Appendix A5
Environmental Compliance Management Plan

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Acronyms and Abbreviations

BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CIC	Compliance Inspection Contractor
ECMP	Environmental Compliance and Monitoring Plan
EIS	Environmental Impact Statement
ESA	Endangered Species Act
IPC	Idaho Power Company
LEI	Lead Environmental Inspector
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
ODOE	Oregon Department of Energy
PDF	Portable Document Format
POD	Plan of Development
ROD	Record of Decision
ROW	Right-of-way
SF	Standard Form
USFS	United States Forest Service
WSO	Work stoppage order

APPENDIX A5 – ENVIRONMENTAL COMPLIANCE MANAGEMENT PLAN

A5.1 Introduction

The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) and other agencies who adopt the Plan of Development (POD), will be responsible for enforcement of the terms and conditions of the right-of-way grant and USFS's special-use authorization on their respective authorization on federal lands. As the lead federal agency, the BLM will engage a third-party Compliance Inspection Contractor (CIC) paid for by Idaho Power Company (IPC) to act on behalf of the BLM and USFS, (and other federal agencies as appropriate) and report directly to the agencies.

On federal lands, the CIC will inspect and monitor preconstruction and construction activities, as well as enforce the terms and conditions of the BLM's right-of-way grant and the USFS's special-use authorization. On non-federal lands, the CIC will inspect and monitor preconstruction and construction activities, document disturbance of the entire Boardman to Hemingway Transmission Line Project (Project) on all lands analyzed in the Environmental Impact Statement (EIS) and enforce requirements related to BLM and Forest Service responsibilities under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). The CIC will monitor construction on all lands to determine compliance with the mitigation measures described in the POD and in instances where the land owner on private lands requires a change to the mitigation treatment prescribed, it will be documented such through a Level 1 variance for the Project records, so BLM can ensure that the analysis disclosed in the Final EIS is not exceeded.

In addition, the Project will require adherence to any federal, state, and local permits, as well as private landowner agreements (if applicable), that include conditions to construct. The responsibility of compliance monitoring and enforcement of non-federal conditions will be determined between IPC and the landowner and the CIC will be informed.

Because of the Project's potential to impact sensitive environmental resources, environmental protection measures will be developed to minimize potential impacts on these resources. The environmental protection measures will be included in the final POD.

A5.2 Environmental Compliance Management Plan Elements and Authority

This Environmental Compliance Management 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 documenting all of mitigation described in the Final EIS 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
- Comprehensive inspection and monitoring program
- Corrective procedures in the event of non-compliance
- Standard protocol for variance requests, exceptions, and other deviations
- Communication plan
- Reporting process
- Comprehensive Project-specific environmental compliance training program

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

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

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

A third-party CIC approved by the BLM/USFS will be used to act on the BLM and USFS's behalf to ensure adequate oversight during the preconstruction, construction, and post-construction phases. The CIC will be brought on early enough to allow for an adequate amount of time for the CIC to review documents and develop on-the-ground familiarity with the Project. The CIC will be authorized to enforce the POD on BLM- and USFS-administered lands and will document the change in mitigation treatment on private land (through a level 1 variance). The CIC will also ensure BLM and USFS responsibilities under the NHPA and ESA are met on non-federal lands and disturbance on non-federal lands is consistent with the analysis in the EIS.

Environmental Inspectors will be retained by IPC. The Environmental Inspectors' primary focus will be to ensure that all construction activities are performed in accordance with the environmental commitments set forth in the POD, all Project-specific permitting documents, and any individual agreements. All Environmental Inspectors will have appropriate certifications and training for the resources for which they will be inspecting. The CIC will oversee construction on all jurisdictions regardless of ownership.

The BLM, through the CIC and IPC will provide direct oversight of the Construction Contractor's environmental compliance performance. However, any specific work direction to the Construction Contractor will only come from IPC. Additional information about the Construction Contractor's role in this ECMP is explained in Section 5.3 below.

A5.3 Roles and Responsibilities

The following section describes the roles and responsibilities of the primary entities involved with the Project, as well as describing their reporting relationships and roles in executing the ECMP (Figure A5-1 – ECMP Organization Chart). If other parties become engaged in this ECMP as additional participants, they will be responsible to function and abide by the protocols, terms, and conditions outlined in this ECMP and their reporting relationships will be case-specific according to their jurisdiction, expertise, and/or nature of their input. The roles identified below, as well as the corresponding responsibilities, are intended to be representative and not an exhaustive listing of either roles or subsequent responsibilities for those roles.

This section briefly discusses the variance process. However, a more detailed variance discussion is located in Section 5.4.2 – Variance Procedures (Unforeseen Circumstances).

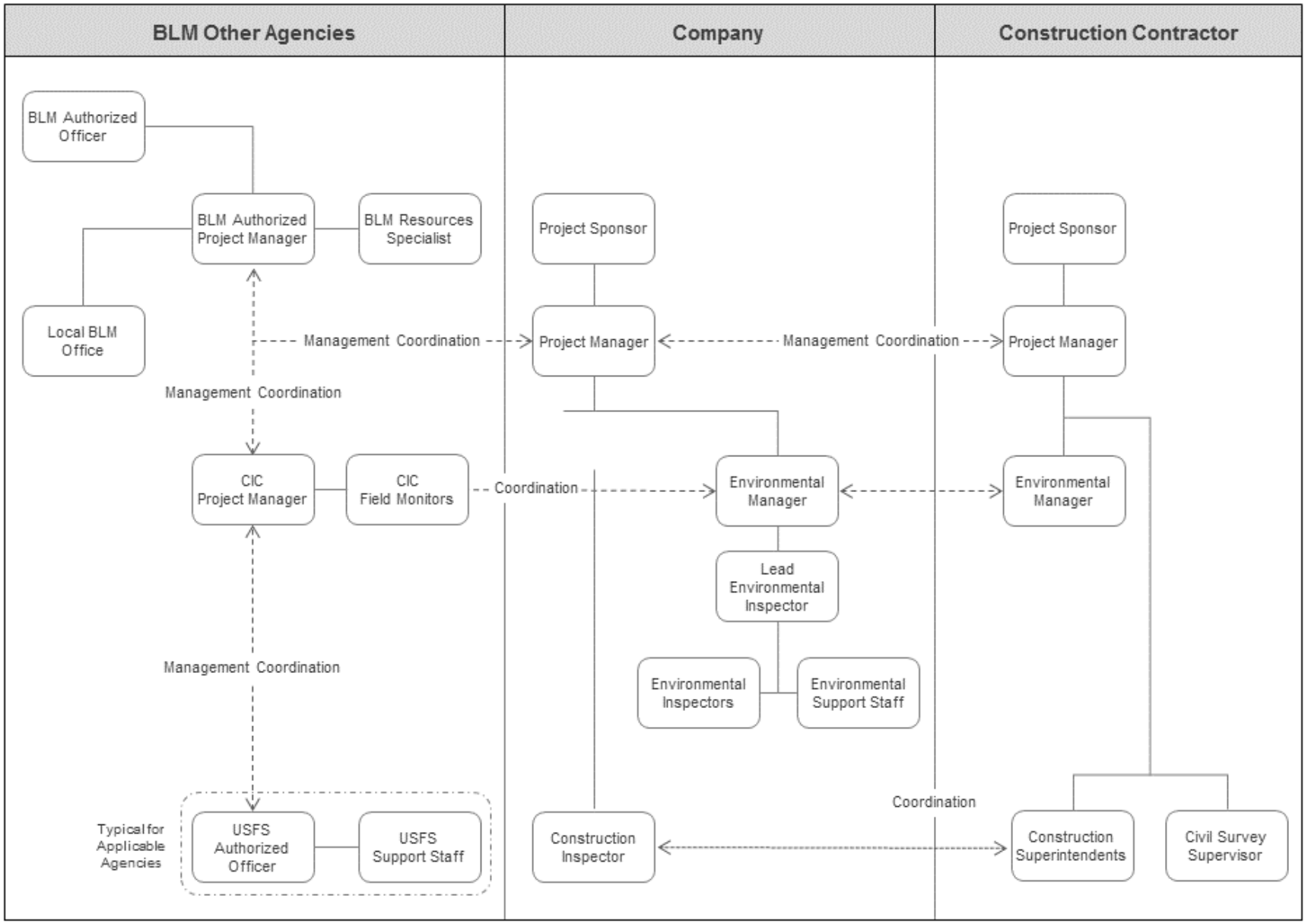

Figure A5-1. ECMP Organization Chart

A5.3.1 Idaho Power Company

IPC will act as holder of all BLM right-of-way (ROW) grants, USFS special use authorization, and public and private easements. As such, IPC is ultimately accountable for adherence to the environmental permit requirements specified in the terms of its agreements and is responsible for ensuring that environmental impacts do not exceed those analyzed in the Final EIS and approved in the POD. To facilitate this goal, IPC will maintain regular and consistent communication with the BLM, USFS, the Project manager largely through the CIC, the Construction Contractor, and any other pertinent Project entities prior to, during, and following construction.

A5.3.1.1 IPC's Project Sponsor

- Responsible for Project delivery. Ensures effective coordination occurs between IPC's Project Manager and Environmental Manager with the BLM's Project Manager and CIC and the Construction Contractor's Project Manager.
- Informs the Construction Contractor they are contractually bound to comply with all of the Project's environmental requirements including the implementation of the ECMP.

A5.3.1.2 IPC's Project Manager

- Responsible for all aspects of Project execution and completion.
- Enforces Construction Contractor compliance with all environmental laws and regulations, including all Project-specific permitting documents and landowner agreements, during the construction of the Project.
- Manages IPC's Construction Inspector and Environmental Manager.

Reporting

- Reviews and evaluates weekly reports.
- Reports environmental compliance violations to IPC's Project Sponsor as needed.

Variances

- Reviews and approves Construction Contractor's written variance requests for submittal to the CIC.

A5.3.1.3 IPC's Environmental Compliance Manager

- Facilitates oversight and coordination of Construction Contractor's compliance with all environmental laws and regulations, including all Project-specific permitting documents and landowner agreements, during the construction of the Project.
- Coordinates with IPC's Project Manager and Construction Inspector (see Section 5.3.1.4 – IPC's Construction Inspector), the Construction Contractor's environmental inspection/compliance personnel (see Section 5.3.3.3 – Construction Contractor's Environmental Manager), and the CIC (see Section 5.3.3.2 – Construction Contractor's Project Manager) on a regular basis to evaluate environmental compliance with the Project.
- Monitors completion of all preconstruction and post-construction commitments.
- Serves as the primary IPC's contact regarding environmental issues.
- Communicates environmental compliance issues to the CIC and tracks resolution of issues to completion.
- Maintains coordination with IPC's environmental department throughout the life of the Project.
- Maintains oversight of the construction Environmental Inspector.

Reporting

- Provides environmental updates to IPC's Project Manager.
- Reviews all Construction Contractor derived environmental documentation including, but not limited to, site specific environmental plans, environmental plans, variance requests, daily reports, and weekly reports.
- Understands the Project's environmental requirements and ensures environmental impacts do not exceed those analyzed in the Final EIS and approved POD.

Variances

- Provides review and comments of written variance requests from the Construction Contractor.
- Submits completed variances to IPC's Project Manager for review, approval, and submission to the CIC.

A5.3.1.4 IPC's Construction Inspector

- Observes, witnesses, and monitors the construction activities of the Construction Contractor for compliance to the engineering contract documents, plans, standards, and specifications, to ensure construction quality.
- Understands the Project's environmental requirements and ensures environmental impacts do not exceed those analyzed in the Final EIS and approved POD.
- Coordinates with IPC's Environmental Manager regarding specific work activities scheduled to occur in sensitive resource areas that may require additional environmental oversight.
- Provides technical explanations of construction processes to IPC's Environmental Compliance Manager as needed.
- Attends environmental training class.

Reporting

- Reviews for accuracy and adequacy of all environmental compliance documents prepared by the Construction Contractor that could include, but are not limited to, Spill Prevention, Control and Countermeasures Plan, Stormwater Pollution Prevention Plan(s), and emergency communications contact list.

A5.3.1.5 IPC's Lead Environmental Inspector

- Regularly inspects or coordinates the inspection of all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.
- Has the authority to stop work when construction activities violate environmental laws and regulations or Project-specific permitting documents.
- Coordinates identification of sensitive resources and areas of concern prior to upcoming construction activities and coordinates appropriate measures with construction personnel accordingly.
- Supervises environmental crew in daily installation and maintenance of erosion control devices/measures and all other design features of the Project for environmental protection.
- Ensures all areas of the ROW are in compliance with all environmental requirements/ permits held by the Construction Contractor(s).

- Identifies, documents, coordinates, and oversees corrective actions to resolve non-compliance issues.
- Manages Environmental Inspectors.
- Acts as a resource and technical lead to Environmental Inspectors and construction personnel.
- Coordinates daily with Environmental Inspectors to discuss upcoming construction activities, potential problem areas, and areas of concern.
- Coordinates with Environmental Inspectors and construction personnel to provide information and facilitate regular communication among all parties.
- Serves as the primary point of contact for the third-party CIC IPC Environmental Field Monitors.
- Develops post-construction reclamation monitoring in coordination with the CIC, BLM, and USFS as described in the Final Reclamation Plan in the POD, and as directed by the BLM and/or IPC.
- Develops training program to facilitate compliance with all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record
- Provides CIC and IPC's Environmental Manager with a course outline and all training material at least 30 days prior to any training for approval.
- Maintains records of training for all construction personnel and submits to IPC on a weekly basis.

Reporting

- Receives and reviews daily reports from Construction Contractor internal environmental inspectors and ensures completeness and accuracy and communicates action items or follow-up items to appropriate parties.
- Compiles daily reports into weekly summary report.
- Maintains centralized storage of daily/weekly Environmental Inspection reports and provides reports weekly to the CIC.
- Submits weekly summary documenting construction activities and compliance issues to the appropriate parties.

Variances

- Communicates variance status to Environmental Inspectors and construction personnel.

A5.3.1.6 IPC Environmental Inspectors

- Conducts inspection of construction activities for compliance with all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.
- Conducts and documents daily inspections of construction activities.
- Ensures any Project disturbance is approved to proceed.
- Identifies sensitive resources and areas of concern prior to upcoming construction activities and coordinates with construction personnel and CIC to discuss.

- Acts as a resource to construction personnel to explain environmental regulations and how they are applied in the field.
- Verifies construction work areas, access roads, and features such as wetlands or sensitive habitat are properly marked and flagged before work is done in the area.
- Maintains copies of the right-of-way grant/special-use authorization and POD and possesses a copy while on the right-of-way.
- Installs and inspects erosion control devices/measures to ensure functionality and communicates erosion control devices/measures maintenance needs to the Environmental Crew Foreman.
- Follows up on the repair and maintenance of erosion control devices/measures.
- Has the authority to stop work when construction activities violate environmental laws and regulations or Project-specific permitting documents.
- Inspects and documents reclamation and re-vegetation activities.

Reporting

- Submits daily reports to the Lead Environmental Inspector (LEI) that document construction activities and associated compliance status for that day (see Attachment A – Daily Inspection Report Form).
- Documents the resolution of any compliance issues in daily reports.

A5.3.2 BLM and USFS

The objective of the BLM and USFS is to ensure ROW grant and special-use authorization compliance during construction, operation, and maintenance phases of the Project. The CIC will represent the BLM and USFS during the preconstruction, construction, and post-construction (including reclamation) phases to ensure ROW grant compliance and ensure environmental impacts do not exceed those analyzed in the EIS and approved in the POD.[1]

The CIC assists the BLM and USFS by providing regular and consistent field observations, documenting their findings, processing and facilitating variance requests, approving Level 1 Variance requests and/or other deviations for which authority has been delegated to the CIC, and working with IPC and Construction Contractor to identify compliance issues and to maintain compliance during the Project.

The CIC shall work under the direct supervision and control of the BLM and USFS. No direction shall be taken from IPC or Construction Contractor. However, it is understood the CIC and IPC will work together to support the Project's timely and effective construction.

The CIC has the authority to issue an immediate temporary suspension or work stoppage order (WSO) if a specific work activity or activities are in violation. However, all efforts shall be made to coordinate closely with IPC and Construction Contractor to report and document compliance concerns, providing an opportunity to resolve the concerns. Every effort shall be made to limit any work stoppage to situations involving immediate threats to sensitive resources, or emergency situations. The CIC is not, at any time or way, otherwise authorized to direct work undertaken by the Construction Contractor, with the exception of a WSO. If any additional environmental compliance oversight representative is required by agencies other than the BLM and USFS, their responsibilities will be consistent with those outlined for the BLM

[1] This ECMP describes the roles and responsibilities of the BLM. The USFS and other federal permitting agencies such as Bureau of Reclamation and U.S. Department of the Navy (Navy) may choose to adopt this POD and use the same environmental compliance management approach as described in this section or may choose to proceed independently of the BLM.

and USFS and the CIC as described in this ECMP, although their authority and enforcement will be solely applicable in their respective agency's area of jurisdiction.

A5.3.2.1 BLM and USFS Authorized Officer

- Authority and decision maker for issues pertaining to the BLM ROW grant or USFS special-use permit.
- Supervises BLM Project Manager to verify environmental compliance meets the requirements of all applicable laws, permits, and agreements.
- Determines, in coordination with others, if any environmental non-compliance events, for which IPC is accountable, qualify as violations to the terms and conditions of the ROW grant or special-use authorization or exceeding the analysis of the Final EIS or the terms and conditions of this POD.
- In accordance with 43 Code of Federal Regulations (CFR) 2807, suspends or terminates the ROW grant if IPC and/or its Construction Contractor do not comply with applicable laws and regulations or any terms, conditions, or stipulations.
- Issues BLM/USFS decisions unless delegated to the BLM Project Manager (Level 1 and 2 Variances) and to the CIC (Level 1 variances).

A5.3.2.2 BLM and USFS Project Manager

- Enforces IPC's compliance with all environmental laws and regulations, including all Project-specific permitting documents and landowner agreements, during construction of the Project.
- Responsible for ensuring that environmental impacts do not exceed those analyzed in the EIS and ROD and POD.
- Manages third-party CIC.
- Coordinates with BLM or USFS resource specialists for their technical expertise and input.
- Informs IPC of any ROW grant or special-use authorization violations due to environmental non-compliance and ensures any non-compliance is rectified.
- Informs IPC of exceedances of the analysis in Final EIS and the need for additional National Environmental Policy Act (NEPA) analysis.
- Reports major environmental compliance violations to BLM/USFS Authorized Officer.

Reporting

- Responsible to ensure that the Project Decision File is maintained accurately.

Variances

- If delegated by the BLM or USFS Authorized Officer authorizes approval of Level 2 Variances.

A5.3.2.3 Compliance Inspection Contractor

- Represents the BLM/USFS and the Oregon Department of Energy (ODOE) in the field for compliance activities.
- Verifies and reports Construction Contractor's compliance with all environmental requirements and tracks all reported noncompliance events and their resolution.
- Tracks all Project construction disturbance for inclusion in an End of Construction Project Report (Section 5.8.2).
- Reports directly to the BLM Project Manager and ODOE (or designees).

- Remains assigned to the Project through completion of reclamation and initial revegetation or termination of the Project unless otherwise directed by BLM.
- Reviews and understands the right-of-way grant/special-use authorization, Final EIS, Record of Decision, POD, and all other Project-specific environmental documents including the Energy Facility Siting Council Site Certificate.
- Maintains copies of the right-of-way grant/special-use authorization and POD and possesses a copy while on the right-of-way.
- Verifies construction occurs as outlined in the POD, Final EIS, Record of Decision, and right-of-way grant/special-use authorization and within the limits of disturbances analyzed in the EIS and the Energy Facility Siting Council Site Certificate.
- Performs compliance monitoring work in the field and from the CIC's office. At a minimum, CIC or designated monitors are required to be on the right-of-way when activities involving the use of construction equipment have the potential for significant surface disturbance or harm to sensitive resources. Exceptions can be made should the CIC, using professional judgment, determine that reductions in presence will not adversely impact compliance oversight (e.g., when Project phases have approached conclusion; when on-site activities are minimal).
- Responsible to gather the collective understanding of the intent and desired results of application of site specific mitigation measures and convey findings to all parties, if needed. If discrepancies are found between parties, CIC is responsible to collaborate with IPC and Construction Contractor to work towards a resolution. In some cases, approval from the BLM/USFS and ODOE Project Managers may also be required.
- Coordinates regular compliance monitoring during construction.
- Discusses any potential compliance issues with the IPC's environmental inspection staff as soon as possible.
- Provides recommendations to the BLM/USFS and ODOE Project Managers on ways to resolve or prevent noncompliance issues prior to the commencement of work.
- Manages and supports CIC Field Monitors and coordinates their daily activities.
- At a minimum, meets weekly with the BLM/USFS and ODOE Project Managers (or designees), in person or by telephone, to review construction activities and the status of compliance utilizing appropriate technology to display on the ground conditions/activities.
- Communicates and coordinates regularly with IPC's Project Manager and Environmental Compliance Manager.
- Coordinates variance requests with the BLM/USFS and ODOE Project Managers and IPC's Project Manager and Environmental Compliance Manager.
- Participates in meetings with the BLM/USFS and ODOE Project Managers and IPC's Project Manager.
- Conducts the final route review and develops final report documenting the status of the right-of-way on all jurisdictions and the final amount of construction disturbance on all jurisdictions.
- Performs activities as instructed by BLM/USFS and ODOE Project Managers.
- Responsible for tracking actual acres of disturbance through completion of construction and final reclamation and documenting variance for the Decision File.
- Performs post-construction reclamation monitoring as described in the Final Reclamation Plan in the POD on all jurisdictions (potentially conducted by a separate third-party contractor as determined by the BLM/USFS and IPC).

Reporting

- Documents all instances of noncompliance, or other problems that will reasonably be expected to result in environmental impacts for the entire Project. This may include, staking, flagging, or photographing problem areas, verifying locations with a global positioning system, and comparing them to the right-of-way grant/special-use authorization and POD maps as specified in the Compliance Plan or easements that deviate from application of the standard mitigation prescribed in this POD.
- Provides weekly summary reports of compliance inspection on all jurisdictions to the BLM/USFS, ODOE, and IPC via a secure, but mutually exclusive, website, with reporting due by Tuesday of the following week. In the event the CIC, BLM, or USFS temporarily cannot obtain reports through the secure website, reports will be transmitted by mail, e-mail, fax, or compact disk. Weekly reports shall summarize the prior week's activities and include a brief description of construction activities, compliance issues, any additional acreage disturbed resulting from variances and corrective actions taken and any foreseeable issues.
- Reviews CIC Field Monitor's daily reports for completeness and accuracy.
- Participates in all preconstruction meetings, safety meetings, safety training, environmental training, and other meetings called by the BLM or USFS, ODOE, IPC, or Construction Contractor(s) which involve environmental compliance aspects of the Project. The CIC is responsible for preparing meeting notes that highlight all decisions made during these meetings.
- Provides post-construction reclamation monitoring reports to the BLM/USFS, ODOE, and IPC throughout the post-construction period (potentially conducted by a separate third-party contractor as determined by the BLM/USFS and IPC) for all jurisdictions.

Variances

- Coordinates with BLM and USFS Project Managers and Construction Contractor to review and approve variance Type 1 requests.
- Authorizes approval or denial of Level 1 variances.

A5.3.2.4 Compliance Inspection Contractor Environmental Field Monitors

- Assists CIC in conducting monitoring of construction activities as needed for pertinent Project environmental resources.
- Represents the BLM in the field for compliance activities.
- Verifies construction occurs as outlined in the POD, Final EIS, ROD, and/or ROW grant and special-use authorization, if applicable. Tracks all Project construction disturbances for inclusion in an End of Construction Project Report.
- Maintains copies of the right-of-way grant/special-use authorization and POD and possesses a copy while on the right-of-way.
- Conducts daily compliance inspection activities and develop daily reports.
- Coordinates with the Construction Contractor's LEI as their primary point of contact.
- Discusses any potential compliance issues with the Construction Contractor's environmental inspection staff as soon as possible.
- Coordinates solutions for corrective action on non-compliance activities.
- Verifies corrective action is performed for non-compliance activities.
- May temporarily stop activities likely to damage protected or sensitive resources, where sensitive resources are intended to be avoided or protected, and for non-compliance.

- Attends safety and environmental coordination meetings to understand planned construction activities and any safety or environmental concerns.
- Performs the same duties as the CIC in the event that the CIC is not available.

Reporting

- Submit daily reports to the CIC Project Manager to document compliance or non-compliance with the Project's environmental requirements.

A5.3.3 Construction Contractor(s)

The Construction Contractor will be contractually bound to comply with all laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.

A5.3.3.1 Construction Contractor's Project Sponsor

- Responsible for Project completion in accordance with all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.
- Manages Construction Contractor Project Manager to ensure adequate responses to any environmental issues.
- Ensures effective coordination between Construction Contractor's Project Manager and/or LEI with IPC's Project Manager and Environmental manager, and the BLM Project Manager and/or CIC.

A5.3.3.2 Construction Contractor's Project Manager

- Required to have the POD and all permitting documents in the field.
- Responsible for all aspects of Project execution and completion.
- Requires all Construction Contractor and subcontractor staff adhere to compliance with all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.
- Coordinates with Construction Contractor Superintendent(s), as well as IPC's Project Manager and Environmental Manager, on a regular basis to stay updated regarding the Project's compliance with environmental laws and regulations.
- Manages Construction Contractor's senior level personnel.
- Requires all Superintendents and Foremen follow directions of the Construction Contractor's environmental compliance staff regarding maintaining compliance with all environmental laws and regulations and terms and conditions of the Final EIS, ROD(s), POD and land use authorizations.
- Ensures Superintendents and Foremen implement measures identified to resolve non-compliance issues in a timely manner.
- Develops and distributes weekly schedules of construction activities to the CIC.

- Immediately informs IPC's Environmental Manager and BLM's/USFS's CIC of any non-compliance. Responsible for resolving non-compliance situations.
- Responsible to develop a document control system to manage distribution of all documents and revisions.

Reporting

- Responsible for making sure IPC and CIC are provided with reports in a timely fashion.

Variances

- Reviews and approves written variance requests for submittal to IPC and CIC for BLM, USFS.
- Can delegate authority to submit written variance request to others.

A5.3.3.3 Construction Contractor's Environmental Manager

- Assists in tracking Project compliance with all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record
- Coordinates with internal Construction Contractor personnel, IPC's staff, CIC, and other field inspection personnel on a regular basis to manage and track Project activities and ensure consistent communications Project-wide.
- Determines the need for variances and works with internal Construction Contractor personnel to develop a formal request to the CIC.
- Receives and reviews daily environmental compliance inspection reports from internal Construction Contractor environmental personnel.

Reporting

- Responsible for tracking and coordinating environmental compliance on all lands and on issue areas and non-compliance reports and ensuring follow-up and resolution reports are filed.

Variances

- Tracks variances and communicates variance status with Construction Contractor's Project Manager and Superintendent(s).
- Coordinates processing and archiving of variances.
- Ensures completion of any required field surveys (biology, archaeology, etc.) and technical reports to support variances prior to any construction activity in that area.
- Ensures variance requests are complete and accurate prior to submitting to the CIC for BLM/USFS.

A5.3.3.4 Construction Contractor's Superintendent(s)

- Manages construction activities.
- Requires all personnel follow direction provided by IPC's environmental staff regarding maintaining compliance with all environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record.

- Coordinates with the LEI, and IPC's Environmental Manager and Environmental Inspectors, to ensure all construction personnel for which they are responsible abide by all applicable laws, permits, and agreements.
- Conducts regular meetings and training with construction personnel to review safety and environmental compliance practices.
- Ensures measures identified to resolve non-compliance issues are communicated to construction personnel and implemented in a timely manner.
- Immediately informs Construction Contractor's Project Manager of any non-compliance.
- Evaluates all compliance issues and ensures all employees involved with any construction activities complete the environmental training program.

Variances

- Provides data and/or supports development of written variance requests for submittal to IPC and CIC for BLM/USFS.

A5.3.3.5 Construction Contractor's Civil Survey Supervisor

- Sets initial and maintains ROW and easement boundary stakes and flagging with agreed-on Project flagging scheme.
- Delegates survey crews when necessary to work with Environmental Inspectors to adjust work areas to comply with environmental constraints.
- Communicates with IPC's Construction Inspector and Environmental Manager and CIC regarding changes to ROW boundaries.

Reports and Variances

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

A5.4 Procedures

A5.4.1 Compliance Levels

Each separate activity that is inspected and documented in a daily report will be assigned a compliance level as defined below. The IPC's Environmental Inspectors will assess potential non-compliant activities based on the extent and nature of actual impacts on a resource, the potential for additional impacts on a resource, the intent behind the action, and the history of the occurrence.

A5.4.1.1 Acceptable

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

A5.4.1.2 Problem Area

A problem area is a location or activity that does not meet the definition of acceptable but is not non-compliant (see Section 5.4.1.3 – Non-Compliance).

If a problem area is corrected in a timely manner, it will not be considered a non-compliance. The IPC's Environmental Inspectors will document problem areas and their resolutions in daily reports. Problem areas documented by the CIC Environmental Field Monitors will be reported and discussed with the Construction Contractor's Environmental Inspectors. If the problem area is not corrected in the agreed-on timeframe, resource damage occurs, or similar activities re-occur, a non-compliance report may be issued by the CIC.

A5.4.1.3 Non-compliance

A non-compliance report will be prepared and issued by the CIC when construction activities violate the environmental laws and regulations, including all Project-specific permitting documents including the Final EIS, ROD(s), POD, use authorizations and landowner agreements throughout all phases of the Project and on all land ownerships unless a Level 1 variance is provided noting the change required by the landowner and that is provided to the CIC for the Decision Record. A draft Non-Compliance Report Form is included as Attachment C – Non-Compliance Report Form.

If the CIC or CIC Environmental Field Monitor observes a non-compliant activity, IPC's Environmental Manager and the Construction Contractor's Environmental Manager and LEI will be notified immediately to discuss the situation prior to issuing a non-compliance report. If a non-compliance report is issued, it will include the name(s) of the Construction Contractor personnel contacted and the time of the notification. In addition, a follow-up report will be filed documenting the resolution of the non-compliance. If the Construction Contractor's Project Manager is not immediately available or the severity of the situation requires immediate action, the CIC or CIC Environmental Field Monitor will contact the Construction Contractor's Project Manager.

If the IPC's Environmental Inspectors observe a non-compliance, a Superintendent or Foreman will be notified on-site immediately. The non-compliance will be resolved immediately or within an agreed-on timeframe that has been established by the Environmental Inspector and the Superintendent or Foreman and CIC. The Construction Contractor's Lead Environmental Inspector will also notify the CIC Environmental Field Monitor and document the non-compliance in a daily report. The CIC will submit all non-compliance reports to the BLM Project Manager, IPC and Construction Contractor. IPC's Environmental Inspectors, IPC's Environmental Manager, and the CIC will work together to establish the appropriate corrective actions and timeframes for the resolution of a non-compliance. The Construction Contractor's LEI will be responsible for communicating the corrective actions to the on-site Superintendent or Foreman. The CIC will submit all reports documenting a non-compliance resolution to the BLM Project Manager, IPC, and the Construction Contractor.

A5.4.1.4 Response to Noncompliant Activities

If the resolution of a non-compliance is not achieved through the process described above the following responses may be implemented:

Temporary Suspension

For incidents of non-compliance by IPC or the Construction Contractor that remain unresolved after the notifications described under Section 5.4.1.3 – Non-Compliance, the CIC or BLM/USFS Project Manager may issue a temporary suspension to halt specific activities or all activities in a localized work area. The temporary suspension shall be issued orally and in writing to IPC's Project Manager, and IPC shall immediately provide notice of the temporary suspension to the Construction Contractor's Project Manager.

Work Stoppage Order

If necessary, a WSO to temporarily suspend all activities in a localized work area or all construction activities across the Project may be issued orally or in writing by the CIC or BLM to IPC's Project Manager. A WSO would be appropriate in the event of serious non-compliance that could reasonably be expected to result in a risk of death or harm to a person, serious environmental damage, or several violations of environmental requirements that have a detrimental effect to sensitive resources.

A conference call will be held with the CIC and BLM, IPC, and the Construction Contractor within 24 hours to discuss the WSO incident and to schedule a face-to-face meeting, if necessary. The face-to-face meeting will be held with all pertinent parties to discuss the WSO resolution within 24 hours of the initial conference call (excluding weekends and federal holidays).

After conclusion of the conference call, or meeting if necessary, IPC and Construction Contractor will resolve the issue(s) identified by the CIC or BLM. Once the issue(s) has been resolved and documented, IPC will provide a request in writing, to the BLM to resume construction activities within the non-compliance area. No construction activities shall be undertaken (except emergency or safety-related) until approval is provided by the CIC or BLM in writing. The BLM shall review and respond to IPC request to resume construction activities within 24 hours after receipt. The BLM response shall either approve the request or provide additional criteria that must be met prior to resuming construction activities. Any additional criteria must not be arbitrary and cite applicable law(s), agreement (s), and/or permit requirements and compliance with the Final EIS, ROD(s), POD and land use authorizations.

Grant Suspension or Termination

In accordance with 43 CFR 2807.17(a), the BLM may suspend or terminate the ROW grant if IPC and/or its Construction Contractor does not comply with applicable laws and regulations or any terms, conditions, or stipulations of the grant which include the ROD and POD. Prior to suspension or termination, IPC will be notified in writing and allowed a reasonable opportunity to correct any non-compliance pursuant to 43 CFR 2807.18(a), and, if applicable, provided a hearing pursuant to 43 CFR 2807.18(b).

A5.4.2 Variance Procedures (Unforeseen Circumstances)

It is understood by the BLM and IPC 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 ROW grant and special-use authorization, if applicable, and not analyzed in the EIS 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 to stay in compliance on all jurisdictions.

Where the Project changes occur on private lands, the BLM will review all variance requests to ensure compliance with the EIS analysis, NHPA, and ESA (Table A5-1 – Summary of Variance Procedures on Private Lands, at the end of this section). In addition, written approval of the Project change must be obtained from the affected landowner and provided to IPC, who will provide it to the CIC for inclusion in the Project record and End of Construction Project Report (see Section 5.8.2 – End of Construction Project Report).

Variance requests will be generated by the Construction Contractor and provided in writing to IPC, who will then review the request. IPC will evaluate the variance request and, if deemed appropriate by IPC, submit the variance request and supporting documentation to the CIC to be processed according to the process outlined herein.

The CIC is responsible for providing the variance request, supporting documentation, and an on-the-ground perspective of the requested variance to the BLM. The CIC is given authority by the BLM to approve a Level 1 variance request in the field (see Section 5.4.2.1 – Level 1 Variance – Variances Accomplished through Field Resolution). If a Level 1 variance request is approved in the field, follow-up documentation will be provided by the Construction Contractor to the CIC and IPC.

The authority to approve or deny Level 3 variances requests (Section 5.4.2.3 – Level 3 Variance – Variances Requiring an Amendment to the ROW Grant) is provided solely to the appropriate BLM Authorized Officer. The variance request process, as shown in Figure A5-2 – Draft Variance Request Process and described below, will be implemented.

A variance request form will be developed by the Construction Contractor, reviewed and approved by IPC and the CIC, and then reviewed and approved by the BLM prior to the start of construction. The

variance request form will describe the variance request in detail, provide justification and documentation for the variance (including maps and photos), and calculate the proposed permanent or temporary acreage affected relative to the original disturbance acreage analyzed in the EIS and disclose the new acreage of disturbance and difference in acreage. It will also describe any potentially impacted resources and identify if additional resource surveys (cultural/biological/paleontological) will be required. A draft variance request form is included as Attachment B – Variance Request Form.

The variance request may be implemented in the field as soon as the approved variance is received by the Construction Contractor. That Notice must be provided to the CIC when work will occur. The CIC is responsible for communicating with IPC regarding variance request status, and IPC is responsible for communicating with the Construction Contractor prior to modifications being made on the ground.

Table A5-1 – Summary of Variance Procedures on Private Lands and Table A5-2 – Summary of Variance Procedures on Non-Private Lands summarize the different variance levels, potential uses, and approvals required in order to obtain Project variances.

Table A5-1
Summary of Variance Procedures on Private Lands

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

NOTE: [1]Related to compliance with NHPA and ESA and consistent with analysis in the EIS

Table A5-2
Summary of Variance Procedures on Non-Private Lands

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

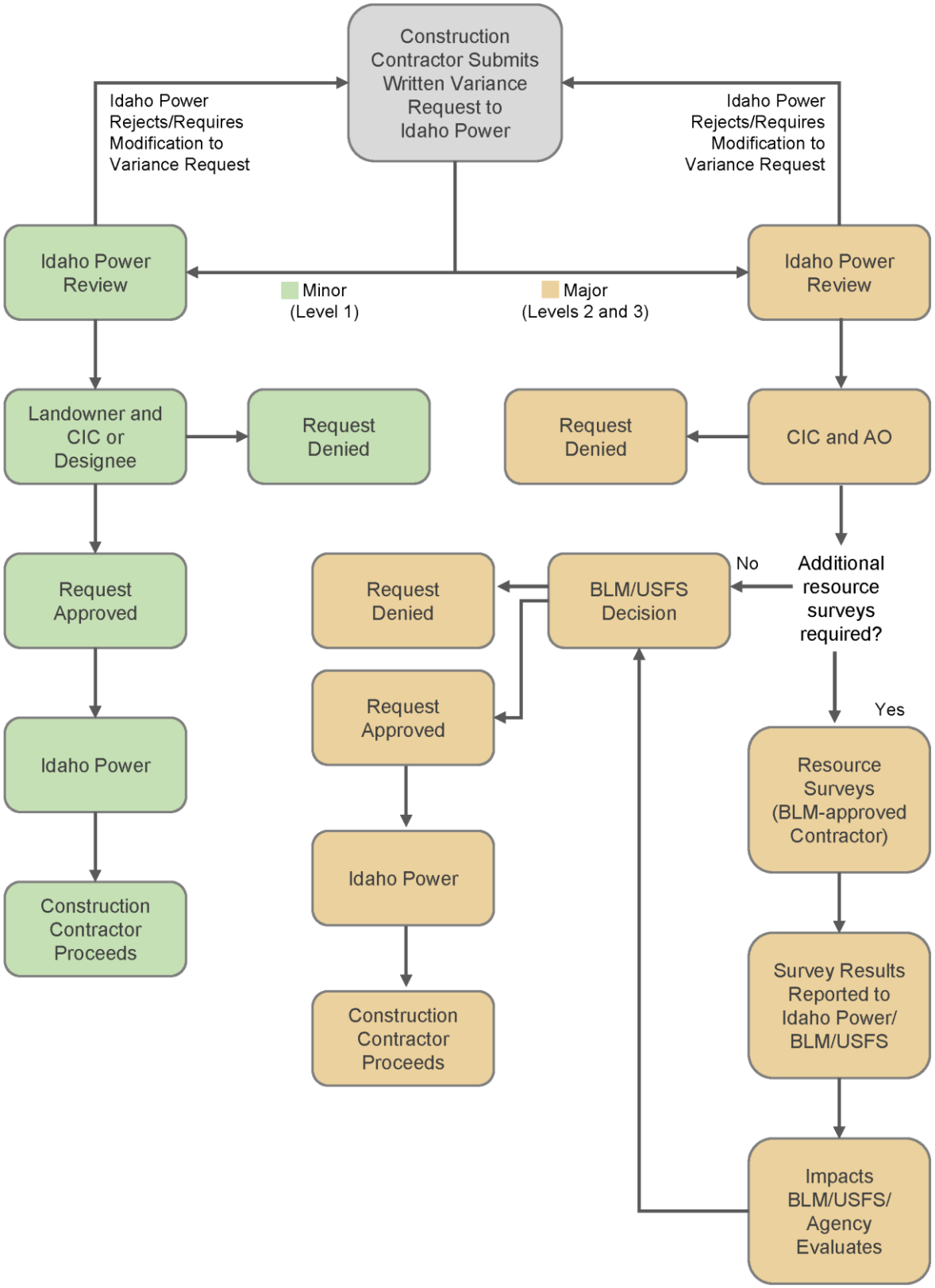

Figure A5-2. Draft Variance Request Process

A5.4.2.1 Level 1 Variance – Variances Accomplished through Field Resolution

A Level 1 variance is a minor field adjustment within the approved BLM right-of-way grant or USFS special-use authorization. A level 1 variance must meet all of the following criteria.

- The area of activity or change lies within the approved ROW area, including temporary use areas.
- The area of activity or change was previously identified and analyzed in the EIS.
- The area of activity or change does not result in an increase in disturbed area relative to the EIS.
- The variance request creates equal to or less impact on resource values than the original location and activity.

A Level 1 variance request will be initiated by the Construction Contractor and submitted to IPC for review, in the form of a variance request form. The variance request form will include all attached supporting documentation. Upon IPC's review and approval, IPC's Environmental Manager will submit the variance request package to the CIC for their review.

Level 1 Variance Approval or Denial

A CIC can approve or deny Level 1 variance requests in the field. In some cases, the CIC may consult with the BLM. Level 1 variance requests may be approved if the results of implementing the changes are not significant and will occur within the granted ROW and meet all criteria in A5.4.2.1. A Level 1 variance request can be implemented in the field as soon as it is approved and signed by the CIC. In some cases, a verbal approval can be given, and followed up with a written, signed variance document. The CIC will document the approved variance in their daily reports.

If a Level 1 variance is denied, the CIC will inform IPC's Project Manager within 24 hours. IPC's Project Manager may choose to resubmit the request as a Level 2 variance, or to discontinue pursuit of the request.

Level 1 Variance Distribution

The CIC will send the approved Level 1 variance request to IPC and the Construction Contractor. The CIC will generate a report at the end of each week identifying all Level 1 variance requests approved during the previous week.

A5.4.2.2 Level 2 Variance – Variances Beyond Field Resolution, Not Requiring an Amendment to the ROW

Level 2 variances pertain to requests that exceed the field decision authority of the CIC. Level 2 variances require approval by the BLM and may require BLM resource staff review and approval of additional biological or cultural surveys or field examinations.

Level 2 variance requests generally involve Project changes that would affect an area outside of the approved work area, but within the area previously surveyed for resources and/or analyzed within the EIS. Such variance requests typically require review of supplemental documents, correspondence, and records to be provided with the request.

Level 2 variance requests may also be submitted for minor changes that would extend beyond the previously surveyed work area and corridor for sensitive resources. In these situations, additional surveys would be required. Documentation of the surveys and other applicable correspondence would need to be submitted with the variance request. If sensitive biological resources are encountered during the additional surveys, documentation of consultation with applicable agencies must be provided with the variance request. All BLM-approved stipulations, and if applicable, the Terms and Conditions of the U.S. Fish and Wildlife Service's Biological Opinion, must be adhered to for the variance to be approved. Additionally, cultural clearance surveys will need to be reviewed and approved.

A Level 2 variance request will be initiated by the Construction Contractor and submitted to IPC for review. The variance request form will include all attached supporting documentation. After IPC's review and approval, IPC's Environmental Manager will submit the variance request package to the CIC for review. Following review, the CIC will submit the request form and attachments to the BLM for review/approval/decision.

Exceptions

Requests to the CIC as per process described above for an exception from a seasonal restriction area will be submitted as a Level 2 variance request to the appropriate land-management agency. The Construction Contractor will follow the limited operating periods enforced by the BLM and described in Appendix H – Plant and Wildlife Conservation Measures unless an exception is granted through the variance process.

Exception requests on all lands will proceed as follows. The BLM, the CIC, or a contractor approved by IPC and approved by the BLM will conduct the appropriate surveys and coordinate with any other agencies as necessary. A variance request with the survey results incorporated will be submitted in writing no more than 2 weeks prior to the proposed commencement of the construction activity, to ensure that conditions during construction are consistent with those evaluated.

The authorized officer, or designated representative, on a case-by-case basis, may grant exceptions to seasonal stipulations, and has the authority to cancel this exception at any time. Factors considered in granting the exception include animal conditions, climate and weather conditions, habitat conditions and availability, spatial considerations (e.g., travel routes and landscape connectivity), breeding activity levels, incubation or nestling stage, and timing, intensity, and duration of the proposed action.

A good faith effort will be made to act on exceptions within 5 business days of receiving a request to allow for orderly construction mobilization. The CIC will conduct any required site visit and report status to BLM for consideration of the decision to accept or deny the request.

Level 2 Variance Approval or Denial

The BLM, after consulting with BLM resource staff as necessary, will provide IPC, through the CIC, written approval or denial of the variance request.

The BLM may request additional information, or a modification of the variance request, before the variance request can be approved. If a Level 2 variance request is denied, the BLM, through the CIC, will provide IPC a written denial, including a justification.

The BLM will make a good faith effort to act on Level 2 variance requests within 5 business days from receipt of a complete variance request (this schedule requires a complete Variance package including all appropriate surveys with the variance request).

IPC or Construction Contractor may choose to re-submit a denied variance request as a Level 3 variance request.

Level 2 Variance Distribution

The CIC will send the approved Level 2 variance request to IPC and the Construction Contractor. The CIC will generate a report at the end of each week identifying all Level 2 variance requests approved during the previous week.

A5.4.2.3 Level 3 Variance – Variances Requiring an Amendment to the ROW (and/or additional NEPA required)

The BLM will assist the CIC and IPC in determining whether a significant proposed change, typically a change outside of the approved BLM ROW grant or exceeding Final EIS, will necessitate submittal of a

ROW grant amendment and additional NEPA, or whether the change can be handled with a Level 2 variance request.

Any proposed construction modification the BLM and CIC have determined to involve substantial deviations from the ROW grant and Final EIS analysis will require a grant amendment in accordance with 43 CFR 2807.20. A change requiring an amendment to the ROW grant requires completion of an application on a Standard Form (SF) 299 and a decision by the BLM Authorized Officer. IPC will prepare the SF-299 with supporting documentation including, but not limited to, a POD and map of the variance area (1:24,000 scale), and will provide to the appropriate BLM office. The BLM will process the amendment application pursuant to 43 CFR 2800. The BLM may request additional information, or a modification, before the amendment can be approved.

The ROW grant amendment will be reviewed by BLM staff, who may consult with other federal, state, and local agencies, as needed. The ROW grant amendment approval or denial will come directly from the BLM. Approval of the ROW grant amendment also could require issuance of a Notice to Proceed allowing the implementation of the ROW grant amendment.

A5.5 Communications

Communication between all parties will be critical to maintain environmental compliance throughout the Project. Communication will help maintain a consistent understanding of the Project's environmental requirements throughout construction. As specified in Appendix A2 –Traffic and Transportation Management Plan of the POD, the Construction Contractor, the CIC, and all Environmental Monitors will maintain a communications network that consists of one or both of the following devices: two-way radios or cellular phones. This will allow for real-time coordination between all parties, which will facilitate resolution of any questions and/or monitoring requirements prior to construction activities. Oral communication will not substitute for written approvals.

A5.5.1 Primary Inter-Party Communication Channels

The primary inter-party communication channels are identified in Figure A5-1 – ECMP Organization Chart. The ECMP Organization Chart is not intended to limit communication on the Project, but demonstrate the primary channels of routine communication between parties for compliance-related issues.

A5.5.2 Daily Communications

The Construction Contractor will conduct daily morning meetings to review the location and extent of each day's construction activities. Discussion should highlight safety and environmental issues, including a summary of activities that require monitoring by Environmental Inspectors and coordination with the CIC. Evidence of proper approvals must be furnished for any activities scheduled to occur outside designated areas. Attendees should include the CIC; the Construction Contractor's LEI, IPC's Environmental Inspectors, Superintendent(s), and Foreman(s); and IPC's Construction Inspector.

A5.6 Training

A5.6.1 Preconstruction

All personnel, regardless of affiliation, will receive environmental training prior to accessing the Project ROW. Training will emphasize compliance with all environmental laws and regulations, including all Project-specific permitting documents. Roles and responsibilities of all pertinent parties, flagging methodology, specific landowner issues, biological and cultural resources, and disturbance limits will be

some of the major topics covered in the training. The environmental training will be developed by the Construction Contractor and reviewed and approved by IPC and the CIC/BLM.

The Construction Contractor will maintain a master list of all Project personnel who have completed the training and provide it as part of weekly reporting to IPC or CIC. Hard hat stickers demonstrating attendance of the training will be issued to attendees.

A5.6.2 During Construction

All contractor personnel who arrive after construction has begun will attend environmental training.

Remedial training will be given to individuals and crews who are involved in non-compliant activities. These trainings will focus on the requirements pertaining to the non-compliance as well as measures to follow to prevent further non-compliance situations. These may be performed in the field or in a more formal setting to be determined by the Construction Contractor and CIC.

Training for visitors will be held as the need arises.

A5.7 Reporting and Documentation

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

- **Daily Inspection Reports.** Environmental Inspectors and CIC Monitors will fill out daily reports to record site visits (Attachment A). The reports will document construction activities observed with respect to environmental compliance. The daily reports will also include a section to address problem areas and non-compliance issues, in which photo documentation will be required. A separate resolved non-compliance report may be required if the non-compliance is not resolved on the same day (Attachment C).

  Environmental Inspector reports will be submitted to IPC and the CIC and will be available to the BLM on request. CIC Monitor reports will be submitted to the BLM.

- **Weekly Reports.** The Construction Contractor will produce a weekly report documenting the week's activities and compliance issues to be submitted to IPC and the CIC. The CIC will submit a weekly compliance report to the BLM and IPC to be delivered to secure but mutually exclusive websites.
- **Variance Request Forms.** Variance requests will be produced by the Construction Contractor, reviewed by IPC, and submitted to the CIC for review to ensure complete variance packages before submittal to BLM for approval (Attachment B). The Construction Contractor will track, distribute, and archive all approved and denied variances. Section 5.4.2 – Variance Procedures (Unforeseen Circumstances) provides more detailed information.
- **Weekly Training Log.** The Construction Contractor will maintain a master list of all Project personnel who have completed the training and provide it as part of weekly reporting to IPC or CIC.

Forms and reports should be submitted with appropriate supporting documentation, as necessary.

A5.8 Project Closeout

A5.8.1 Reclamation and Post Construction

On notification of completion of work by IPC and the Construction Contractor, the CIC will coordinate with the BLM and appropriate resource staff to conduct final on-the-ground inspections. Inspections will

take place within 30 days to assure work was completed in accordance with the ROW grant and the ROW reclamation activities as described in the Final Reclamation Plan. The CIC will be retained until reclamation and initial re-vegetation efforts are complete.

After construction reclamation activities are complete, the BLM will meet with the CIC to determine if there is any further work required. If no further work is required, the post-construction reclamation monitoring period will begin, as described in the Final Reclamation Plan. IPC will retain the third-party CIC for post-construction reclamation monitoring activities described in the Final Reclamation Plan on another agency approved contractor for long term monitoring.

A5.8.2 End of Construction Project Report

Within 60 days of construction completion, the CIC will submit an End of Construction Project Report (electronically in Portable Document Format (PDF) on two CDs; as well as two hardcopies for each BLM Field Office) to document all environmental occurrences during the construction of the Project. The End of Construction Project Report will include the amount of actual temporary and permanent acreage disturbed compared with the original temporary and permanent disturbance acreage analyzed in the EIS and found in the POD. The End of Construction Project Report will also include electronic and hardcopy compilation of all daily compliance reports (including digital pictures), variance requests, temporary suspensions, and WSOs (including documentation of resolution).

The Construction Contractor will coordinate with the CIC to provide all applicable documentation for inclusion in the End of Construction Project Report. Completeness of the End of Construction Project Report will be verified by the CIC.

A5.8.3 Construction Closeout Meeting

As required by the BLM, the CIC will coordinate a construction closeout meeting with the BLM, IPC, Construction Contractor, and any other pertinent parties to document all agency requirements have been met, determine areas of improvement, and ensure all issues have been satisfactorily resolved.

Attachment A
Daily Inspection Report Form

(To be Included in final POD)

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Attachment B
Variance Request Form

(To be Included in final POD)

Attachment C
Non-compliance Form

(To be included in final POD)

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