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3.0 ROLES AND RESPONSIBILITIES

The following section describes the roles and responsibilities of each major Project entity. If other parties become engaged in the Project as additional participants, they would be responsible to function and abide by the roles and responsibilities outlined in this section and their reporting relationships would be case-specific according to their jurisdiction, expertise, and/or nature of their input.

3.1 TransWest

TransWest as the Applicant will be responsible for the administration of the ROW and coordination with the Construction Contractor(s). TransWest and its Construction Contractor(s) will be responsible for all activities associated with the construction, operation, and maintenance of the transmission line and ancillary facilities in a manner that complies with the conditions outlined in the ROW grants, special use authorizations, and other permits listed in Table 2 in Section 1 of this POD. TransWest will be the ultimate authority for its contractors; however, for execution purposes of this document, it will refer specifically to the Construction Contractor(s) when needed to define their activities. To help ensure construction activities are conducted in a manner that complies with all federal, state, and local regulations, the Construction Contractor(s) will contract with or employ a multi-disciplinary team of environmental specialists and inspectors to work jointly and cooperatively with the third party Compliance Inspection Contractor (CIC). TransWest will also maintain regular and consistent communication with the Construction Contractor(s) to track the success of environmental protection, mitigation, and compliance efforts before, during, and after construction.

3.2 Western

Under the Hoover Act, as amended by Section 402 of the Recovery Act, Western was granted authority to borrow funds from the U.S. Treasury to (among other things) construct, finance, facilitate, plan, operate, maintain, and/or study construction of new or upgraded transmission facilities that facilitate the delivery of renewable energy. Prior to committing funds, Western must certify that a project is in the public interest; a project will not adversely impact system reliability, system operations, or other statutory obligations; and it is reasonable to expect the proceeds from the project will be adequate to make repayment of the loan.

Western created the Transmission Infrastructure Program (TIP) to administer the use of borrowing authority and on March 4, 2009 solicited interest in proposed transmission projects that promote the delivery of clean, renewable power. This resulted in the submission of Statements of Interest, including one for this Project. Western is considering whether to participate in the Project as a joint owner with TransWest as part of Western's TIP and in order for Western to participate, the Project must satisfy Western's TIP requirements. As with the BLM's decision, Western's decision is informed by the required NEPA analysis and disclosure in the EIS.

Should Western decide to participate in the Project as a joint owner with TransWest, the decision would be managed through agreements that would include defining the respective rights and obligations associated with the ownership of the Project which include financing, ownership structure, operations, maintenance, marketing and acquisition of ROWs for the Project on private lands. As a federal agency, Western would need to comply with all applicable laws and policies for the joint ownership of transmission projects, and comply with the stipulations included within the Record(s) of Decision and other similar authorizations made by the respective federal land management agencies.

3.3 BLM, USFS, and Other Federal Land Management Agencies

The role of the BLM, USFS, and other federal agencies is to ensure that all stipulations and requirements of the ROW grants, special use authorizations, and the POD are implemented and complied with during the construction, operation, and maintenance of the Project on the lands they administer. Oversight will be provided by both federal Authorized Officers and by federal Project Managers for each involved federal agency. Authorized Officers will have ultimate authority and be the decision makers for issues pertaining to ROW grants and authorizations. The Authorized Officers will supervise the federal Project Managers to verify that environmental compliance is meeting the requirements of all applicable laws, permits, regulations, and agreements. The Authorized Officers, in coordination with others, will determine if noncompliance events for which TransWest is accountable qualify as violations to the terms and conditions of any ROW grant or authorization. Only the Authorized Officers, in accordance with 43 CFR Part 2807 and 36 CFR Part 251.60, will have the authority to suspend or terminate a ROW grant or authorization if TransWest and/or its Construction Contractor(s) do not comply with the stipulations, conditions, or with other applicable laws and regulations. The Authorized Officers will be the primary federal agent to issue decisions unless otherwise delegated to a federal Project Manager.

Federal Project Managers will be primarily responsible for ensuring stipulations and mitigation measures in the POD are adhered to during Project construction, operation, and maintenance. They will ensure that compliance during construction is done in a manner which facilitates timely and efficient construction while protecting the public interest and the environment. They will also be responsible for ensuring that environmental impacts do not exceed those analyzed in the Final EIS and will manage the CIC. Federal Project Managers will coordinate with agency resource specialists for their technical expertise and input when needed. Federal Project Managers will be responsible for notifying TransWest of any grant or authorization violations due to noncompliance, issue Notices to Proceed, issue work stoppage order (WSO) if needed, issue resume work orders and resolving any conflicts that arise relating to the Project on lands they administer.

As described in the Environmental Compliance and Monitoring Plan (ECMP) (Appendix G), Level 2 variance requests will require approval by the appropriate federal Project Manager and Level 3 variance requests will require approval by the appropriate federal Project Manager and Authorized Officer.

3.4 Compliance Inspection Contractor (CIC)

TransWest and the federal agencies have agreed to use a third-party CIC to act on the BLM and other federal land management agencies' behalf to ensure adequate oversight during the construction and reclamation phases of the Project. The CIC will be hired by TransWest prior to issuance of any NTP to allow adequate time for the CIC to review documents and develop on-the-ground familiarity with the Project. The CIC will report directly to each federal Project Manager and will be authorized to enforce the POD, stipulations of the ROW grant and authorizations. It is not the role of the CIC to direct the work of either TransWest or its Construction Contractor(s). Rather the CIC's primary role is to observe work activities and bring noncompliant situations to the attention of the appropriate party and offer recommendations on how to prevent noncompliance. Additional responsibilities of the CIC are discussed in the ECMP (Appendix G).

The CIC will deploy an adequate number of field personnel to sufficiently monitor all constructions activities and fulfill the responsibilities listed above. It is important to note that it is not the role of the CIC to direct work of either TransWest or the Construction Contractor(s) and the CIC will take no

direction from them with respect to times, places, or manner of conducting compliance monitoring. The CIC is to have complete access to inspect all parts of the Project.

3.5 Construction Contractor(s)

The Construction Contractor(s) will be contractually bound to comply with all laws, regulations, and permit requirements, including the implementation of mitigation measures, environmental mitigation measures (EMMs), and other specific stipulations and methods set forth in the ROW grants, special use authorizations, permits, POD, FEIS, ROD, and NTPs throughout all construction phases of the Project. All construction personnel and employees entering the ROW will be required to participate in environmental training before entering the ROW. Construction crews will also be required to cooperate and support the work of the environmental inspectors, monitors, and CIC to build the Project safely and in compliance with all Project terms and conditions; federal, state, and local laws and regulations; and all landowner agreements. If a noncompliance event occurs during construction, it will be the responsibility of the Construction Contractor(s) to notify TransWest and the CIC and to cooperate fully in developing and implementing a solution as soon as possible to resolve the noncompliance. The Construction Contractor(s) will also be responsible for the removal of noncompliant personnel, as necessary. The Construction Contractor will be expected to involve the CIC in key project management meetings and the project safety program.

3.6 Communication Procedures

Effective communication and the sharing of information between all parties will be critical to achieving and maintaining environmental compliance throughout the construction of the Project. It is especially important for construction crews to communicate daily with environmental monitors concerning work schedules and locations. The Construction Contractors(s) will be responsible for assuring that field crews have the ability to communicate effectively and will implement solutions if communication problems arise.

Given the scope and complexity of the Project, it is critical that all communications involving key decisions, safety, approvals, noncompliance, or variances be documented in writing. Oral communication will not substitute for written approvals. Additional information concerning communication procedures can be found in the ECMP (Appendix G) and in the Traffic and Transportation Management Plan (Appendix U).