

APPENDIX G
FRAMEWORK ENVIRONMENTAL
COMPLIANCE AND MONITORING PLAN

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ACRONYMS

Applicant	TransWest Express LLC, also TransWest
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CIC	Compliance Inspection Contractor
ECMP	Environmental Compliance and Monitoring Plan, also Plan
EMM	Environmental Mitigation Measure
FEIS	Final Environmental Impact Statement
NTP	Notice to Proceed
Plan	Environmental Compliance and Monitoring Plan, also ECMP
POD	Plan of Development
Project	TransWest Express Transmission Project, also TWE Project
Reclamation	Bureau of Reclamation
ROD	Record of Decision
ROW	right-of-way
TransWest	TransWest Express LLC, also Applicant
TWE Project	TransWest Express Transmission Project, also Project
USFS	United States Forest Service
Western	Western Area Power Administration
WSO	Work Stoppage Order

G1.0 INTRODUCTION

This framework Environmental Compliance and Monitoring Plan (ECMP or Plan) provides an overview of how TransWest Express LLC (TransWest or Applicant) will manage compliance with all laws, regulations and agreements related to the TransWest Express Transmission Project (TWE Project or Project). This Plan may be updated, revised and changed as roles and responsibilities are further refined during the Project development process. More specifically, this Plan may be revised and changed following the issuance of the Records of Decision (RODs) for the Project by the Bureau of Land Management (BLM) and Western Area Power Administration (Western).

The BLM, the U.S. Forest Service (USFS), the Bureau of Reclamation (Reclamation) and other federal agencies issuing right-of-way (ROW) grants or special use authorizations on federal lands will be responsible for enforcement of the terms and conditions of those grants and authorizations. As the lead federal land management agency during construction of the Project, the BLM will engage a third-party Compliance Inspection Contractor (CIC) to act on behalf of the federal land management agencies to provide construction oversight and monitor compliance with the terms and conditions of the federal grants and authorizations.

G2.0 PLAN PURPOSE

The ECMP is the primary guide for documentation and management of compliance with the federal grants and authorizations for the Project. This ECMP contains information on the following items:

- Roles and responsibilities of the Compliance Team
- Procedures for assessing Project compliance and process for implementing corrective actions
- Procedures for submitting, evaluating, and approving/denying variance requests
- Communications
- Training
- Reporting and documentation
- Project closeout

Because there is the potential for the Project to affect sensitive environmental resources, environmental mitigation measures (EMMs) have been developed to minimize potential impacts on these resources. The ECMP is intended to be a guidance document to facilitate compliance and the effective implementation of EMMs. As needed, the ECMP will be updated and revised.

As mentioned above, a third party CIC will be engaged by the BLM to enforce terms and conditions of the federal grants and authorizations. The CIC will be responsible for assuring that the Notice to Proceed (NTP) Plan of Development (POD) and all associated permitting documents have been distributed to the Compliance Team for their review prior to construction being initiated. The CIC will also review all environmental requirements with key construction managers and environmental monitors at the initial construction kickoff meeting. At that time a document control system, which may be used to manage the submittal and distribution of Project compliance information and documentation, may be presented and demonstrated. Environmental inspectors and monitors will also be retained by TransWest and/or by the Construction Contractor(s) to implement EMMs, provide specific resource monitoring, and to prepare daily reports on those construction activities monitored.

G3.0 PLAN UPDATES

This ECMP will be updated for the ROD POD to include more specifically defined roles, responsibilities and procedures. The NTP POD will be completed by TransWest and will include fully defined roles, responsibilities and procedures as agreed to by TransWest and the federal agencies.

G4.0 ROLES AND RESPONSIBILITIES

The following section describes the roles and responsibilities of the Compliance Team in executing the ECMP and describes their reporting relationships (Figure 3-1 to be developed for ROD POD). The Compliance Team includes the BLM and other federal agencies, CIC, TransWest, Construction Contractor(s), and Environmental inspectors and monitors. Subject to the requirements of the site health and safety plan, the Compliance Monitoring Team shall have access to all Project work areas to inspect construction and reclamation activities in accordance with the terms and conditions of the federal grants and authorizations. 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.

G4.1 Bureau of Land Management and Other Federal Agencies

The role of the BLM and other federal agencies is to ensure that all stipulations and requirements of the federal grants and authorizations are implemented and complied with during the construction, operation, and maintenance of the Project. Oversight will be provided by both federal Authorized Officers and by Project Managers for each 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 Code of Federal Regulations (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 their 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 enforcing TransWest's day-to-day compliance with environmental laws and regulations, the POD, and all stipulations and conditions of the federal grants and authorizations. 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 third-party 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, issuing work stoppage orders (WSOs) if needed, issuing work continuation notices (or lifting work stoppage orders) and enforcing corrective actions as needed. Non-compliance will be reported to the appropriate Authorized Officer(s). Each federal Project Manager will be responsible for maintaining an accurate and complete administrative record for their respective agency.

All Level 2 or Level 3 variance requests described in Section G5.3 below, will require approval by either the appropriate federal Project Manager or Authorized Officer.

G4.2 Compliance Inspection Contractor

TransWest and the federal agencies will agree to use of a third-party CIC to act on the BLM and other federal agencies' behalf to ensure adequate oversight during the construction and reclamation phases of the Project. The CIC will report directly to each federal Project Manager and will be authorized to enforce the stipulations of the federal grants 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 non-compliant situations to the attention of the appropriate party and offer recommendations on how to prevent or rectify non-compliance. Additional responsibilities of the CIC include:

- Track all Project construction disturbance by type and jurisdiction during inspections, for inclusion in an End of Construction Project Report.
- Report if construction disturbance exceeds levels analyzed in the Final Environmental Impact Statement (FEIS).
- Prepare and maintain a project compliance contact list containing the names, titles, phone numbers and email addresses of all federal Authorized Officers and federal Project Managers, TransWest Project Managers, Construction Contractor(s) field supervisors and construction managers, environmental inspectors, monitors and any other individuals or agencies who will be involved with environmental compliance for the Project.
- Participate in pre-construction meetings, safety meetings, safety training, environmental training and other meetings attended by the BLM, TransWest, and Construction Contractor(s) as appropriate that involve environmental compliance aspects of the Project.
- Prepare and distribute weekly summary report.
- Review all applicable environmental documents and requirements, including the FEIS, ROD, PODs, ROW grants, and special use authorizations.
- Maintain a complete copy of the NTP POD and associated environmental documents while in the field.
- Verify that construction occurs as outlined in the NTP POD, FEIS, ROD, ROW grants, special use authorizations, and NTPs.
- Perform compliance monitoring in areas of active construction or reclamation.
- Maintain records that assure all required environmental training of construction personnel has been conducted.
- Respond to inquiries by TransWest or its Construction Contractor(s) concerning environmental compliance.
- Discuss any potential compliance issues with Construction Contractor(s), environmental inspectors, and environmental monitors.
- Provide recommendations to federal Project Managers on ways to resolve or prevent non-compliance.
- At a minimum, meet weekly with the federal Project Managers (or designees), in person or by telephone, to review status of construction and compliance.

- Meet with TransWest and Construction Contractor(s) project managers, construction managers, environmental inspectors, or environmental monitors as needed.
- Support and coordinate the preparation, submittal, and review of all variance requests.
- Approve or deny Level 1 variance requests described below.
- Participate in and support Project safety.
- Work with TransWest and Construction Contractor(s) to support the Project's safe, timely, and effective construction.
- If warranted, issue an immediate temporary suspension or WSOs for any construction activity determined to be in non-compliance.
- As warranted, rescind any temporary suspension or WSOs in a timely fashion following determination that non-compliance issue has been adequately addressed.
- Conduct field reviews and inspections with agency personnel as needed.
- Conduct a final route review and prepare End of Construction Project Report documenting the status of the ROW and the final amount of construction disturbance.
- Document completion of all reclamation activities (excluding reclamation monitoring).
- Document instances of non-compliance through mapping and photography and complete non-compliance report.
- Review environmental inspector and environmental monitor daily logs.
- Prepare meeting notes that highlight any decisions made during key project meetings.

The CIC will deploy an adequate number of field personnel to sufficiently monitor construction 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).

G4.3 TransWest

TransWest will be the holder of all ROW grants, authorizations, and easements, both public and private. As such, TransWest is ultimately accountable for adherence to the environmental permit requirements and is responsible for ensuring that environmental impacts do not exceed those analyzed in the FEIS and approved in the ROD. To facilitate this goal, TransWest will employ environmental inspectors and monitors who will work with the Construction Contractor(s) and will support the efforts of the 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. TransWest is responsible for assuring that all instances of non-compliance are corrected.

G4.4 Construction Contractor(s)

As part of TransWest's commitment to environmental compliance, the Construction Contractor(s) will be contractually bound to comply with all relevant laws, regulations, and permits, including the ECMP, POD, EMMs, and other specific stipulations set forth in the federal grants and authorizations. All construction personnel and employees entering work areas will be required to participate in environmental training before starting work. Construction crews will also be required to cooperate and support the work of the Compliance Team to build the Project safely and in compliance with all terms and conditions; federal, state, and local laws and regulations; and all landowner agreements. If

a non-compliance event occurs, 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 non-compliance. The Construction Contractor(s) will be expected to involve the CIC in key Project management meetings and the Project safety program.

G4.5 Environmental Inspectors and Monitors

TransWest and its Construction Contractor(s) will employ a team of environmental inspectors and monitors to monitor compliance with the federal grants and authorizations. The duties and responsibilities of the environmental inspectors and monitors will include:

- Daily inspections and monitoring of construction activities as required.
- Coordinate and communicate with the CIC.
- Support and participate in field inspections by federal agency personnel as needed.
- Deliver environmental training and provide CIC with a current list of all personnel who have received training.
- Confirm on the ground the location of sensitive resources and areas of concern prior to construction activities commencing.
- Verify that construction work areas, access roads, and sensitive resources or areas of concern have been properly marked and flagged prior to work commencing in those areas.
- Communicate and coordinate with construction crews and act as a resource to explain environmental regulations and requirements.
- Attend safety meetings.
- Prepare daily logs/reports to be provided to the CIC.
- Support the preparation of variance requests and review by the federal agencies and CIC.
- Inform Construction Contractor(s) and CIC of all potential and existing compliance issues and support implementation of corrective actions.
- Stop-work authority when construction activities violate the environmental conditions of the federal grants and authorizations or when sensitive resources are threatened.
- Participate in and support the implementation of corrective actions for non-compliance violations.
- Monitor, inspect, and document reclamation and revegetation activities as needed.

G5.0 PROCEDURES

This section describes the procedures that will be followed to assess compliance levels, responses to non-compliance, and for the submittal, review, and tracking of variance requests.

G5.1 Compliance Levels

Each separate activity that is inspected and documented in a daily report will be assigned one of the following compliance levels:

- Acceptable

- Problem area
- Non-compliance

Environmental inspectors, monitors, and the CIC 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. Failure by TransWest or the Construction Contractor(s) to disclose in a timely manner or accurately characterize an impact will result in an automatic non-compliance and temporary suspension of work in the area where the impact has occurred. Each compliance level is described below.

G5.1.1 Acceptable

All activities that are in compliance with the Project's federal grants and authorizations will be documented as acceptable.

G5.1.2 Problem Area

A problem area is a location or activity that does not meet the definition of acceptable but no impacts to sensitive resources have occurred. Examples include:

- An incident that is accidental or unforeseeable, where no sensitive resources were damaged, is reported in a timely manner, and is repaired quickly.
- A location where the CIC, environmental inspector, or monitor has determined that damage to a sensitive resource could occur if corrective actions are not taken.
- Implementation of mitigation measures is occurring too slowly to be fully effective.

The Construction Contractor(s) will be notified of the problem area and it will be documented in the daily report, as well as the corrective actions that will be applied. If a problem area is corrected in a timely manner it will not be considered non-compliance. If a problem area is found to be a repeat situation, or has happened in multiple locations, or is not corrected within an agreed upon timeframe, the CIC, environmental inspector, or monitor may document the situation as non-compliance.

G5.1.3 Non-Compliance

Non-compliance occurs when one or more of the following take place:

- Requirements or stipulations contained within the Project's federal grants or authorizations are not followed or implemented properly.
- Damage to sensitive resources has occurred.
- Problem areas consistently reoccur and threaten sensitive resources.
- Corrective actions for problem areas are not implemented.
- Construction Contractor(s) display direct disregard for Project requirements.

G5.2 Responses to Non-Compliance

Depending on the circumstances of the non-compliance and if sensitive resources are threatened, the CIC may orally issue a temporary suspension of construction activities within a localized area. All non-compliance will be documented in a non-compliance report (see Attachment A). The non-compliance report will be prepared by the CIC based on personal observations or information

provided by the environmental inspectors, monitors or other parties. In all cases when non-compliance occur the CIC will be informed immediately.

Once prepared, the CIC will provide a copy of the non-compliance report to TransWest, the Construction Contractor(s), and the applicable federal Project Manager(s). Upon review, the appropriate federal Project Manager(s), in consultation with the Authorized Officer as needed, will direct the CIC to take one or more of the following actions:

- Work with the Construction Contractor(s) and TransWest to develop a written plan to address the cause of the non-compliance and actions to avoid its reoccurrence.
- Work with the Construction Contractor and TransWest to develop a written plan to repair any impacts to resources.
- Issue a temporary suspension to halt specific activities or all activities within in a localized work area.
- Issuance of a WSO to temporarily suspend all activities within a given construction area of the Project (requires written authorization by either the federal Project Manager or the Authorized Officer).
- ROW grant or authorization suspension (requires written authorization by the Authorized Officer).
- ROW grant or authorization termination (requires written authorization by the Authorized Officer).

In cases where construction activities have been halted, TransWest, the Construction Contractor(s), appropriate federal Project Manager (s), and the CIC will meet to discuss the corrective actions that must be implemented before work will be allowed to resume. Prior to any ROW grant or authorization suspension or termination, TransWest will be notified in writing and allowed a reasonable opportunity to correct any non-compliance pursuant to 43 CFR Part 2807.18(a), and if applicable, provided a hearing pursuant to 43 CFR Part 2807.18(b) and 36 CFR Part 251.

G5.3 Variances

It is expected that during the construction of the TWE Project circumstances will arise requiring a change, or variance, in how the Project will be constructed, or how mitigation measures or stipulations will be implemented. Under such circumstances TransWest will follow the procedures for variances, exceptions and modifications set forth in the applicable BLM Resource Management Plan. Where such procedures are not described in detail, TransWest will follow the procedures described in this ECMP.

The first step in the variance process is the preparation of a variance request form (see Attachment B). It is important that the form is complete, accurate, and contains sufficient information for the CIC and agency to adequately assess the request and reach a decision on its approval or denial. The Construction Contractor(s) will be responsible for preparing the request with the prior approval of TransWest.

A completed variance request form, with any required attachments, will be submitted to the CIC in electronic format. The CIC will conduct an initial assessment of the request for completeness and will determine a variance level based on the following definitions:

- Level 1: minor field adjustment within an approved/granted area that was previously analyzed in the Project's environmental documents, does not result in greater impacts to resources, and does not result in an increase in the estimated acres of disturbance contained in the FEIS or NTP POD.
- Level 2: changes in procedures or adjustments located outside of an approved/granted work area but still within an area analyzed in the Project's environmental documents, do not result in greater impacts to resources, and does not result in an increase in the estimated acres of disturbance contained in the FEIS or NTP POD.
- Level 3: changes in procedures or adjustment located outside of an approved/granted work area and outside area analyzed in the Project's environmental documents, results in greater impacts to resources, and/or results in an increase in the estimated acres of disturbance contained in the FEIS or NTP POD.

Incomplete or inadequate submittals will be returned within 24 hours with an explanation. Level 1 variance requests will be approved, approved with conditions, or denied by the CIC within 48 hours. Level 2 variance requests will be forwarded on to the appropriate federal Project Manager and will be approved, approved with conditions, or denied within a specified time to be determined. If denied, the federal Project Manager will provide a written explanation for the denial. Level 3 variances will be forwarded to the appropriate federal Project Manager and Authorized Officer. The timeframe for approval or denial of a Level 3 variance will depend on the scope of any additional studies and consultations that may be required and will take place within a specified time to be determined. If denied the Authorized Officer or federal Project Manager will provide a written explanation for the denial.

The CIC will be responsible for tracking all variance requests and will provide a summary of these in the End of Construction Project Report.

G6.0 COMMUNICATIONS

Effective communication and the sharing of information between the Compliance Team 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 Contractor(s), CIC, environmental inspectors and monitors will maintain a communications network that consists of two-way radios and/or cellular phones. The Construction Contractor(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, non-compliance, or variances be documented in writing. Oral communication will not substitute for written approvals.

The CIC will be responsible for developing and maintaining a Project compliance contact list containing the names, titles, phone numbers and email addresses of all agency Authorized Officers, federal Project Managers, TransWest project managers, Construction Contractor(s) field supervisors and construction managers, environmental inspectors, monitors and any other individuals or agency personnel who will be involved with environmental compliance for the Project. The CIC will also be responsible for developing appropriate distribution lists for weekly compliance reports, non-compliance notifications, and variance requests.

The Construction Contractor(s) will hold daily morning meetings that will include the CIC or the CIC's compliance monitors, environmental inspectors and monitors to review the day's construction activities, discuss safety, and if needed discuss any compliance problem areas. The Construction Contractor(s) will also schedule periodic meetings with the CIC, lead environmental staff, and construction managers to discuss such topics as safety, communication, compliance, schedule, staffing, or other issues related to keeping the Project safe, on schedule, and in compliance.

G7.0 TRAINING

All personnel, including agency personnel, entering work areas are required to receive environmental and safety training prior to entering. Safety training will be provided by the Construction Contractor(s) following the requirements found in the Health and Safety Plan (Appendix M).

Environmental training will be provided by environmental inspectors and/or monitors. Training will emphasize compliance with all Project-wide environmental requirements including stipulations in the ROW grant, special use authorizations, NTP POD, and NTP(s). Requirements pertaining to a particular construction spread, such as requirements for the protection of threatened and endangered species or cultural resources, will be addressed as necessary. Roles and responsibilities will be reviewed and the authority of the CIC, environmental inspectors, and monitors will be emphasized.

The CIC will be provided with a list of all personnel who successfully completed the environmental training. Each trainee will receive proof of certification that must be carried at all times. At the discretion of the CIC, they may ask any personnel on the ROW to produce their training certification card. Any personnel present in work area that is found to have not gone through the training will result in non-compliance. The individual will be required to leave the work area immediately and will not be allowed back onto the Project until training has been completed.

G8.0 REPORTING AND DOCUMENTATION

Effective management of the Project will require the completion of multiple forms and reports to be submitted on a regular basis during the course of construction. These will include:

- Daily inspection reports
- Weekly compliance reports
- End of Construction Project Report
- Non-compliance report
- Variance request forms
- Environmental training list

The CIC will be responsible for compiling and distributing these reports to the appropriate federal Project Managers. The federal Project Managers will be responsible for assuring that documents are incorporated into the official administrative record for the Project.

G9.0 PROJECT CLOSEOUT

Once all construction has been completed, the Project energized, and reclamation activities completed, the CIC will coordinate final on-the-ground inspections with the federal Project Managers. The purpose of these final inspections will be to document compliance with the requirements contained within the ROW Preparation and Vegetation Management Plan (Appendix R)

and the Reclamation Plan (Appendix Q). After the inspections are completed, the federal Project Managers will determine if any further work is required. If no further work is required, the CIC will prepare the End of Construction Project Report.

The End of Construction Project Report will contain the following information:

- Record of final reports and documentation.
- Number of days of construction.
- Number of CIC monitors employed.
- Number of environmental inspectors and monitors employed.
- Number of personnel who received environmental training.
- Number of safety incidents that occurred during construction.
- Final acres of permanent and temporary disturbance compared to amounts contained in the FEIS and POD.
- Number of non-compliance reports issued.
- A summary of causes for non-compliance.
- A summary of corrective actions taken for non-compliance.
- Number and duration of temporary suspensions of construction activities.
- Number and duration of WSOs.
- Number of variances submitted, approved, and denied.
- A summary of special status animals or plants taken (including number of captures, displacements, mortalities, injuries, or harassment).
- Overall assessment of Construction Contractor(s) support of and compliance with requirements.
- A summary of lessons learned that could be applied to future projects.

Once the report is drafted, the CIC will coordinate a construction closeout meeting with the Compliance Team. At this meeting the End of Construction Project Report will be reviewed to ensure that all requirements have been met and any issues have been satisfactorily resolved. If no further actions are needed the work of the CIC will be deemed complete and the post-construction reclamation monitoring period will begin, as described in the Reclamation Plan (Appendix Q).

ATTACHMENT A NON-COMPLIANCE REPORT

To be determined.

**ATTACHMENT B
VARIANCE REQUEST FORM**

To be determined.