s). The
38 Environmental Inspectors will have complete knowledge of all scheduled construction
39 activities occurring at all times and locations. The Environmental Inspectors' primary
40 focus will be to make certain that all construction activities in all Project segments and
41 phases are performed in accordance with the environmental commitments set forth in
42 the POD, permits, and individual agreements. The Environmental Inspectors will be of
43 particular importance on non-federal lands, where the CIC will have authority limited to

1 NEPA and ESA responsibilities and in some cases, may not be allowed to access the
2 Project right-of-way. In such cases, in addition to monitoring for environmental
3 compliance with the POD, permits, and individual agreements, the Environmental
4 Inspectors must document all construction activities and Project disturbance that occurs
5 at each work area, which will be included in the total Project disturbance tracking
6 maintained by the CIC (Section.2.3).

7 Both the CIC and the Companies will provide direct oversight of the Construction
8 Contractor's environmental compliance performance, with any specific work direction to
9 the Construction Contractor(s) only coming from the Companies. Additional information
10 about the Construction Contractor's role in this ECMP is explained in Section 3 below.

11 **3.0 ROLES AND RESPONSIBILITIES**

12 The following section describes the responsibilities of each ECMP entity and describes
13 their reporting relationships and roles in executing the ECMP. If other parties become
14 engaged in this ECMP as additional participants, they would be responsible to function
15 and abide by the protocols, terms, and conditions outlined in this ECMP and their
16 reporting relationships would be case-specific according to their jurisdiction, expertise,
17 and/or nature of their input.

18 Section 3, Roles and Responsibilities, briefly discusses the variance process. However,
19 a more detailed variance discussion is located in Section 4.2, Variances.

20 **3.1 Companies**

21 The Companies will act as holder of all rights-of-way easements, public and private, and
22 will be the grant holder for the BLM right-of-way and USFS special-use permit. As such,
23 the Companies is ultimately accountable for adherence to the environmental permit
24 requirements specified in the terms of its agreements and is responsible for ensuring
25 that environmental impacts do not exceed those analyzed in the Final EIS and approved
26 in the POD. To facilitate this goal, the Companies will maintain regular and consistent
27 communication with the Construction Contractor(s) to track the success of mitigation
28 and compliance efforts prior to, during, and following construction. As the permit holder,
29 the Companies are responsible for assuring that all instances of noncompliance are
30 corrected.

31 **3.1.1 Companies' Project Sponsor**

- 32 ▪ Responsible for Project delivery. Ensures effective coordination occurs between
33 the Companies Project Manager and Environmental Compliance Manager with
34 the BLM's Project Manager and CIC and the Construction Contractor's Project
35 Manager to verify environmental compliance meets the requirements of all
36 applicable laws, permits, and agreements.
- 37 ▪ Informs the Construction Contractor(s) they are contractually bound to comply
38 with all of the Project's environmental requirements including the implementation
39 of the ECMP.

40 **3.1.2 Companies' Project Manager**

- 41 ▪ Responsible for all aspects of Project execution and completion.

- 1 ▪ Enforces Construction Contractor(s) compliance with all environmental laws and
2 regulations, including the right-of-way grant, POD, permits (federal, state, and
3 local) and landowner agreements, during the construction of the Project.
- 4 ▪ Manages Companies' Construction Inspector, Environmental Compliance
5 Manager, and Environmental Reporting Coordinator.

6 **Reporting**

- 7 ▪ Reviews and evaluates weekly reports.
- 8 ▪ Reports environmental compliance violations to Companies' Project Sponsor as
9 needed.

10 **Variances**

- 11 ▪ Reviews and approves Construction Contractor's written variance requests for
12 submittal to the CIC.
- 13 ▪ Delegates authority to approve submittal of Construction Contractor's variance
14 requests to the BLM as needed.

15 **3.1.3 Environmental Compliance Manager**

- 16 ▪ Facilitates oversight of Construction Contractor's compliance with all
17 environmental laws and regulations, including the right-of-way grant, POD,
18 permits (federal, state, and local) and landowner agreements, during the
19 construction of the Project.
- 20 ▪ Coordinates with Companies' Project Manager, Environmental Reporting
21 Coordinator (see Section.3.3.7), Construction Inspector (see Section 3.1.4), and
22 environmental inspection/compliance personnel on a regular basis to evaluate
23 environmental compliance with the Project.
- 24 ▪ Monitors completion of all preconstruction and post-construction commitments.
- 25 ▪ Serves as the primary Companies contact regarding environmental issues.
- 26 ▪ Communicates environmental compliance issues to the CIC and tracks resolution
27 of issues to completion.
- 28 ▪ Coordinates field inspection visits with Construction Contractor(s).
- 29 ▪ Maintains coordination with the Companies' environmental department
30 throughout the life of the Project.
- 31 ▪ Coordinates submittal of all Work Authorizations associated with the BLM Notice
32 to Proceed

33 **Reporting**

- 34 ▪ Provides updates of environmental compliance, including corrective actions, to
35 the Project Manager.
- 36 ▪ Compiles and distributes environmental permit and plan updates to Companies'
37 staff and the Construction Contractor's Environmental Coordinator.

- 1 ▪ Reviews all Construction Contractor(s) derived environmental documentation
2 including, but not limited to, site specific environmental plans, environmental
3 plans, variance requests, daily reports, and weekly reports.

4 **Variances**

- 5 ▪ Provides review and comments of written variance requests from the
6 Construction Contractor(s).
- 7 ▪ Submits completed variances to the Companies' Project Manager for review,
8 approval, and submission to the CIC.

9 **3.1.4 Companies' Construction Inspector**

- 10 ▪ Observes, witnesses, and monitors the construction activities of the Construction
11 Contractor(s) for compliance to the engineering contract documents, plans,
12 standards, and specifications, to ensure construction quality.
- 13 ▪ Understands the Project's environmental requirements especially as they relate
14 to specific construction activities.
- 15 ▪ Coordinates with Companies' Environmental Compliance Manager regarding
16 specific work activities scheduled to occur in sensitive resource areas that may
17 require additional environmental oversight.
- 18 ▪ Provides technical explanations of construction processes to Companies'
19 Environmental Compliance Manager as needed. Attends environmental training
20 class.

21 **Reporting**

- 22 ▪ Review for accuracy and adequacy certain environmental compliance documents
23 prepared by the Construction Contractor(s) that could include, but are not limited
24 to, Spill Prevention, Control and Countermeasures Plan, Stormwater Pollution
25 Prevention Plan(s), and emergency communications contact list.
- 26 ▪ Provides any observations regarding environmental compliance to Construction
27 Contractor's Environmental Reporting Coordinator.

28 **3.2 BLM and USFS**

29 The objective of the BLM and USFS is to ensure right-of-way grant and special-use
30 permit compliance, respectively, during construction, operation, and maintenance
31 phases. The CIC shall represent the BLM and USFS during the construction and
32 reclamation phases to help ensure right-of-way grant and special use permit compliance
33 and ensure environmental impacts do not exceed those analyzed in the Final EIS, and
34 approved in the POD. The CIC assists the BLM and USFS by providing regular and
35 consistent field observations, documenting his/her findings, processing and approving
36 Level 1 Variance requests and/or other deviations for which authority has been
37 delegated to the CIC, and working with the Companies and Construction Contractor(s)
38 to identify compliance issues and maintain compliance during construction of the
39 Project.

40 The CIC shall work under the direct supervision and control of the BLM. No direction
41 with respect to times, places or manner of conducting monitoring shall be taken from the
42 Companies or Construction Contractor(s); provided, however, that the CIC and the

1 Companies work together to support the Project's timely and effective construction. If
2 the CIC determines an action is in noncompliance, the CIC has the authority to issue an
3 immediate temporary suspension or work stoppage order (WSO) for that specific work
4 activity. However, all efforts shall be made to coordinate closely with the Companies
5 and Construction Contractor(s) to report and document compliance concerns not
6 otherwise identified by these parties, giving them the opportunity to resolve the
7 concerns. Every effort shall be made to limit any work stoppage to situations involving
8 immediate threats to sensitive resources, or emergency situations. The CIC is not, at
9 any time or way, otherwise authorized to direct work undertaken by the Construction
10 Contractor(s), with the exception of a WSO. If any additional environmental compliance
11 oversight representative is required by agencies other than the BLM and USFS, their
12 responsibilities would be consistent with those outlined for the BLM and USFS and the
13 CIC as described in this ECMP, although their authority and enforcement would be
14 solely applicable in their respective agency's area of jurisdiction.

15 It is not the role of the CIC to direct the work of either the Companies or the
16 Construction Contractor(s). Rather, the CIC's primary role is to observe work activities,
17 and bring noncompliant situations to the attention of the appropriate party and offer
18 recommendations on how to prevent noncompliance.

19 **3.2.1 BLM and USFS Authorized Officers**

- 20 ▪ Ultimate authority and decision maker for issues pertaining to BLM's right-of-way
21 grant or USFS' special-use permit.
- 22 ▪ Supervises BLM Project Manager to verify environmental compliance meets the
23 requirements of all applicable laws, permits, and agreements.
- 24 ▪ Determines, in coordination with others, if any environmental noncompliance
25 events, for which the Companies is accountable, qualify as violations to the terms
26 and conditions of the right-of-way grant or special use permit.
- 27 ▪ In accordance with 43 Code of Federal Regulations (CFR) 2807.17(a), suspends
28 or terminates the right-of-way grant or special use permit if the Companies and/or
29 its Construction Contractor(s) do not comply with applicable laws and regulations
30 or any terms, conditions, or stipulations (e.g., excessive or continuous
31 noncompliance activities that demonstrate a willful disregard for right-of-way
32 grant or special use permit terms and conditions).
- 33 ▪ Issues BLM/USFS decisions unless otherwise delegated to the BLM Project
34 Manager.

35 **3.2.2 BLM Project Manager**

- 36 ▪ Enforces Companies' compliance with all environmental laws and regulations,
37 including the right-of-way grant, POD, and federal permits during construction of
38 the Project.
- 39 ▪ Responsible for ensuring that right-of-way grant compliance during construction
40 is done in a manner which facilitates timely and efficient construction while
41 protecting the public interests and the environment.
- 42 ▪ Responsible for ensuring that environmental impacts do not exceed those
43 analyzed in the Final EIS and ROD.

- 1 ▪ Manages third-party CIC
- 2 ▪ Coordinates with BLM or USFS resource specialists for their technical expertise
- 3 and input.
- 4 ▪ Informs the Companies of any right-of-way or special use permit violations due to
- 5 environmental noncompliance and enforces their remedy.
- 6 ▪ Reports major environmental compliance violations to BLM/USFS Authorized
- 7 Officer.

8 **Reporting**

- 9 ▪ Responsible to ensure that the Project Administrative Record is maintained
- 10 accurately.

11 **Variances**

- 12 ▪ If delegated by the Authorized Officer authorizes approval of Level 2 Variances
- 13 or designates authority to others.

14 **3.2.3 Compliance Inspection Contractor**

- 15 ▪ Represents the BLM/USFS in the field for compliance activities.
- 16 ▪ Verifies and reports Construction Contractor's compliance with all environmental
- 17 requirements and tracks all reported noncompliance events and their resolution.
- 18 ▪ Tracks all Project construction disturbance for inclusion in an End of Construction
- 19 Project Report (Section 8.2)
- 20 ▪ Reports directly to the BLM Project Manager (or designees).
- 21 ▪ Remains assigned to the Project through completion of reclamation and initial
- 22 revegetation or termination of the Project unless otherwise directed by BLM.
- 23 ▪ Reviews and understands the right-of-way grant/special-use permit, Final EIS,
- 24 Record of Decision, POD, and all other Project-specific environmental
- 25 documents.
- 26 ▪ Maintains copies of the right-of-way grant/special-use permit and POD and
- 27 possesses a copy while on the right-of-way.
- 28 ▪ Verifies construction occurs as outlined in the POD, Final EIS, Record of
- 29 Decision, and right-of-way grant/special-use permit and within the limits of
- 30 disturbances analyzed in the EIS.
- 31 ▪ Performs compliance monitoring work in the field and from the CIC's office. At a
- 32 minimum, CIC or designated monitors are required to be on the right-of-way
- 33 when activities involving the use of construction equipment have the potential for
- 34 significant surface disturbance or harm to sensitive resources. Exceptions can be
- 35 made should the CIC, using professional judgment, determine that reductions in
- 36 presence would not adversely impact compliance oversight (e.g., when Project
- 37 phases have approached conclusion; when on-site activities are minimal).
- 38 ▪ Responsible to gather the collective understanding of the intent and desired
- 39 results of application of site specific mitigation measures and convey findings to
- 40 all parties, if needed. If discrepancies are found between parties, CIC is

- 1 responsible to collaborate with the Companies and Construction Contractor to
2 work towards a resolution.
- 3 ▪ Coordinates regular compliance monitoring during construction.
 - 4 ▪ Discuss any potential compliance issues with the Construction Contractor's
5 environmental inspection staff as soon as possible.
 - 6 ▪ Provides recommendations to the BLM/USFS Project Managers on ways to
7 resolve or prevent noncompliance issues prior to the commencement of work.
 - 8 ▪ Manages and supports CIC Field Monitors and coordinates their daily activities.
 - 9 ▪ At a minimum, meets weekly with the BLM/USFS Project Managers (or
10 designees), in person or by telephone, to review construction activities and the
11 status of compliance.
 - 12 ▪ Communicates and coordinates regularly with Companies' Project Manager and
13 Environmental Compliance Manager.
 - 14 ▪ Coordinates variance requests with the BLM/USFS Project Managers and
15 Companies' Project Manager and Environmental Compliance Manager.
 - 16 ▪ Participates in meetings with the BLM/USFS Project Managers and Companies'
17 Project Manager.
 - 18 ▪ Conducts the final route review and develops final report documenting the status
19 of the right-of-way and the final amount of construction disturbance.
 - 20 ▪ Performs activities as instructed by BLM/USFS Project Managers.
 - 21 ▪ Responsible for tracking actual acres of disturbance through completion of
22 construction and final reclamation.

23 **Reporting**

- 24 ▪ Documents all instances of noncompliance, or other problems that would
25 reasonably be expected to result in environmental impacts. This may include,
26 staking, flagging, or photographing problem areas, verifying locations with a
27 global positioning system, and comparing them to the right-of-way grant/special-
28 use permit and POD maps as specified in the Compliance Plan.
- 29 ▪ Provides weekly summary reports of compliance inspection to the BLM/USFS
30 and the Companies via a secure website, with reporting due by Tuesday of the
31 following week. In the event the CIC, BLM, or USFS temporarily cannot obtain
32 reports through the secure website, reports will be transmitted by mail, e-mail,
33 fax, or compact disk. Weekly reports shall summarize the prior week's activities
34 and include a brief description of construction activities, compliance issues, any
35 additional acreage disturbed resulting from variances and corrective actions
36 taken and any foreseeable issues.
- 37 ▪ Reviews third-party Compliance Monitor's daily reports for completeness and
38 accuracy.
- 39 ▪ Participates in all preconstruction meetings, safety meetings, safety training,
40 environmental training, and other meetings called by the BLM or USFS,

1 Companies, or Construction Contractor(s) which involve environmental
2 compliance aspects of the Project. The CIC is responsible for preparing meeting
3 notes that highlight all decisions made during these meetings.

4 **Variations**

- 5 ■ Coordinates as with BLM and USFS Project Managers to review and approve
6 variance requests.
- 7 ■ Authorizes approval or denial of variations involving minor field adjustments
8 within approved right-of-way that conforms to the POD, or designates authority to
9 others, as delegated and approved by BLM and USFS Project Managers.

10 **3.2.4 Assistant Compliance Inspection Contractor**

- 11 ■ Performs the same duties as the CIC in the event that the CIC is not available.
- 12 ■ Remains assigned to the Project through completion of construction or
13 termination of the Project unless redirected by BLM or USFS.

14 **3.2.4.1 Compliance Inspection Contractor Field Monitors**

- 15 ■ Assists CIC in conducting monitoring of construction activities as needed for
16 biological, cultural, paleontological, or other resources and according to
17 scheduled construction activities within environmentally sensitive areas.
- 18 ■ Represents the BLM/USFS in the field for compliance activities.
- 19 ■ Verifies that construction occurs as outlined in the POD, Final EIS, Record of
20 Decision, and/or right-of-way grant/special-use permit.
- 21 ■ Verifies that construction crews are provided with proper environmental and
22 compliance training.
- 23 ■ Discusses any potential compliance issues with the Companies' environmental
24 inspection staff as soon as possible.
- 25 ■ Coordinates with the Construction Contractor's Lead Environmental Inspector
26 (LEI) and the Companies' Environmental Compliance Manager as their primary
27 points of contact.
- 28 ■ Coordinates solutions for corrective action on noncompliance activities.
- 29 ■ Verifies corrective action is performed for noncompliance activities.
- 30 ■ May temporarily stop activities likely to damage protected or sensitive resources
31 and/or where those resources were intended to be avoided or protected.
- 32 ■ May temporarily stop activities for noncompliance.
- 33 ■ Conducts daily compliance inspection activities and develops daily reports.
- 34 ■ Attends safety and environmental coordination meetings to understand planned
35 construction activities and any safety or environmental concerns.
- 36 ■ Does not direct construction activities in any way.

1 Reporting

- 2 ▪ Submit daily reports to the CIC to document compliance or noncompliance with
- 3 the Project's environmental requirements.

4 3.3 Construction Contractor(s)

5 The Construction Contractor(s) will be contractually bound to comply with all laws,
6 regulations, and permit requirements, including the mitigation measures and other
7 specific stipulations and methods set forth in the right-of-way grant/special-use permit,
8 POD, Final EIS, and ROD throughout all phases of the Project. All construction
9 personnel will participate in environmental trainings and work with the Construction
10 Contractor's Environmental Inspectors and staff to build the Project safely and in
11 compliance with all Project terms and conditions; federal, state, and local laws and
12 regulations; and all landowner agreements. If a noncompliance occurs, the Construction
13 Contractor(s) will cooperate and implement a solution as soon as possible to resolve the
14 situation.

15 3.3.1 Construction Contractor's Project Sponsor

- 16 ▪ Responsible for Project completion in accordance with all environmental laws
17 and regulations, including the terms, conditions, stipulations, and/or work
18 authorizations related to the right-of-way grant, special use permit, POD, permits
19 (federal, state, and local), and landowner agreements.
- 20 ▪ Ensures its Project Manager promptly addresses any environmental compliance
21 issues.
- 22 ▪ Ensures effective coordination between his/her Project Manager and/or LEI with
23 the Companies' Project Manager, Environmental Compliance Manager, and the
24 BLM and USFS Project Manager and/or CIC to verify environmental compliance
25 meets the requirements of all applicable laws, permits, and agreements.
- 26 ▪ Ensures the immediate and timely remedy to any environmental noncompliance
27 events to the satisfaction of the Companies' Environmental Compliance Manager
28 and the CIC.

29 3.3.2 Construction Contractor's Project Manager

- 30 ▪ Responsible for all aspects of Project execution and completion.
- 31 ▪ Requires all Construction Contractor's and subcontractor(s) staff adhere to
32 compliance with all environmental laws and regulations, including the right-of-
33 way grant, POD, permits (federal, state, and local), and landowner agreements
34 during the construction of the Project.
- 35 ▪ Coordinates with his/her Superintendent(s), and optional LEI, as well as
36 Companies' Project Manager and Environmental Compliance Manager on a
37 regular basis to stay updated regarding the Project's compliance with
38 environmental laws and regulations.
- 39 ▪ Requires all Superintendents and Foremen follow directions of the Construction
40 Contractor's environmental compliance staff regarding maintaining compliance
41 with all environmental laws and regulations.

- 1 ▪ Ensures Superintendents and Foremen implement measures identified to resolve
2 noncompliance issues in a timely manner.
- 3 ▪ Designates the Construction Contractor's Environmental Coordinator (if desired).
- 4 ▪ Verifies construction personnel participate in the environmental training program.
- 5 ▪ Responsible for removal of noncompliant personnel, as necessary.
- 6 ▪ Manages Construction Contractor's Superintendent(s), Foremen, Environmental
7 Crew Foreman, and LEI.
- 8 ▪ Develops and distributes weekly schedules of construction activities.
- 9 ▪ Immediately informs Companies' Environmental Compliance Manager and CIC
10 of any noncompliance.
- 11 ▪ Responsible for resolving noncompliance situations.
- 12 ▪ Responsible for environmental compliance of all subcontractors.
- 13 ▪ Determines the need for scope variances and works with staff and Construction
14 Contractor's Environmental Inspectors to develop a formal request.
- 15 ▪ Receives and review daily environmental compliance inspection reports from
16 Construction Contractor's environmental staff.

17 **Reporting**

- 18 ▪ Responsible for making sure Companies is provided with reports in a timely
19 fashion.
- 20 ▪ Reviews and approves compliance reports for submittal to Companies.

21 **Variances**

- 22 ▪ Reviews and approves written variance requests for submittal to Companies,
23 CIC, and BLM or USFS.
- 24 ▪ Can delegate authority to submit written variance request to others.

25 **3.3.3 Construction Contractor's Superintendent(s)**

- 26 ▪ Primarily situated in the field to manage construction activities.
- 27 ▪ Responsible for a segment or portion of the overall Project.
- 28 ▪ Requires all contractor personnel follow directions of the Construction
29 Contractor's environmental compliance staff regarding maintaining compliance
30 with all environmental laws and regulations, including the right-of-way grant,
31 POD, permits (federal, state, and local), and landowner agreements during the
32 construction of the Project.
- 33 ▪ Coordinates with the LEI, and the Construction Contractor's Environmental
34 Training Coordinator and Environmental Inspectors to ensure all construction
35 personnel for which they are responsible abide by all applicable laws, permits,
36 and agreements.
- 37 ▪ Attends environmental training programs produced by the Construction
38 Contractor(s).

- 1 ▪ Conducts regular meetings and training with construction personnel to review
2 safety and environmental compliance practices.
- 3 ▪ Ensures measures identified to resolve noncompliance issues are communicated
4 to construction personnel and implemented in a timely manner.
- 5 ▪ Immediately informs Construction Contractor's Project Manager of any
6 noncompliance.
- 7 ▪ Evaluates all compliance issues and ensures all supervisee's involved with any
8 construction activities complete the environmental training program.

9 **Reporting**

- 10 ▪ Prepares report regarding measures taken to resolve any noncompliance events
11 and submits them to the Construction Contractor's Environmental Reporting
12 Coordinator.

13 **Variances**

- 14 ▪ Prepares written variance requests for submittal to Companies, CIC, and BLM or
15 USFS.
- 16 ▪ Can delegate authority to prepare written variance request to others.

17 **3.3.4 Construction Contractor's Civil Survey Supervisor**

- 18 ▪ Sets initial and maintains right-of-way and easement boundary stakes and
19 flagging with agreed on Project flagging scheme.
- 20 ▪ Delegates survey crews when necessary to work with environmental inspectors
21 to adjust work areas to comply with environmental constraints.
- 22 ▪ Communicates with Companies' Construction Inspector and Environmental
23 Compliance Manager regarding changes to right-of-way boundaries.
- 24 ▪ Maintains a master set of alignment sheets for each spread in the appropriate
25 spread office. The alignment sheets should reflect all restricted areas due to
26 easement status, environmental restrictions, etc.
- 27 ▪ Places signs for roads approved for use on the Project and those not approved
28 for use on the Project.

29 **Reports and Variances**

- 30 ▪ Provides data and/or supports development of maps and legal descriptions for
31 Project reports, variance requests, and documentation in the Project Record.

32 **3.3.5 Construction Contractor's Lead Environmental Inspector**

- 33 ▪ Regularly inspects or coordinates the inspection of all construction activities for
34 compliance with all environmental laws and regulations, including the right-of-
35 way grant, POD, permits (federal, state, and local) and landowner agreements,
36 during the construction life of the Project.
- 37 ▪ Has the authority to stop work when construction activities violate environmental
38 conditions of right-of-way grants, permits or landowner conditions.

- 1 ▪ Identifies sensitive resources and areas of concern prior to upcoming
- 2 construction activities and coordinates appropriate measures with construction
- 3 personnel accordingly.
- 4 ▪ Acts as a resource and technical lead to Environmental Inspectors.
- 5 ▪ Acts as a resource to construction personnel and explains environmental laws
- 6 and regulations and how they are applied in the field.
- 7 ▪ Serve as the primary point of contact for the third-party CIC Field Monitors.
- 8 ▪ Coordinates appropriate corrective actions to resolve noncompliance issues.
- 9 ▪ Coordinates daily with Environmental Inspectors to discuss upcoming
- 10 construction activities, potential problem areas, and areas of concern.
- 11 ▪ Assigns field inspection responsibilities to Environmental Inspectors.
- 12 ▪ Coordinates with Environmental Inspectors and construction personnel to provide
- 13 information and facilitate regular communication among all parties.
- 14 ▪ Inspects areas of concern identified by Environmental Inspectors and makes
- 15 appropriate recommendations to construction personnel.
- 16 ▪ Inspects erosion control devices/measures to ensure functionality and
- 17 communicates erosion control devices/measures maintenance needs to the
- 18 Construction Contractor's Environmental Crew Foreman.
- 19 ▪ Communicates with and Environmental Crew Foreman on issues needing
- 20 resolution in the field.

21 **Reporting**

- 22 ▪ Reviews daily reports from field inspectors for completeness and accuracy and
- 23 communicates action items or follow-up items to appropriate parties
- 24 ▪ Forwards all daily and weekly reports to Construction Contractor's Environmental
- 25 Reporting Coordinator for storage and potential agency distribution.
- 26 ▪ Compiles daily reports into weekly summary report.
- 27 ▪ Submits weekly summary documenting construction activities and compliance
- 28 issues to the Construction Contractor's Environmental Reporting Coordinator.

29 **Variances**

- 30 ▪ Primary reviews of written variance requests from the Construction Contractor(s).
- 31 ▪ Communicates variance status to Environmental Inspectors and construction
- 32 personnel.

33 **3.3.6 Construction Contractor's Environmental Inspector**

- 34 ▪ Assists in inspection of construction activities for compliance with all
- 35 environmental laws and regulations, including the right-of-way grant, POD,
- 36 permits (federal, state, and local) and landowner agreements, during the
- 37 construction of the Project.
- 38 ▪ Conducts daily inspections of construction activities.

- 1 ▪ Identifies sensitive resources and areas of concern prior to upcoming
2 construction activities and coordinates with construction personnel to discuss.
- 3 ▪ Acts as a resource to construction personnel to explain environmental
4 regulations and how they are applied in the field.
- 5 ▪ Verifies construction work areas, access roads, and features such as wetlands or
6 sensitive habitat are properly marked and flagged before work is done in the
7 area.
- 8 ▪ Identifies erosion, sediment control, and soil stabilization needs to protect
9 sensitive resources and communicates them to construction personnel.
- 10 ▪ Ensures erosion control or other measures do not inadvertently cause impact to
11 other sensitive resources.
- 12 ▪ Acts as a point of contact for the third-party CIC Field Monitors.
- 13 ▪ Informs Construction Contractor(s) of all potential and existing compliance issues
14 and coordinates with LEI to determine appropriate corrective actions.
- 15 ▪ Has stop-work authority when construction activities violate the environmental
16 conditions of the right-of-way grant, permits, or landowner conditions.
- 17 ▪ Identifies, documents, and oversees corrective actions to resolve noncompliance
18 issues.
- 19 ▪ Inspects erosion control devices/measures to ensure functionality and
20 communicates erosion control devices/measures maintenance needs to the
21 Environmental Crew Foreman.
- 22 ▪ Follows up on the repair and maintenance of erosion control devices/measures.
- 23 ▪ Inspect and document reclamation and revegetation activities.

24 **Reporting**

- 25 ▪ Maintain and submit daily reports to the LEI that document construction activities
26 and associated compliance status for that day.
- 27 ▪ Document the resolution of any compliance issues in daily reports.

28 **3.3.7 Construction Contractor's Environmental Reporting Coordinator**

- 29 ▪ Assists in tracking Project compliance with all environmental laws and
30 regulations, including the right-of-way grant, POD, permits (federal, state, and
31 local) and landowner agreements, during the construction of the Project.
- 32 ▪ Coordinates with Companies' staff, the Construction Contractor(s), BLM, and
33 other relevant agency contacts and field inspection personnel on a regular basis
34 to manage and track Project activities and ensure consistent communications
35 Project wide.
- 36 ▪ Maintains consistent communication between the Companies and all federal,
37 state, and local agencies.

38

1 Reporting

- 2 ▪ Receives daily/weekly reports from Construction Contractor's environmental
- 3 inspectors and documents them accordingly.
- 4 ▪ Maintains centralized storage of daily/weekly Environmental Inspection reports
- 5 and makes reports available at the request of the BLM Project Manager.
- 6 ▪ Reviews field reports for consistency and accuracy.
- 7 ▪ Responsible for tracking problem areas and noncompliance reports (including
- 8 hazardous materials spill reports) and ensuring follow up and resolution reports
- 9 are filed.

10 Variances

- 11 ▪ Tracks variances and communicates variance status with Construction
- 12 Contractor's Project Manager, Superintendent(s), and LEI.
- 13 ▪ Coordinates processing and archiving of variances.
- 14 ▪ Tracks progress and completion of any required field surveys (biology,
- 15 archaeology, etc.) and technical reports to support variances.
- 16 ▪ Ensures variance requests are complete and accurate prior to submitting to the
- 17 BLM.

18 3.3.8 Construction Contractor's Environmental Training Coordinator

- 19 ▪ Develops training program to facilitate compliance with all environmental laws
- 20 and regulations, including the right-of-way grant, POD, permits (federal, state,
- 21 and local) and landowner agreements, during the construction of the Project.
- 22 ▪ Provides CIC and Companies' Environmental Compliance Manager with a
- 23 course outline and all training material at least 30 days prior to any training for
- 24 approval.
- 25 ▪ Provides consistent roll-out of all training to all required personnel.
- 26 ▪ Supports Environmental Inspectors and other environmental staff in providing
- 27 routine trainings in the field.
- 28 ▪ Maintains records of training for all construction personnel and submits to
- 29 Companies on a weekly basis.
- 30 ▪ Updates training curriculum as needed.
- 31 ▪ Facilitates compliance with all environmental laws and regulations, including the
- 32 right-of-way grant, POD, permits (federal, state, and local) and landowner
- 33 agreements, during the construction of the Project.
- 34 ▪ Conducts training session for Companies construction and contractor staff at
- 35 least 30 days prior to construction.
- 36 ▪ Conducts preconstruction, refresher, and remedial training for Project personnel.
- 37 ▪ Provides environmental compliance training to new personnel as they join the
- 38 Project.

- 1 ▪ Provides field reference guides to Project personnel with photos and details of
- 2 sensitive resources and methods for impact avoidance.
- 3 ▪ Updates Project training modules using feedback from environmental inspection
- 4 team, construction personnel, and Environmental Compliance Manager.
- 5 ▪ Maintains records of training for all personnel.

6 **3.3.9 Construction Contractor's Environmental Crew Foreman**

- 7 ▪ Supervise environmental crew in daily installation and maintenance of erosion
- 8 control devices/measures and all other standard mitigation measures.
- 9 ▪ Follows up on the repair and maintenance of erosion control devices/measures.
- 10 ▪ Ensure all areas of the right-of-way are in compliance with all environmental
- 11 requirements/ permits held by the Construction Contractor(s).
- 12 ▪ Work with the Construction Contractor's environmental inspection staff to remedy
- 13 any problem areas and assure all areas are in compliance.

14 **4.0 PROCEDURES**

15 **4.1 Compliance Levels**

16 Each separate activity that is inspected and documented in a daily report will be
17 assigned a compliance level as defined below. Environmental Inspectors will assess
18 potential noncompliant activities based on the extent and nature of actual impacts on a
19 resource, the potential for additional impacts on a resource, the intent behind the action,
20 and the history of the occurrence.

21 **4.1.1 Acceptable**

22 All activities that are in compliance with the Project's environmental requirements will be
23 documented as acceptable.

24 **4.1.2 Problem Area**

25 A problem area is a location or activity that does not meet the definition of acceptable
26 but is not noncompliant (see Section 4.1.3). The problem area category can be used in
27 a variety of situations, including the following:

- 28 ▪ A minor incident that is accidental or unforeseeable and is repaired in a timely
29 manner.
- 30 ▪ A location where the Project is not in direct noncompliance but is one where the
31 inspector or monitor determines damage to a resource could occur if corrective
32 actions are not taken.
- 33 ▪ An activity that is isolated and determined unintentional that causes no direct
34 damage to a resource.

35 If a problem area is corrected in a timely manner it will not be considered a
36 noncompliance. If a problem area is found to be a repeat situation or has happened in
37 multiple locations or is not corrected within an agreed on timeframe, the inspector or
38 monitor may document the situation as a noncompliance. The Environmental Inspector
39 will inform the Foreman onsite of the problem area before issuing a problem area report

1 and discuss and agree on an acceptable timeframe for its resolution. Environmental
2 Inspectors will document problem areas and their resolutions in daily reports. Problem
3 areas documented by the third-party CIC Field Monitors will be reported and discussed
4 with the Environmental Inspectors. If the problem area is not corrected in the agreed on
5 timeframe, resource damage occurs or similar activities occur repeatedly, a
6 noncompliance report may be issued.

7 **4.1.3 Noncompliance**

8 A noncompliance report will be issued when construction activities violate the Project's
9 environmental requirements, result in damage to a resource, or place sensitive
10 resources at unnecessary risk. Factors that will contribute to a noncompliance will be
11 the extent of damage to the resource, the intent of the action and the determination of
12 the action being a repeat occurrence. A noncompliance report may also be issued for
13 direct disregard for Project requirements that do not directly cause harm to sensitive
14 resources. Examples include using an unapproved access road or construction
15 activities that cause ground disturbance outside of established Project boundaries.

16 If the CIC or CIC Field Monitor observes a noncompliant activity they will notify the
17 Companies' Environmental Compliance Manager and the Construction Contractor's LEI
18 and Superintendent immediately to discuss the situation prior to issuing a
19 noncompliance report. If a noncompliance report is issued, it will include the name of
20 the Superintendent contacted and the time of the notification. In addition, a follow up
21 report will be filed documenting the resolution of the noncompliance. If the
22 Superintendent is not immediately available or the severity of the situation requires
23 immediate action, the monitor will inform the Construction Contractor's Project Manager
24 and the Companies of the noncompliance.

25 If the Construction Contractor's Environmental Inspection staff observes a
26 noncompliance, they will notify the superintendent or Foreman onsite immediately. The
27 noncompliance will be resolved immediately or within an agreed on timeframe that has
28 been established by the Environmental Inspector and the Superintendent or Foreman.
29 The Environmental Inspector will also notify the third-party CIC Field Monitor and
30 document the noncompliance in a daily report that will be filed with the Construction
31 Contractor's Reporting Coordinator and Companies' Environmental Compliance
32 Manager. The Construction Contractor's Environmental Reporting Coordinator will
33 submit all noncompliance reports and reports documenting their resolution to the BLM
34 or USFS Project Managers or CIC as required.

35 The Construction Contractor's Environmental Inspectors and the Companies'
36 Environmental Compliance Manager will work together to establish the appropriate
37 corrective actions and timeframes for the resolution of a noncompliance. The
38 Environmental Inspector will be responsible for communicating the corrective actions to
39 the Foreman onsite. If necessary, the Companies' Environmental Compliance Manager
40 and the Construction Contractor's LEI and Superintendent will determine the level of
41 retraining for the crew involved. Following a serious or repeat noncompliance the CIC,
42 the Construction Contractor's Project Manager, LEI, Environmental Inspector, and
43 Superintendent(s), and the Companies' Project Manager and Environmental
44 Compliance Manager will discuss the situation and how best to implement measures to
45 prevent it from reoccurring.

1 **4.1.4 Response to Noncompliant Activities**

2 If the resolution of a noncompliance is not achieved through the process described
3 above the following may occur:

4 **Temporary Suspension**

5 For incidents of noncompliance by the Companies or the Construction Contractor(s),
6 that remain unresolved after the notifications described under “Noncompliance” above,
7 the CIC or Project Manager may issue a temporary suspension to halt specific activities
8 or all activities in a localized work area. The temporary suspension shall be issued orally
9 and in writing to the Companies’ Project Manager or designee, and the Companies shall
10 immediately provide notice of the temporary suspension to the Construction
11 Contractor’s Project Manager or designee.

12 **Work Stoppage Order**

13 If necessary, a WSO to temporarily suspend all construction activities may be issued
14 orally or in writing by the CIC or Project Manager to the Companies’ Project Manager. A
15 WSO would be appropriate in the event of serious noncompliance that could reasonably
16 be expected to result in a risk of death or harm to persons or repeated violations of
17 environmental requirements that have a detrimental effect to sensitive resources.

18 A conference call will be held with the CIC and BLM or USFS Project Manager, the
19 Companies’ Project Manager and Environmental Compliance Manager and the
20 Construction Contractor’s Project Manager and LEI within 24 hours to discuss the
21 noncompliance incident and to schedule a face-to-face meeting, if necessary. The face-
22 to-face meeting will be held with all parties to discuss the noncompliance resolution
23 within 24 hours of the initial conference call (excluding weekends and federal holidays).
24 After conclusion of the conference call, or the meeting, the Companies and Construction
25 Contractor(s) will need to resolve the issue(s) identified by the BLM. Once they have
26 resolved the issue and documented the resolution method, the Companies may file a
27 written request with the BLM to resume activities. No construction activities shall be
28 undertaken (except emergency or safety-related) until formal approval is provided by
29 the BLM’s CIC or Project Manager. The BLM shall review and respond to the
30 Companies’ written request to resume activities within 24 hours after receipt. The BLM’s
31 response shall either approve the request or provide additional criteria that must be met
32 prior to resumption of activities. Any additional criteria must cite the applicable law(s),
33 agreement (s), and/or permit requirements.

34 **Grant Suspension or Termination**

35 In accordance with 43 CFR 2807.17(a), BLM or USFS may suspend or terminate the
36 right-of-way grant/special-use permit if the Companies and/or its Construction
37 Contractor(s) does not comply with applicable laws and regulations or any terms,
38 conditions, or stipulations of the grant/special-use permit (e.g., excessive or continuous
39 noncompliance activities that demonstrate a willful disregard for the terms and
40 conditions of right-of-way grant(s)/special-use permit(s)). Prior to suspension or
41 termination, the Companies will be notified in writing and allowed a reasonable
42 opportunity to correct any noncompliance pursuant to 43 CFR 2807.18(a), and, if
43 applicable, provided a hearing pursuant to 43 CFR 2807.18(b).

4.2 Variance Procedures (Unforeseen Circumstances)

The intent of this section is to inform the Companies, BLM, USFS, Construction Contractor(s), and other Project personnel of the variance request process to minimize potential costly construction delays. It is understood by the BLM, USFS, and the Companies that unforeseen circumstances will occur during construction. The need for realignments to the proposed route, access roads, and/or work areas not within the permitted Project right-of-way grant and not analyzed in the EIS analysis may arise. In addition, the need to make changes to construction procedures, schedule, and/or approved mitigation measures and other specific stipulations and methods may be required. Under these or similar circumstances, a variance will need to be filed and approved by the BLM and/or USFS to stay in compliance.

Where Project changes occur on private lands, including changes to the Project route, access roads, work areas, construction procedures, schedule, mitigation measures, or other stipulations agreed upon in private land easements, written approval of the Project change from the affected landowner to the Companies must be obtained and provided to the CIC for inclusion in the Project record and End of Construction Project Report (Section 8.2). The BLM and/or USFS must also be consulted in accordance with applicable laws before a variance is approved to ensure compliance with the NHPA and ESA (see **Table 1**).

Variance requests will be generated by the Construction Contractor(s) and provided in writing to the Companies who will then review the request. The Companies will evaluate the variance request and submit it to the CIC to be processed according to the process outlined herein.

In general, the Companies will be required to submit the variance and supporting documentation to the CIC. The CIC is responsible for providing supporting documentation and an on-the-ground perspective of the requested variance to the BLM or USFS Project Manager or designee. The CIC is given authority by the BLM to approve a Level 1 variance (see Section 4.2.1, below) in the field. If a Level 1 variance request is approved in the field, follow up documentation will be provided by the Construction Contractor(s) to the CIC and the Companies. In addition, upon consulting with the BLM or USFS Project Manager, the CIC also is given the authority to approve a Level 2 variance (see Section 4.2.2). Authority to approve or deny Level 3 variances requests (see Section 4.2.3) is provided to the appropriate BLM or USFS Project Manager or designee. The Variance Request Process is shown in Figure 1.

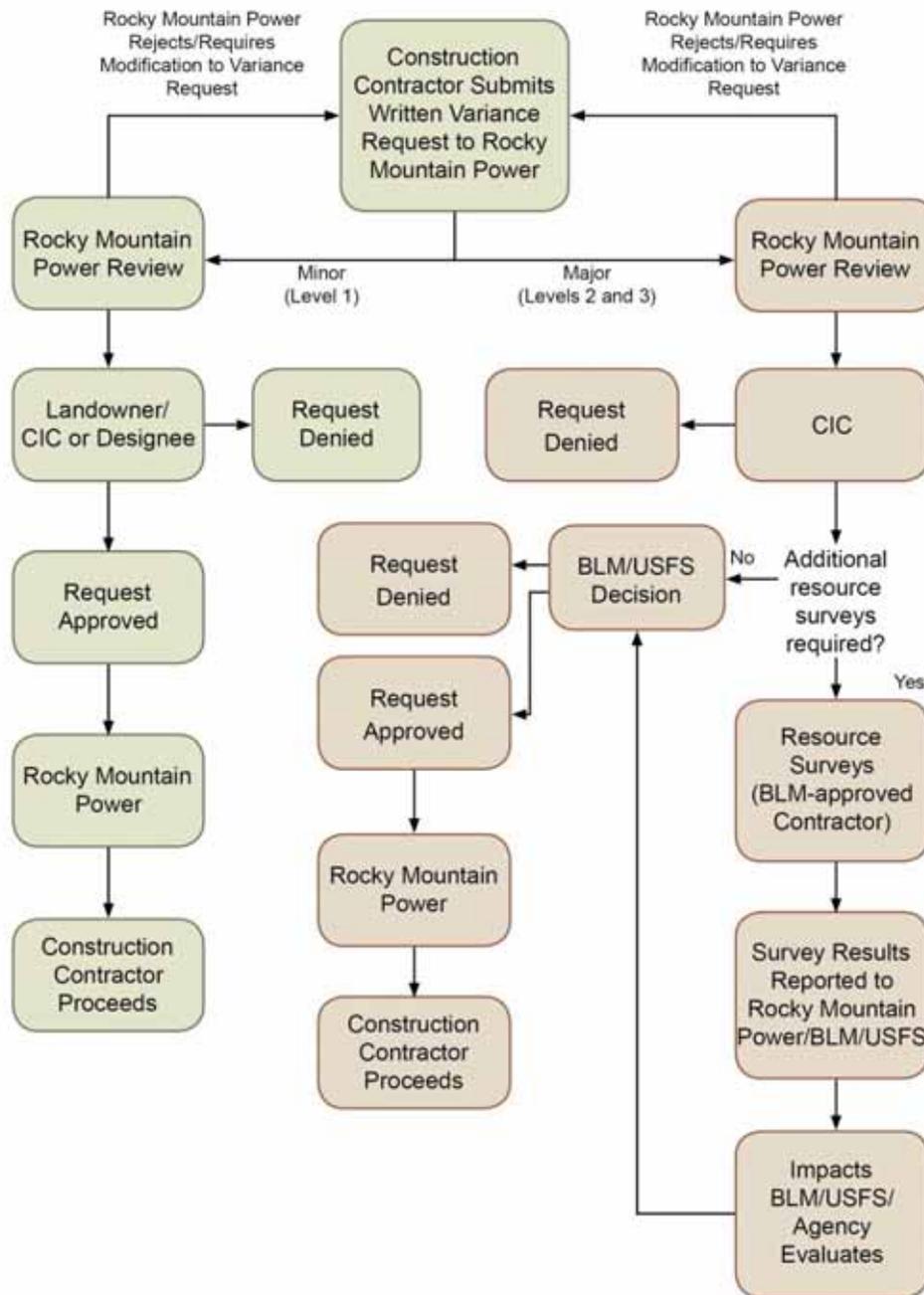


Figure 1. Draft Variance Request Process

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7

A variance request form will be developed by the Construction Contractor(s), reviewed and approved by the Companies, and then reviewed and approved by the BLM or USFS prior to the start of construction. The variance request form will be incorporated into the preconstruction environmental training program. The variance request form will describe the variance request in detail, provide justification and documentation for the

1 variance (including maps and photos), calculate the proposed permanent or temporary
 2 acreage affected, describe the original disturbance acreage analyzed in the EIS, and
 3 show the difference in acreage between the proposed variance and the original
 4 disturbance. It will also describe any potentially impacted resources and identify if
 5 additional resource surveys will be required. An example variance request form is
 6 included as Attachment A of this appendix.

7 The variance may be implemented in the field as soon as the approved variance is
 8 received by the Construction Contractor(s). The CIC is responsible for communicating
 9 with the Companies regarding variance status and the Companies is responsible for
 10 communicating with the Construction Contractor(s) prior to modifications being made on
 11 the ground.

12 **Tables 1 and 2** summarize the different variance levels, potential uses, and approvals
 13 required in order to obtain the Project variance.

14 **Table 1. Summary Of Variance Procedures on Private Lands**

Variance Level	Potential Use	Approval
Level 1	Minor field adjustments	CIC
Level 2	Modify POD ¹	CIC w/concurrence of BLM Project Manager (delegated authority by BLM/USFS Authorized Officer) ²

NOTE: ¹To include maps, tables or text adequate to describe variance.

²Related to compliance with NHPA and ESA and consistent with analysis in the EIS

15 **Table 2. Summary Of Variance Procedures on Non-Private Lands**

Variance Level	Potential Use	Approval
Level 1	Minor field adjustments	CIC
Level 2	Modify POD	CIC w/concurrence of BLM Project Manager (delegated authority by BLM/USFS Authorized Officer)
Level 3	Amend right-of-way grant/special use permit	BLM/USFS Authorized Officer

16
 17
 18 **4.2.1 Level 1 Variance – Variances Accomplished through Field Resolution**

19 A Level 1 variance is a minor field adjustment within the approved BLM right-of-way
 20 grant or USFS special-use permit that conforms to the POD. The CIC has been given
 21 authority by the BLM to approve these variances in the field in consultation with the
 22 Companies’ Environmental Compliance Manager. However, the desired adjustments or
 23 deviations would be documented in a variance request form for inclusion in the Project
 24 record. The CIC would inform the Companies’ environmental compliance manager and
 25 the BLM Project Manager of these minor changes by including them in that week’s
 26 progress report.

27 Examples of minor field adjustments include, but are not limited, to the following:

- 28 ▪ Relocation of erosion control devices (note this could also require a modification
 29 to the Stormwater Pollution Prevention Plan (SWPPP);
- 30 ▪ Locating temporary fences inside authorized work areas;

- 1 ▪ Permitting water bars to be extended, if applicable, off the area designated for
2 the transmission line, and into native vegetation “one dozer length” (this includes
3 providing permission for construction equipment to work outside designated work
4 areas);
- 5 ▪ Allowing rubber-tired vehicles to use additional designated access roads (in
6 addition to those approved in BLM/USFS approval documents) where
7 improvements to the road would not be necessary (Note: not intended for
8 authorizing additional haul roads for equipment and materials); and
- 9 ▪ Temporarily (for not more than seven days) placing parts or other assemblies
10 outside areas designated in the POD but within the authorized Project area. This
11 does not include any surface disturbance associated with temporary storage.

12 **Level 1 Variance Approval or Denial**

13 A CIC can approve or deny Level 1 variance requests in the field. In some cases the
14 CIC may consult with the BLM Project Manager. Level 1 variance requests may be
15 approved if the results of implementing the changes are not significant and will occur
16 within the granted right-of-way. If a Level 1 request is approved in the field by the CIC,
17 signatures on the variance request form (see Attachment A) also will be required from
18 the Companies’ Project Manager or delegate. A Level 1 variance request can be
19 implemented in the field as soon as it is approved and signed by the CIC. If a Level 1
20 variance request is approved in the field, follow up documentation will be provided by
21 the Construction Contractor(s) to the CIC and the Companies. The CIC will document
22 the approved variance in the daily reports.

23 If a Level 1 variance is denied, the CIC will inform the Companies’ Project Manager
24 within 24 hours. The Companies’ Project Manager may choose to resubmit the request
25 as a Level 2 variance, or to discontinue pursuit of the request.

26 **Level 1 Variance Distribution**

27 The CIC will give/send the approved Level 1 variance request to the Companies’ Project
28 Manager, who will then distribute the approved variance on the construction side of the
29 Project. The CIC will provide the BLM and/or USFS Project Manager and the
30 Companies with copies of approved Level 1 variances on a daily basis. The CIC will
31 generate a report at the end of each week identifying all Level 1 variances approved
32 during the previous week.

33 **4.2.2 Level 2 Variance – Variances Beyond Field Resolution, Not Requiring an** 34 **Amendment to the Right-of-way Grant or Special-use Permit**

35 Level 2 variances pertain to requests which exceed the field decision authority of the
36 CIC. Level 2 variances require approval by the BLM or USFS Project Manager
37 (delegated authority from the authorized officers), with concurrence of agency resource
38 specialists.

39 Project changes would affect an area outside of the granted work area, but within the
40 area previously surveyed and/or analyzed for cultural resources, Section 404 of the
41 Clean Water Act, paleontological resources, and biological resources. Such variance
42 requests typically require review of supplemental documents, correspondence, and

1 records to be provided with the request. Examples include, but are not limited, to the
2 following:

- 3 ▪ Shifting extra workspace outside the approved construction corridor a short
4 distance but within the area previously surveyed where overall disturbance type
5 and acreage remains approximately the same, and no additional cultural,
6 paleontological, biological resources, or invasive weed populations could be
7 affected;
- 8 ▪ Use of additional extra workspace outside of the previously approved work areas
9 (within or outside the Project or off-Project right-of-way);
- 10 ▪ Shifting temporary workspace to previously disturbed areas;
- 11 ▪ Moving proposed culvert location(s) to better accommodate natural drainages
12 (Note: may also require a modification to the SWPPP);
- 13 ▪ Providing extra work space for topsoil and spoil material storage to prevent
14 mixing of soils;
- 15 ▪ Moving a range fence a specified distance laterally and permanently installing it
16 to avoid proposed construction;
- 17 ▪ Modifying seed mixes specified in the POD, typically due to unavailability (this
18 may also require a modification to Appendix D – Framework Reclamation Plan;
19 and
- 20 ▪ Modification of an access road due to safety hazards.

21 Variance requests may also be submitted for minor changes that would extend beyond
22 the previously surveyed work area and corridor for sensitive resources. In these
23 situations, additional cultural, biological, and invasive weed surveys would be required.
24 Documentation of the surveys and other applicable correspondence would need to be
25 submitted with the variance request. If sensitive biological resources are encountered
26 during the additional surveys, documentation of consultation with applicable agencies
27 must be provided with the variance request. All BLM- and USFS-approved stipulations,
28 and if applicable, the Terms and Conditions of the U.S. Fish and Wildlife Service's
29 Biological Assessment/Opinion must be adhered to, for the variance to be approved.

30 Requests for exceptions from seasonal restrictions and closure areas will be submitted
31 as Level 2 variances to the appropriate land management agency office in which the
32 exception is requested. Exception will often require current biological surveys to
33 establish the basis for an exception. Factors considered in granting the exception
34 include animal conditions, climate and weather conditions, habitat conditions and
35 availability, spatial considerations (e.g., travel routes and landscape connectivity),
36 breeding activity levels, incubation or nestling stage, and timing, intensity, and duration
37 of the proposed activity. Variances will be submitted in writing no more than two weeks
38 prior to the proposed commencement of the construction activity, to ensure that
39 conditions during construction are consistent with those evaluated. The authorized
40 officer, or designated representative, on a case-by-case basis, may grant exceptions to
41 seasonal stipulations, and has the authority to cancel this exception at any time. A good
42 faith effort will be made to act on exceptions within 5 days of receiving a request to
43 allow for orderly construction mobilization. The CIC will conduct any required site visit

1 and report status to BLM for consideration of the decision to accept or deny the request.
2 Appendix I of the EIS lists land management plan seasonal stipulations that are
3 applicable to the extent such species are present.

4 To initiate a Level 2 variance request, the Companies' Project Manager will determine
5 the need for the variance. The request form, with attached supporting documents, will
6 be submitted by the Companies' Project Manager and discussed with the CIC. This
7 package will be submitted to the CIC for review. Following this review, the CIC will
8 submit the request form and attachments to the BLM and USFS Project Managers. The
9 BLM or USFS Project Manager, after consulting with the BLM and USFS Resource
10 specialists, will provide the Companies' Project Manager through the CIC written
11 approval or denial (including an explanation) of the request by using the spaces provide
12 on the form. The BLM and USFS Project Manager or BLM/USFS representative may
13 request additional information, or a modification of the request, before the variance can
14 be approved.

15 **Level 2 Variance Approval or Denial**

16 The BLM/or USFS Project Manager(s) will review the variance request form and any
17 attachments in consultation with the appropriate BLM and USFS Resource specialists. If
18 additional information or a modification to the request is required, the Companies'
19 Project Manager will submit the requested information within five business days. The
20 BLM and USFS Project Managers will provide the Companies' Project Manager written
21 approval of the request by using the space provided on the form within five business
22 days from receipt of a complete request.

23 If a Level 2 variance is denied, the BLM/USFS Project Manager will provide the
24 Companies' Project Manager a written denial (including an explanation) of the request
25 by using the spaces provided on the form within five business days from receipt of a
26 complete request. The Companies' Project Manager may choose to resubmit the
27 request as a Level 3 variance request, or to discontinue pursuit of the request.

28 **Level 2 Variance Distribution**

29 The CIC will give/send the approved Level 2 variance request to the Companies' Project
30 Manager, who will then distribute the variance on the construction side of the Project.
31 The CIC will provide the BLM/USFS Project Manager copies of approved Level 2
32 variances daily. The CIC will generate a report at the end of each week identifying all
33 Level 2 variances approved during the previous week.

34 **4.2.3 Level 3 Variance – Variances Requiring an Amendment to the Right-of-way 35 Grant or Special-use Permit**

36 The BLM Project Manager will assist the CIC and Companies' Environmental
37 Compliance Manager in determining whether a significant proposed change, outside the
38 approved BLM/USFS right-of-way Grant/Special Use Permit, will necessitate submittal
39 of an amendment, or whether the change can be handled with a Variance Request
40 Form.

41 Any proposed construction modification the BLM/USFS Project Manager and CIC have
42 determined to involve substantial deviations from the right-of-way grant will require a
43 grant amendment in accordance with 43 CFR 2807.20. A variance requiring an

1 amendment to the right-of-way grant or special-use permit requires completion of an
2 application on a Standard Form 299 and a decision by the BLM/USFS Authorized
3 Officer. The Companies' Project Manager will prepare the Standard Form 299 with
4 supporting documentation, including but not be limited to, a POD and map of the
5 variance area (1:24,000 scale), and will forward it to the appropriate BLM/USFS office.
6 The BLM/USFS will process the amendment application pursuant to 43 CFR 2800. The
7 BLM/USFS may request additional information, or a modification of the request, before
8 the amendment can be approved.

9 Grant/special-use amendments will be reviewed by BLM/USFS staff who will consult
10 with other federal, state, and local agencies as needed. Grant/special-use amendment
11 approvals or denials will come directly from the BLM or USFS. Approval of the
12 grant/special-use permit amendment also requires issuance of a NTP addressing the
13 amendment, if a NTP is a requirement of the original right-of-way grant or special-use
14 permit. Examples of grant amendment requests include:

- 15 ▪ Route realignments or facility relocations onto BLM/USFS land not analyzed in
16 the EIS and included in the right-of-way grant/special-use permit.
- 17 ▪ Expansion of the Project area defined in the right-of-way grant/special-use permit
18 and POD.
- 19 ▪ Requests affecting sites potentially eligible for the National Register of Historic
20 Places or involving state or federally protected species or their habitat.

21 **5.0 COMMUNICATIONS**

22 Communication between all parties will be critical to maintain environmental compliance
23 throughout the Project. Communication at the individual segment (spread) level and
24 Project-wide will help maintain a consistent understanding of the Project's
25 environmental requirements throughout construction. As specified in Appendix B1 –
26 Traffic and Transportation Management Plan of the POD, the Construction
27 Contractor(s), the CIC, and all Environmental Monitors will maintain a communications
28 network that consists of one or both of the following devices: two-way radios or cellular
29 phones. This will allow for immediate coordination between all parties, which will
30 facilitate resolution of any questions and/or monitoring requirements prior to
31 construction activities. Oral communication will not substitute for written approvals.

32 **5.1 Primary Inter-Party Communication Channels**

33 The following relationships are not intended to limit communication on the Project, but
34 demonstrate the primary channels of routine communication between parties for
35 compliance related issues.

- 36 ▪ **BLM/USFS Project Manager** – Companies' Project Manager and Environmental
37 Compliance Manager
- 38 ▪ **CIC** – Companies' Project Manager, Environmental Compliance Manager and
39 Construction Contractor's LEI
- 40 ▪ **Companies' Project Manager** – Construction Contractor's Project Manager,
41 CIC, and Companies' Environmental Compliance Manager

- 1 ▪ **Companies' Environmental Compliance Manager** – Construction Contractor's
- 2 LEI and the CIC
- 3 ▪ **Construction Contractor's Environmental Reporting Coordinator** – CIC or
- 4 designee and Construction Contractor's LEI
- 5 ▪ **Construction Contractor's LEI** – CIC, Companies' Environmental Compliance
- 6 Manager and Construction Contractor's Environmental Reporting Coordinator
- 7 ▪ **Construction Contractor's Project Manager** – Companies' Project Manager
- 8 and Construction Contractor's Superintendents

9 **5.2 Daily Communications**

10 The Construction Contractor(s) will schedule and host daily morning meetings to review
11 the location and extent of each day's construction activities. Discussion should highlight
12 safety and environmental issues, including a summary of activities that require
13 monitoring by Environmental Inspectors and coordination with the CIC. Evidence of
14 proper approvals must be furnished for any activities scheduled to occur outside
15 designated areas. Attendees should include the CIC (or designee); the Construction
16 Contractor's LEI, Construction Inspector, and Environmental Compliance Manager (or
17 designee); and the Construction Contractor's Superintendent(s) and Foreman(s).
18 Meeting topics should include:

- 19 ▪ Safety review
- 20 ▪ Planned work activities and locations for the day
- 21 ▪ Right-of-way and landowner restrictions
- 22 ▪ Available access roads
- 23 ▪ Reminders of environmental requirements specific to the day's construction
- 24 activities
- 25 ▪ A discussion of procedures required for work in proximity to sensitive resources
- 26 ▪ Upcoming, potential environmental issues.

27 In addition to the morning meeting, Superintendents, Foremen and Environmental
28 Inspector's should evaluate the need for and conduct "tailgate" meetings in the field to
29 address issues that come up during the day.

30 **6.0 TRAINING**

31 **6.1 Preconstruction**

32 All contractor construction personnel will receive environmental training prior to
33 commencing work on the Project. Training will emphasize compliance with all
34 environmental laws including the stipulations in the right-of-way grant/special-use permit
35 and POD. Project-specific requirements and local issues pertaining to variations on
36 different spreads will be addressed as necessary. Roles of Environmental Inspectors
37 and third-party CIC Field Monitors, civil survey flagging methodology, specific
38 landowner issues, biological and cultural mitigation plans, and approved areas of
39 disturbance will be some of the major topics covered in the training. The Construction
40 Contractor's Environmental Training Coordinator will maintain a master list of all Project

1 personnel that have completed the training and provide it immediately to the Companies
2 or CIC upon request. Hard hat stickers demonstrating attendance of the training will be
3 issued to attendees.

4 **6.2 During Construction**

5 All contractor personnel that arrive after construction has begun will attend new hire
6 environmental awareness and compliance training. The Construction Contractor's
7 Environmental Training Coordinator will be responsible for documenting all employees
8 that have attended the training by maintaining a master list and provide it immediately to
9 the Companies or CIC upon request.

10 Trainings will be held in the field as needed to address specific and immediate issues
11 that come up during the work day. These meetings will include Superintendents,
12 Foremen, operators and laborers, Construction Inspectors, and Environmental
13 Inspectors.

14 Remedial training will be given to individuals and crews who are involved in
15 noncompliant activities. These trainings will focus on the requirements pertaining to the
16 noncompliance as well as measures to follow to prevent further noncompliance
17 situations. These may be performed in the field or in a more formal setting to be
18 determined by the Construction Contractor's Environmental Training Coordinator and
19 the Construction Contractor's personnel.

20 Training for visitors will be held as the need arises and as appropriate for the type of
21 visit scheduled.

22 **7.0 REPORTING AND DOCUMENTATION**

23 There will be multiple forms and reports that are completed on a regular basis during
24 the course of construction. The reports and forms will include:

- 25 ▪ **Daily Inspection Reports.** Environmental Inspectors and CIC Monitors will fill
26 out daily reports to record site visits. The reports will document construction
27 activities observed with respect to environmental compliance. Environmental
28 Inspector reports will be submitted to the Companies and the CIC and will be
29 available to the BLM or USFS upon request. CIC Monitor reports will be
30 submitted to the Lead CIC. See Attachment A: Daily Inspection Report Form for
31 an example form.
- 32 ▪ **Weekly Compliance Reports.** The Construction Contractor's LEI will produce a
33 weekly report documenting the week's activities and compliance issues to be
34 submitted to the Companies and the CIC and will be available to the BLM or
35 USFS upon request. The CIC will submit a weekly compliance report to the BLM
36 and USFS to be delivered to a secured website.
- 37 ▪ **Variance Request Forms.** Variance requests will be produced by the
38 Construction Contractor(s), reviewed by the Companies, and submitted to the
39 CIC for review before submittal to BLM and USFS for approval. It is critical that
40 these forms include the proper accompanying documentation (photos, maps,
41 alignment sheet excerpts, drawings, etc.). The Construction Contractor's
42 Environmental Reporting Coordinator will track, distribute and archive all

1 approved and denied variances. See Attachment B: Variance Request Form for
2 an example form.

- 3 ■ **Problem Area Report Forms.** This section of the daily report will capture all
4 information pertaining to a problem area that was documented that day. Photo
5 documentation is required. A separate resolved problem area report may be
6 required if the problem area is not resolved on the same day.
- 7 ■ **Noncompliance Report Form.** This section of the daily report will capture all
8 information pertaining to a noncompliance that was documented that day. Photo
9 documentation is required. A separate resolved noncompliance report may be
10 required if the noncompliance is not resolved on the same day. See Attachment
11 C: Noncompliance Report Form.
- 12 ■ **Weekly Training Log.** The Environmental Trainer will submit a weekly training
13 log to the Construction Contractor's Environmental Training Coordinator and
14 Environmental Reporting Coordinator with the names and signatures of all
15 employees that went through environmental training that week.

16 Forms and reports should be submitted with digital photographs and additional
17 supporting documentation as necessary.

18 **8.0 PROJECT CLOSEOUT**

19 **8.1 Reclamation and Post Construction**

20 Upon notification of completion of work by the Companies and the Construction
21 Contractor(s), the CIC will coordinate with the BLM and USFS Project Managers and
22 resource staff to conduct final on-the-ground inspections. Inspections will take place
23 within 30 days to assure work was completed in accordance with the right-of-way
24 grant/special-use permit and the right-of-way reclamation activities as described in
25 Appendix E – Framework Reclamation Plan. The CIC will be retained until reclamation
26 and initial revegetation efforts are complete.

27 After reclamation is complete, the BLM and USFS will meet with the CIC to determine if
28 there is any further work required. Reclamation and post-construction monitoring
29 activities will be performed in accordance with Appendix E, the Framework Reclamation
30 Plan of the POD. At that time the BLM, USFS, and Companies will discuss the option of
31 retaining the third-party CIC for post-construction monitoring activities.

32 **8.2 End of Construction Project Report**

33 Within 60 days of construction completion, the CIC will submit a final summary report
34 (electronically in pdf format on two CDs; as well as two hardcopies for each BLM Field
35 Office and national forest) to document the number of special status animals or plants
36 taken, including the capture, displacement, mortality, injury and/or harassment by other
37 means, during Project activities. This report will include the amount of actual temporary
38 and permanent acreage disturbed compared with the original temporary and permanent
39 disturbance acreage (Final EIS/POD), an electronic and hard copy compilation of all
40 daily compliance reports (including digital pictures), variance requests (including
41 approval/denial), temporary suspensions, and WSOs (including documentation of
42 resolution). The Construction Contractor(s) will coordinate with the CIC to provide all

- 1 applicable documentation for inclusion in the End of Construction Project Report.
- 2 Completeness of the End of Construction Project Report will be verified by the CIC.

3 **8.3 Construction Closeout Meeting**

- 4 As required by the BLM and USFS, the CIC will coordinate a construction closeout
- 5 meeting with the BLM, USFS, Companies, Construction Contractor(s), other field
- 6 monitors and affected agencies to document all agency requirements have been met,
- 7 determine areas of improvement, and ensure all issues have been satisfactorily
- 8 resolved. This may include any noncompliance items that are in process.

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**ATTACHMENT A
DAILY INSPECTION REPORT FORM**

1 Pending - Attachment A – Daily Inspection report (Page 1 of 2)

1 Pending - Attachment A – Daily Inspection report (Page 2 of 2)

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**ATTACHMENT B
VARIANCE REQUEST FORM**

1 Pending - Attachment B – Variance Request Form (Page 1 of 2)

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1 Pending - Attachment B – Variance Request Form (Page 2 of 2)

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**ATTACHMENT C
NONCOMPLIANCE FORM**

1 Pending Attachment C – Noncompliance Form (Page 1 of 2)

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1 Pending - Attachment C – Noncompliance Form (Page 2 of 2)

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