

# Chokecherry and Sierra Madre Wind Energy Project

## Environmental and Construction Compliance Monitoring Plan

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Attachment B	Monitoring Report Form
Attachment C	BLM Authorized Officer Weekly Report
Attachment D	Certification of Completion of Worker Environmental Awareness Program
Attachment E	Variance Request Form

**ACRONYMS AND ABBREVIATIONS**

AO	Authorized Officer (BLM)
BLM	Bureau of Land Management
BO	Biological Opinion
CCSM	Chokecherry and Sierra Madre
CM	Compliance Manager (PCW)
ECCMP	Environmental and Construction Compliance Monitoring Plan
ECM	Environmental Compliance Monitor
EIS	Environmental Impact Statement
MW	Megawatts
NEPA	National Environmental Policy Act
PCW	Power Company of Wyoming LLC
PM	Project Manager
POD	Plan of Development
RFO	Rawlins Field Office
ROD	Record of Decision
SPCC	Spill Prevention Control and Countermeasures Plan
SWPPP	Stormwater Pollution Prevention Plan
TOTCO	The Overland Trail Cattle Company LLC
USFWS	United States Fish and Wildlife Service
EAP	Worker Environmental Awareness Program

## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

Power Company of Wyoming LLC (PCW) proposes to construct, operate, maintain and decommission the Chokecherry and Sierra Madre Wind Energy Project (CCSM Project) to. The CCSM Project consists of up to 1,000 wind turbines capable of generating approximately 2,000 to 3,000 megawatts (MW) of clean, renewable wind energy. The CCSM Project has a proposed life of 30 years after which, subject to market conditions, the CCSM Project may be repowered as necessary to continue its operations. The primary components of the CCSM Project include the wind turbine generators, an internal road network, a rail facility, a quarry, an internal electrical collection and transmission system, substations, and operations and maintenance buildings.

The CCSM Project is located south of the city of Rawlins, primarily within the bounds of the Overland Trail Ranch (Ranch). The Ranch is owned and operated by PCW affiliate, The Overland Trail Cattle Company LLC (TOTCO). The Ranch is situated within an area of alternating sections of private and federal lands commonly referred to as the “checkerboard.” The vast majority of the private lands are owned by TOTCO, and the federal lands are administered by the BLM Rawlins Field Office (RFO). A small percentage of the land within the Ranch is owned by the State of Wyoming and is administered by the State Board of Land Commissioners. Finally, Anadarko Land Corporation owns some sections located on the periphery of the northwest boundary of the Ranch.

In 2008, PCW applied to BLM for ROW grants to construct, operate, maintain, and decommission the CCSM Project on federal lands within the CCSM Project Area. On June 29, 2012, the Notice of Availability for the Final Environmental Impact Statement (EIS) concerning the CCSM Project was published in the Federal Register (77 FR 63328). On October 9, 2012 the Secretary of the Interior signed the Record of Decision (ROD). In the ROD, BLM determined that over 200,000 acres within the CCSM Project Area are suitable for wind energy development subject to the requirements described under the Selected Alternative in the ROD.

Prior to issuing right-of-way grants for the CCSM Project, BLM will conduct subsequent environmental analysis of site-specific plans of development submitted by PCW. The site-specific plans of development will be screened against the analysis conducted in the EIS and the requirements described under the Selected Alternative in the ROD.

### **1.2 PURPOSE**

The BLM requires holders of ROW grants to prepare and fund an environmental and construction compliance monitoring program to ensure compliance with the BLM terms, conditions, and stipulations in the ROW grants, the Plan of Development, and required mitigation as provided for in the ROD. The ROD requires PCW to develop an Environmental and Construction Compliance Monitoring Plan (ECCMP) for the CCSM Project. The purpose of this ECCMP is to establish a program to address the requirements found in the ROD, including Appendix C “*Project Permitting and BLM Tiering Procedures*” and Appendix D “*Summary of BLM Environmental Constraints, Applicant Committed Measures, Applicant Committed Best Management Practices, and Proposed Mitigation Measures.*”

To implement the ECCMP, PCW will establish an ECCMP Team consisting of BLM, PCW and contractor representatives, as described in Section 3. The ECCMP Team will be responsible for ensuring compliance with the conditions and requirements of the CCSM Project environmental permits and approvals, including implementation of this ECCMP and communication and coordination with the appropriate regulatory agencies. The ECCMP Team will also be responsible for the recordkeeping and reporting required by the CCSM Project permits and approvals and will update the environmental documents and plans as needed.

This ECCMP includes the following:

- Description of the responsibilities of the ECCMP Team including the Environmental Compliance Monitor hired to report findings to the BLM;
- Outline of the level of effort anticipated from the ECCMP Team in implementing this ECCMP;
- Definition of the decision-making authority of the ECCMP Team;
- Description of the ECCMP Team’s participation in PCW’s Environmental Awareness Program (EAP); and
- Discussion of the CCSM Project monitoring, reporting, and documentation requirements, stop work authority, and the variance process.

This ECCMP is intended to be adaptive. With concurrence from the BLM Authorized Officer, PCW may modify this plan as needed to address changing conditions and requirements.

## **2.0 OBJECTIVES OF THE ENVIRONMENTAL AND CONSTRUCTION COMPLIANCE MONITORING PROGRAM**

For projects on federal lands, BLM is responsible for insuring compliance with NEPA and the terms and conditions of the ROW grant (which includes the site-specific plans of developments; other federal, state, and local permits; and Project construction drawings and staking plans). The environmental requirements to be monitored for the CCSM Project include measures that either: (1) apply to federal lands or (2) result from federal oversight of a program or resource (e.g. National Historic Preservation Act and Endangered Species Act). These requirements include the environmental provisions of the following, as applicable:

- ROD and ROW grants;
- Final approved site-specific plans of development;
- U.S. Fish and Wildlife Service’s (USFWS) Biological Opinion (BO) or letter of concurrence for listed endangered or threatened federal species or their habitat;
- Approved treatment plan(s) for the treatment and protection of cultural resources;
- Approved environmental compliance and management plans, including the final versions of the Stormwater Pollution Prevention Plan (SWPPP) and the Spill Prevention Control and Countermeasure (SPCC) Plan; and
- Permits and approvals from other authorizing federal, state or local environmental agencies.

A list of the major permits, approvals, and authorizations necessary to construct, operate, maintain, and decommission the CCSM Project is provided in Table 1-2 of the EIS.

The objective of this ECCMP is to provide direction to the ECCMP Team regarding environmental compliance, including compliance inspections and evaluating and documenting compliance with the CCSM Project environmental measures and conditions during Project construction. The roles and responsibilities of the ECCMP Team are set forth in Section 3.

The objectives of the ECCMP Team are to:

- Facilitate the timely resolution of compliance issues;
- Provide information to the BLM and other agencies and parties, as authorized, regarding compliance issues and their resolution;
- Review, process, and track construction-related changes to the CCSM Project POD, site specific plan of development and environmental plans; and
- Develop and implement a system for storing the information collected during implementation of the ECCMP that allows for easy retrieval of information.

This ECCMP focuses on the construction of the CCSM Project; prior to commencement of commercial operation, a separate environmental compliance monitoring plan will be issued by PCW to address the operation and maintenance of the CCSM Project. Construction activities not related to environmental compliance are not considered part of this plan. Examples include but are not limited to, items such as structural design, material inspection or quality control requirements, schedule, and pricing.

### **3.0 ENVIRONMENTAL COMPLIANCE MONITORING AND MANAGEMENT**

#### **3.1 CONSTRUCTION PLAN**

In the event PCW receives the necessary ROW grants and all other applicable federal, state and local permits and approvals, PCW plans to develop the CCSM Project in two phases. Phase I requires the installation of a nameplate capacity of at least 1,500 MW of wind energy generation facilities (approximately 500 turbines). Construction of Phase I of the CCSM Project (CCSM Phase I) is scheduled to begin in the second half of 2015. Completion of construction and commencement of commercial operation of Phase I is scheduled for 2019. Construction of Phase II of the CCSM Project (CCSM Phase II), consisting of development of the remainder of the CCSM Project, is anticipated to follow completion of Phase I.

Prior to issuing ROW grants, BLM will conduct subsequent environmental analysis of site-specific plans of development submitted by PCW. PCW anticipates submitting five (5) site-specific plans of development to BLM, consisting of the following:

1. Phase I Haul Road and Facilities
2. West Sinclair Rail Facility
3. Road Rock Quarry
4. Phase I Wind Development
5. Phase II Wind Development (including Phase II Haul Road and Facilities)

Each site-specific plan of development will contain engineering and natural resource data describing site-specific conditions and activities in the detail necessary to allow BLM to evaluate and analyze site-

specific impacts. Appropriate avoidance, minimization, and mitigation measures will be applied consistent with the ROD and ROW grants.

### **3.2 COMPLIANCE MONITORING AND MANAGEMENT**

To implement the ECCMP, PCW will establish an ECCMP Team consisting of BLM, PCW and contractor representatives. The ECCMP Team will be responsible for ensuring compliance with the conditions and requirements of the CCSM Project environmental permits and approvals, including implementation of this ECCMP and communication and coordination with the appropriate regulatory agencies.

The BLM representatives on the ECCMP Team are as follows:

BLM Authorized Officer (AO): The BLM official with the administrative authority for issuance of ROW grants and authority for accepting and approving CCSM Project changes. The BLM AO may approve Level 1, Level 2 and Level 3 variances.

BLM Project Manager: The BLM staff level position designated by the AO as the point of contact for compliance issues. The BLM Project Manager may approve Level 1 and Level 2 variances.

Environmental Compliance Monitor (ECM): The third-party contractor team, consisting of a manager and a full-time field monitor, under the direct supervision and control of the BLM (funded by PCW during construction of the CCSM Project). The ECM will provide weekly reports directly to the BLM and will be authorized to address proposed/needed deviations from ROW grant stipulations and the approved site-specific plan of development associated with the ROW grant for minor variances (Level 1 variances) after consulting with the BLM Project Manager to expedite construction while protecting resource values. The ECM will consult with the BLM Project Manager, or his/her designated representative, to determine if a variance will require amendment to the site-specific plans of development or the BLM ROW grant.

The PCW representatives on the ECCMP Team are as follows:

PCW Project Manager: The person designated by PCW as responsible for all construction related activities at the CCSM Project Site. The PCW Project Manager will be the senior PCW official on-site who is authorized to represent PCW. The PCW Project Manager will be responsible for coordination and communication between PCW, contractors, BLM, landowners and agency personnel regarding environmental compliance for the CCSM Project. The PCW Project Manager will oversee implementation of the ECCMP. The PCW Project Manager will be authorized to prepare and submit Level 1, Level 2 and Level 3 Variance Requests.

Construction Contractor Project Manager (Contractor PM): The senior on-site manager for the lead construction contractor for the CCSM Project. The Contractor PM will communicate and coordinate with PCW, BLM, landowners and agency personnel regarding environmental compliance for the CCSM Project, as directed by the PCW Project Manager.

PCW Compliance Manager (CM): The on-site manager designated by PCW as responsible for routine environmental compliance inspections and monitoring. The CM will communicate

regularly with the PCW Project Manager to ensure compliance with the CCSM Project environmental requirements. The CM will be authorized to prepare and submit Level 1 and Level 2 variance requests to BLM. The Environmental Compliance Inspectors will report directly to the CM.

In addition to communicating with the PCW Project Manager and managing Level 1 and Level 2 variances, the CM responsibilities include:

- Conferring with the BLM Project Manager and the ECM on a regular basis;
- Communicating with Inspectors regularly to obtain/verify environmental guidance and evaluate implementation of environmental requirements;
- Supervising monitoring activities, documentation, and schedules;
- Reviewing daily reports submitted by the Inspectors;
- Preparing and submitting weekly reports to the ECM;
- Ensuring that all reported noncompliance is tracked for resolution by PCW;
- Implementing the environmental training program; and
- Interacting with regulatory agencies as directed by the PCW Project Manager.

Environmental Compliance Inspectors (Inspectors): On-site personnel under the direction of the CM responsible for implementing the compliance program pursuant to this ECCMP. The number of Inspectors may vary during construction of the CCSM Project depending upon the types and levels of activity occurring but will be sufficient to ensure that this EECMP is implemented. Construction activities, especially those in environmentally sensitive areas, will be regularly inspected to ensure protection of resources in accordance with the environmental requirements. Inspectors may include the following disciplines, as appropriate to the work activity and location:

- *Biological Resources*. The biological resource inspector will monitor construction activities in areas that have been identified as having sensitive biological resources, including known locations of threatened, endangered, or sensitive species and/or habitat. Monitoring will occur as defined in the Wildlife Monitoring and Protection Plan, Appendix G of the ROD. The CM will coordinate with the biological resource inspector to ensure that appropriate monitoring is maintained as needed throughout the CCSM Project.
- *Cultural Resources*. In the event of a discovery of cultural resources or as set forth in approved treatment plans, the cultural resource inspector will be assigned to implement the provisions of the CCSM Project Programmatic Agreement, as applicable. The CM will coordinate with the cultural resource inspector during construction to ensure compliance with all cultural resource stipulations set out in the ROW grant (including the site-specific plans of development and appendices).
- *Paleontological Resource Inspectors*. If any vertebrate fossils or scientifically important fossils are discovered during construction activities, PCW will cease activities immediately and notify the BLM Project Manager so the agency can determine the significance of the discovery. The BLM will evaluate the discovery and notify PCW what action will be taken with respect to such discoveries. It may be necessary for a paleontological resource inspector to monitor construction activities in areas surrounding significant fossil discoveries within the CCSM Project Site.

Upon mutual agreement of the AO and the PCW Project Manager, the ECCMP Team may be expanded to include any other federal, state or local agency representative that has regulatory responsibility or has issued permits for the CCSM Project. Should additional agency representatives be added to the ECCMP Team, their roles and responsibilities under this ECCMP will be defined and agreed upon by the AO and the PCW Project Manager.

### **3.3 COMPLIANCE MONITORING TEAM**

The Compliance Monitoring Team is responsible for carrying out the day to day environmental compliance monitoring and reporting activities on the CCSM Project Site. The Compliance Monitoring Team for the CCSM Project consists of a subset of the ECCMP Team. The members of the Compliance Monitoring Team include the following:

- Environmental Compliance Monitor (ECM)
- PCW Compliance Manager (CM)
- Environmental Inspectors

Copies of the CCSM Project environmental conditions and requirements addressed under this ECCMP will be provided to each member of the Compliance Monitoring Team. The Compliance Monitoring Team is required to be familiar with this ECCMP, the roles and responsibilities of each ECCMP Team member, applicable CCSM Project environmental conditions and requirements, and the CCSM Project chain of command during construction. The Compliance Monitoring Team representatives will participate in pre-construction and site coordination meetings, as well as the EAP. Compliance Monitoring Team members will receive additional training as determined necessary by the CM in consultation with the BLM Project Manager.

Each member of the Compliance Monitoring Team will successfully complete and remain current on relevant health and safety training required to work on the CCSM Project Site and will comply with the PCW safety rules and programs. As with all other workforce members, a Compliance Monitoring Team member may be removed from his or her position for violation of PCW safety rules in accordance with PCW's established policy.

### **3.4 CCSM PROJECT ACCESS**

Subject to the requirements of the site health and safety plan, the Compliance Monitoring Team shall have access to all CCSM Project work areas to inspect construction activities in accordance with the terms and conditions of the ROD, ROW grant(s), and any other applicable permits. Access to work areas will not be unreasonably withheld provided that the members of the Compliance Monitoring Team have received all required safety training necessary to enter the work area.

## **4.0 REPORTING AND DOCUMENTATION**

The Compliance Monitoring Team will use a database and reporting system that is posted on a non-public, secure website (refer to Section 4.3, Non-Public CCSM Project Website) to create a readily accessible record of construction progress and environmental compliance for the CCSM Project, including photographic documentation used to evaluate compliance. The database and reporting system will be available to BLM and other approved jurisdictional agencies as agreed to by the AO and PCW Project Manager. Each weekly and monthly report, including all compliance levels and

photographic documentation from inspection logs, will be readily available on the database and reporting system.

#### **4.1 MONITORING REPORTS AND WEEKLY UPDATES**

Each Compliance Monitoring Team member will compile his/her activity logs and documentation a weekly into monitoring reports on the forms provided in Attachments A and B. A weekly CCSM Project update will be compiled by the ECM for the CCSM Project by aggregating the monitoring reports from the Compliance Monitoring Team. The weekly CCSM Project update will: (1) document the construction progress as a percent complete or other identifying method as agreed to by the AO; (2) document the presence of sensitive species or habitat and culturally sensitive sites; and (3) provide a brief description of the construction activities observed (such as road grading, erosion control, etc.). When appropriate, relevant digital photographs will be taken and included in the weekly CCSM Project update.

Each monitoring report issued by the Compliance Monitoring Team will be reviewed by the ECM and a compliance level will be assigned to the report. The compliance levels that will be used for the CCSM Project are as follows:

- Communication
- Acceptable
- Problem Area
- Noncompliance
- Serious Violation

##### **4.1.1 COMMUNICATION**

A monitoring report will be assigned a “communication” compliance level by the ECM if it is prepared to document and track relevant meetings or discussions related to CCSM Project compliance. These communications may be within the Compliance Monitoring Team, within the ECCMP Team, between the ECM and agencies, between the CM and Inspectors, or relevant communications with other on-site personnel.

##### **4.1.2 ACCEPTABLE**

A monitoring report will be assigned an “acceptable” compliance level by the ECM when the ECM determines that an inspected area or activity complies with the CCSM Project environmental requirements and applicable mitigation measures have been adequately implemented.

##### **4.1.3 PROBLEM AREA**

A monitoring report will be assigned a “problem area” compliance level by the ECM to record an observation that a location or activity does not meet the definition of acceptable but is not considered to be noncompliant. The problem area compliance level will be used to report a range of events and observations including the following:

- An incident where the CCSM Project is not out of compliance with the ROW grant that is accidental or unforeseeable and PCW’s response is appropriate and timely. An example would

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

If a problem area is resolved in a timely manner, it will not be considered noncompliant. If a problem area is not corrected in a timely manner, is found to be a repeat situation, if multiple instances of a similar nature occur, or if it results in resource damage because timely corrective action was not completed, the ECM may document the problem area as “noncompliance” as described in the following section.

#### 4.1.4 NONCOMPLIANCE

A monitoring report will be assigned a “noncompliance” compliance level by the ECM when an activity violates the CCSM Project ROW grants or other environmental requirements; results in damage to resources not authorized in the ROW grants; or places sensitive resources or health and safety (public or employee) at unnecessary risk. Some examples of noncompliant activities are:

- Failure to install or maintain required erosion control devices
- Surface-disturbing activities conducted without an appropriate biological, cultural, or other necessary resource monitor present.

The ECM will notify the CM about a noncompliant activity before issuing a Noncompliance Report. The Noncompliance Report will include the name of the Compliance Monitoring Team member observing the activity and the time of notification. Where practicable and where the nature of the noncompliant activity warrants, the ECM will work closely and collaboratively with the CM to determine the appropriate corrective action.

Resolution of noncompliant activities will be coordinated with the ECCMP Team to ensure that the corrective measures are properly understood and implemented. PCW will provide follow-up documentation to the BLM Project Manager and other jurisdictional agencies, as well as to the ECM regarding resolution of the noncompliance event. Following receipt of documentation regarding resolution, the ECM will inspect the area to verify and document that the noncompliance has been adequately resolved.

#### 4.1.5 SERIOUS VIOLATION

A Compliance Monitoring Team member observing an activity they believe to be a “serious violation” will notify the ECM immediately. If the ECM determines that the activity is in fact a serious violation, a monitoring report will be assigned a “serious violation” compliance level and will be issued by the ECM immediately. Serious violations are activities that are not in compliance with the ROW grants and

may cause substantial harm to resources or pose a serious threat to sensitive resources or health and safety (public or employee). Examples of serious violations include:

- Deliberately conducting an activity that results in disturbance within an exclusion zone for a sensitive resource
- Repeated or cumulative noncompliance activities that could lead to a substantial impact on resources
- Failure to correct previously identified noncompliance activities in an established time frame

A serious violation requires that the ECM and the BLM Project Manager participate in a conference call or meeting with the PCW Project Manager or his/her authorized representative to discuss the violation, the proper corrective actions, and possible follow-up enforcement actions that could be imposed. It is PCW's responsibility to provide follow-up documentation demonstrating resolution of the serious violation to the BLM Project Manager and other jurisdictional agencies, as well as to the ECM. Once PCW documents the resolution of a serious violation, the ECM will inspect the area to verify and document that the issue has been adequately resolved. Violations of permits, stipulations or other requirements will be investigated by the AO or his/her authorized representative and subject to requirements and/or penalties under the Antiquities Act, Archaeological Resources Protection Act (ARPA), Federal Land Policy and Management Act of 1976, the rights-of-way regulations at 43 C.F.R. §2805.12 and/or other relevant laws and regulations.

#### **4.2 MONTHLY SUMMARY REPORTS**

Monthly Summary Reports will be issued that briefly describe construction activities during the reporting period and summarize by compliance level the number of reports completed by the Compliance Monitoring Team during the reporting period and cumulatively during construction of the CCSM Project. The Monthly Summary Report will also include a summary of the Level 1, 2, and 3 variance requests approved by the ECM, BLM Project Manager or AO during the reporting period and cumulatively, as well as a table summarizing the net acreage of land affected by approved variances on federal lands. For the Archeological Resources Protection Act and Endangered Species Act, a table summarizing the net acreage of land affected by approved variances on non-federal lands for the reporting period as well as cumulatively. The Compliance Monitoring Team's electronic database and reporting system will be designed to generate all the information in the tables of the Monthly Summary Report.

The Monthly Summary Reports will be posted on the non-public, secure CCSM Project website. When the Monthly Summary Report is posted, the ECM will send an email to the authorized distribution that the report is available. The email will include the link to the website. The entire ECCMP Team will be included in the distribution for the Monthly Summary Report. A sample Monthly Summary Report is provided in Attachment C.

#### **4.3 NON-PUBLIC CCSM PROJECT WEBSITE**

The Compliance Monitoring Team will establish and maintain a non-public, password-protected CCSM Project website to display the weekly and monthly monitoring reports and the approved Level 1, 2, and 3 variances (refer to section 5, Variances). The ECCMP Team will have access to the website.

## **5.0 VARIANCES**

A critical part of CCSM Project is ensuring the CCSM Project is constructed in compliance with environmental conditions and requirements contained in the ROW grants, which includes the site-specific plans of development; other federal, state, and local permits; landowner agreements; and CCSM Project construction drawings and staking plans. Infrequently, minor changes or deviations from stipulations/mitigation provided in these documents are necessary to accommodate or mitigate unexpected on-site circumstances. These deviations may be necessary to facilitate construction or provide for more effective protection of environmental resources.

When changes from CCSM Project requirements are identified, the PCW Project Manager or CM may file variance requests for approval of these changes. Additionally, the BLM may pursue similar or other types of alterations. Requests may vary in significance from minor changes (e.g., slightly shifting the location of an access road) to more complex requests (e.g., construct a new access road). These variance procedures apply only to activities taking place on BLM lands.

### **5.1 TIERED VARIANCE SYSTEM DURING CONSTRUCTION**

A system using three variance levels (Levels 1, 2, and 3) will categorize variance requests, according to their significance and level of effort associated with the change.

Level 1. Those which do not require an amendment to the site-specific plans of development;

Level 2. Those requiring an amendment to the site-specific plans of development; and

Level 3. Those requiring an amendment to the ROW grant(s).

Level 1 and 2 variances may be used to modify or amend the site-specific plans of development. Level 3 variances will require an amendment to the ROW grant(s). In this case, a Standard Form 299 will be required.

The ECM will be authorized to address proposed/needed deviations from ROW grant stipulations and the approved site-specific plan of development associated with the ROW grant for minor variances after consulting with the BLM Project Manager to expedite construction while protecting resource values. The ECM will consult with the BLM Project Manager, or other designated BLM representative, to determine if a variance will require amendment to the site-specific plans of development or the ROW grant.

If a variance is requested by BLM, a BLM representative can initiate a variance request in consultation with the ECM, PCW Project Manager or CM, or the Contractor PM, as appropriate. The request needs to be in writing using the Variance Request Form (Attachment E). Supporting attachments, such as an alignment sheet or other CCSM Project drawings, photos, and cultural and/or biological clearances (including surveys for invasive weeds if necessary) will be required to process a variance request. The request, and PCW's input to the request, will be documented in the ECM weekly update.

### 5.1.1 LEVEL 1: VARIANCES ACCOMPLISHED THROUGH FIELD RESOLUTION

A Level 1 variance is a minor field adjustment within the approved ROW grant that conforms to the site-specific plans of development. These variances can be handled in the field by the ECM in consultation with the CM. Such adjustments will be documented on the Variance Request Form (Attachment E).

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

- Relocation of erosion control devices (note: this also may require a modification to the SWPPP);
- Locating temporary fences inside authorized work areas;
- Constructing ditch plugs and wildlife escape ramps in cable trenches, if needed;
- Permitting waterbars to be extended, if applicable, off the area designated for a cable trench or the transmission line, and into native vegetation “one dozer length” (this includes providing permission for construction equipment to work outside designated work areas);
- Allowing rubber-tired vehicles to use additional designated access roads (in addition to those approved in BLM approval documents) where improvements to the road would not be necessary (note: not intended for authorizing additional haul roads for equipment and materials); and
- Temporarily (for not more than 7 days) placing turbine parts or other assemblies outside areas designated in the site-specific plan of development but within the authorized CCSM Project area. This does not include any surface disturbance associated with temporary storage.

#### Level 1 Variance Approval or Denial

The ECM can approve or deny Level 1 variance requests in the field after consulting with the BLM Project Manager. Level 1 variance requests may be approved if the results of implementing the changes are not significant. If a Level 1 variance request is approved in the field by the ECM, PCW and the ECM will sign and approve the request using the space provided on the Variance Request Form. A Level 1 variance request can be implemented in the field as soon as it is approved and signed by the ECM. The ECM will document the approved variance and submit it to the BLM Project Manager daily.

The ECM will inform PCW within 24 hours of submittal of the Variance Request Form if the Level 1 variance is denied. PCW may choose to resubmit the request as a Level 2 variance, or to discontinue pursuit of the request. PCW may also appeal the denial to the AO who, after consideration of all facts and circumstances, may approve the Level 1 variance or uphold the denial.

#### Level 1 Variance Distribution

The ECM will send the approved Level 1 variance request to the CM, who will then distribute the variance to PCW’s representatives and construction contractors as appropriate. The ECM will provide the BLM Project Manager copies of approved or denied Level 1 variances daily. The ECM will identify all Level 1 variances approved or denied during the previous week in the weekly update report.

### 5.1.2 LEVEL 2: VARIANCES BEYOND FIELD RESOLUTION, NOT REQUIRING AN AMENDMENT TO THE ROW GRANT(S)

This type of variance involves a deviation that exceeds the field decision authority of the ECM. Level 2 variances require approval by the BLM Project Manager with concurrence of the appropriate BLM RFO specialists. These alterations generally involve CCSM Project changes that would affect an area outside of the previously approved work area, but within the corridor previously surveyed for cultural resources, wetlands, and sensitive species. Such variance requests typically require review of supplemental documents, correspondence, and records to be provided with the request.

Examples include, but are not limited to the following:

- Shifting extra workspace outside the approved construction corridor a short distance, but within the previously surveyed corridor where overall disturbance type and acreage remains approximately the same, and no cultural, paleontological, biological resources, or invasive weed infestations could be affected;
- Shifting temporary workspace to previously disturbed areas;
- Permitting CCSM Project work to be completed in raptor areas during the construction closure window;
- Moving proposed culvert location(s) to better accommodate natural drainages (note: this also may require a modification to the SWPPP);
- Providing extra work space for topsoil and spoil material storage to prevent mixing of soils;
- Moving a range fence a specified number of feet laterally and permanently installing it to avoid proposed construction (note: this also may require an amendment to the Allotment Management Plan, if applicable.);
- Modifying seed mixes specified in the site-specific plans of development due to unavailability; note: this also may require a modification to the Reclamation Plan; and
- Modification of an access road due to safety hazards.

Variance requests also may be submitted for minor changes that would extend beyond the previously surveyed work area and corridor for sensitive resources. In these situations, additional cultural, biological, and invasive weed surveys will be required. Documentation of the surveys and other applicable correspondence will 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 the terms and conditions of the USFWS BO must be adhered to, in order for the variance to be approved.

To initiate a Level 2 variance request, PCW will determine the need for the variance. The request form, with attached supporting documents, will be prepared by the CM or Inspectors and discussed with the ECM. The ECM will submit the request form and attachments to the BLM Project Manager. The BLM Project Manager, after consulting with the appropriate BLM RFO specialists, will provide the CM written approval or denial (including an explanation) of the request using the space provided on the Variance Request Form. The BLM Project Manager may request additional information, or a modification of the request, before the variance can be approved. In addition, the CM will be informed if an amendment to the ROW grant will be required.

#### Level 2 Variance Approval or Denial

The BLM Project Manager will review the variance request form and any attachments in consultation with the appropriate BLM RFO specialists. If additional information or a modification to the request is required, PCW will submit the requested information within 5 business days. The BLM Project Manager will provide the CM written approval of the request using the space provided on the Variance Request Form within 5 business days from receipt of a complete request.

If a Level 2 variance is denied, the BLM Project Manager will provide the CM a written denial of the request (including an explanation) by using the space provided on the Variance Request Form within 5 business days from receipt of a complete request. PCW may choose to resubmit the request as a Level 3 variance, or to discontinue pursuit of the request. PCW may also appeal the denial to the AO who, after consideration of all facts and circumstances, may approve the Level 2 variance or uphold the denial.

#### Level 2 Variance Distribution

Distribution of Level 2 variance requests are the same as stated above for Level 1 variance requests.

### **5.1.3 LEVEL 3: VARIANCES REQUIRING AN AMENDMENT TO THE ROW GRANT**

This type of variance requires an amendment to the ROW grant, completion of an application on a Standard Form 299 (SF 299), and a decision by the AO using the Variance Request Form (Attachment E).

The PCW Project Manager will prepare the SF 299 with supporting documentation, including a site-specific plan of development and map (1:24,000 scale), for submittal to the BLM RFO. The BLM will process the amendment application pursuant to 43 CFR 2800. The BLM may request additional information, or a modification of the request, before the amendment can be approved. Approval of the amendment also requires issuance of a Notice to Proceed (NTP) addressing the amendment, if a NTP is a requirement of the original ROW grant.

The BLM Project Manager will assist the ECM and PCW Project Manager in determining whether a significant proposed change, outside the approved ROW grant, will necessitate submittal of an amendment, or whether the change can be handled with a Variance Request Form.

Examples of a variance requiring an amendment to the ROW grant are as follows:

- Relocation of CCSM Project components onto BLM land; or
- Expansion of the CCSM Project Area from the one defined in the ROW grant and site-specific plans of development.

#### Level 3 Variance Approval or Denial

The AO will review the SF 299, Variance Request Form, and any attachments in consultation with the appropriate BLM RFO specialists. If additional information or a modification to the request is required, once notified PCW will submit the requested information or a modified request within 5 business days. If a Level 3 variance is approved, the AO will provide the PCW Project Manager written approval of the request using the space provided on the Variance Request Form (Attachment E) within 5 business days

from receipt of a complete request. The decision will be documented in the new or amended ROW grant.

If a Level 3 variance is denied, the AO will provide the PCW Project Manager a written denial of the request (including an explanation) using the space provided on the Variance Request Form (Attachment E) within 5 business days from receipt of a complete request. PCW may choose to discontinue pursuit of the request or proceed with additional NEPA documentation. PCW may also appeal the AO decision pursuant to applicable BLM regulations.

#### Level 3 Variance Distribution

Distribution of Level 3 variance requests are the same as stated above for Level 1 and Level 2 variance requests.

## **6.0 STOP WORK AUTHORITY**

The AO has the authority to stop work related to construction of the CCSM Project if an activity is determined to be a deviation from the CCSM Project environmental requirements or construction plans as authorized by BLM in the ROW grant. This authority may be delegated to the BLM Project Manager or ECM as determined appropriate by the AO. The PCW Project Manager, Contractor PM, CM and the Inspectors also have the authority to halt specific operations to protect cultural and biological resources.

If any member of the ECCMP Team exercises their authority to stop work, they will notify the AO, BLM Project Manager, PCW Project Manager and CM immediately to describe the circumstances of the work stoppage and the recommended resolution. Documentation of the work stoppage including the reason for the work stoppage and the recommended resolution will be submitted to the ECCMP Team by the ECM within 24 hours. PCW and BLM will work diligently to resolve any work stoppage expediently. Upon resolution of the issue by PCW and approval of the AO or his/her designated representative, work will recommence.

## **7.0 TRAINING AND PRECONSTRUCTION MEETING**

### **7.1 PRE-CONSTRUCTION MEETING**

Prior to construction, the ECM will ensure that BLM and PCW representatives participate in a preconstruction meeting; at a minimum the Compliance Monitoring Team will be present. At that meeting, the BLM Project Manager will discuss the environmental requirements of the ROD and the ROW grant as well as those of the site-specific plan of development.

### **7.2 EAP**

The ECM will ensure that PCW prepares and conducts an EAP for all construction personnel prior to the start of construction. The ECM will participate in the EAP to present an overview of the ECCMP and to become familiar with construction personnel. The ECM will explain the various components of the ECCMP, emphasizing the objectives of the ECCMP. The discussion will focus on the activities of the Compliance Monitoring Team and their authority and interactions with construction personnel. EAP training will describe the processes for monitoring and documentation of compliance issues and

construction progress, as well as a clear and concise explanation of the variance request process and the authority of the ECM and BLM Project Manager.

### **7.3 COMPLIANCE MONITORING TEAM TRAINING**

In addition to participation in PCW's EAP and the preconstruction meeting, the ECM will train the Compliance Monitoring Team in all CCSM Project-specific procedures, duties, responsibilities, reporting requirements, and authorities as needed to complete their assigned tasks during monitoring of the CCSM Project construction activities.

## **8.0 EQUIPMENT**

The Compliance Monitoring Team will require field support equipment such as notebook or tablet computers and associated software, digital cameras, cellular phones, GPS devices and vehicles. Specifically, the ECM, CM and each Inspector will be equipped with a digital camera and a cellular phone, radio or other communication device.

## **9.0 CCSM PROJECT OPERATIONS AND MAINTENANCE**

Prior to commencement of commercial operation of the CCSM Project, an Environmental Compliance Monitoring Plan (ECMP) will be issued to identify the roles and responsibilities of the operations personnel, along with procedures to ensure compliance with the environmental requirements of the operational permits, approvals, plans and applicable rules and regulations.

The ECMP will include, at a minimum, provisions for the following:

- A compliance manager representing PCW, in the role of ensuring compliance with the ECMP;
- Adaptive management procedures to address changes in conditions, regulations, etc.;
- Means of accurately tracking compliance (e.g., compliance tracking database);
- Coordination with BLM and other jurisdictional agencies to report noncompliance;
- Training for personnel commensurate with their roles and responsibilities;
- Inspection and monitoring requirements; and
- Reporting and recordkeeping procedures.

**Attachment A**  
**Report Cover Page**

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# CHOKECHERRY AND SIERRA MADRE WIND ENERGY PROJECT

## COMPLIANCE MONITORING PROGRAM

### MONITORING REPORT OR WEEKLY UPDATE

**MONITORING REPORT:**

The following report is for activities conducted on **DATE (Month Day, Year)** by **MONITOR**. Should you have any questions regarding the information contained in this report, please contact **MONITOR** at **PHONE** (office) or **PHONE** (mobile).

**WEEKLY UPDATE:**

The following report is a compilation of the monitoring reports issued by the Compliance Monitoring Team for activities conducted on **DATE (Month Day, Year)**. Should you have any questions regarding the information contained in this report, please contact **ECM** at **PHONE** (office) or **PHONE** (mobile).

**Compliance Level:**      Communication  
   Acceptable  
   Problem Area  
   Noncompliance  
   Serious Violation

**Variance Level:**      Approved Level 1  
   Approved Level 2  
   Approved Level 3

---

[SIGNATURE]

**Total Pages:**

or

**Total Reports:**

**Attachment B**  
**Report Form**

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# CHOKECHERRY AND SIERRA MADRE WIND ENERGY PROJECT

## COMPLIANCE MONITORING PROGRAM

### MONITORING REPORT

Report Number: \_\_\_\_\_

Date: \_\_\_\_\_

Environmental Compliance Monitor: \_\_\_\_\_

Compliance Level: \_\_\_\_\_

Environmental Inspector: \_\_\_\_\_

Location: \_\_\_\_\_

#### SITE INSPECTION CHECKLIST

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



**Photos:**

Photo 1:	Photo 2:
Photo 3:	Photo 4:

**Completed by:**

Name:

Firm:

Date:

**Distribution:**

**Attachment C**  
**BLM Authorized Officer Report**

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## BLM Authorized Officer Weekly Report

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Address:  
City, State Zip:

Phone:  
Fax:

Website:

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**Project:** Chokecherry and Sierra Madre Wind Energy Project

**Prepared By:**

**Reporting Period:**

**Summary:**

**Site Inspections/Mitigation Monitoring:**

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

**Construction Activities:**

**Compliance:**

**Construction Progress:**

Week	% Complete (projected)	% Complete (updated)

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

**Construction Schedule:**

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

**Plan Review Submittal Items:**

Submittal Type	Description

**Notice to Proceed:**

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

**Variance Requests:**

Variance Request No.	Submitted	Description	Status	Approval Date



**Attachment D**  
**Certification of Completion of**  
**Environmental Awareness Program**

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## Certification of Completion Environmental Awareness Program

This is to certify these individuals have completed a mandatory Environmental Awareness Program (EAP). The EAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (construction supervisors and crews) working on the CCSM Project Site. By signing below, the participant indicates that he/she understands and shall abide by the guidelines set forth in the program materials.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
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16.			
17.			
18.			
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22.			
23.			
24.			
25.			

Cultural Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Paleo Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Biological Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Include this completed form in the Monthly Compliance Report.

**Attachment E**  
**Variance Request Form**

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**Variance Request Form**

Power Company of Wyoming LLC.

Variance Request No.:

Chokecherry and Sierra Madre Wind Energy Project

Date Submitted:

Date Approval Required:

BLM Approval Reference No.:

Location:

Alignment Sheet/

Construction Drawing/Station Number: \_\_\_\_\_ Approval Agency:

Current Land Use/Vegetative Cover:

Nearby Features (Washes, Wetland, Noxious Weed Area, Residence (distance):

Variance Level                     Level 1                     Level 2                     Level 3

Variance requested in →        Permit                     Plan/Procedure        Specification

Mitigation Measure        Drawing                     Other

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

Variance Justification:

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey <input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> Y <input type="checkbox"/> N
T & E <input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> Y <input type="checkbox"/> N
Weeds <input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> Y <input type="checkbox"/> N

Request prepared by:

Sign-off (as appropriate)	Name (Print)	Approval Signature	Date	Conditions Attached
Environmental Manager				<input type="checkbox"/> Y <input type="checkbox"/> N
Chief Inspector				<input type="checkbox"/> Y <input type="checkbox"/> N
BLM <u>1</u> /				<input type="checkbox"/> Y <input type="checkbox"/> N

For use in approval only.

Variance Approval: \_\_\_\_\_ Variance Denied: \_\_\_\_\_ Beyond Authority:

Approval Number: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Stipulations: \_\_\_\_\_

If the ECM is authorized (in the POD or other document included in the BLM ROW authorization documents) to act/sign on behalf of BLM, include the name of ECM with the signature.

Chokecherry and Sierra Madre Wind Energy Project

Relating to Wind Turbine Generator Number (if applicable):

Variance Conditions (refer below for individual requesting the condition and specific condition(s)).

Name:

Title:

Organization:

Conditions:

Name:

Title:

Organization:

Conditions:

Name:

Title:

Organization:

Conditions: