



ENVIRONMENTAL COMPLIANCE MONITORING PLAN

[PROJECT NAME]

[RIGHT-OF-WAY GRANT NUMBER]

For the

[DISTRICT OFFICE NAME]

[FIELD OFFICE NAME]

Prepared for the BLM by **[THIRD-PARTY CONTRACTOR NAME]**

Approved by:

BLM Authorized Officer

[Third-Party Contractor Name]

Reviewed by:

Project Owner/ROW Grant Holder

Construction Contract Manager

[PROJECT NAME] COMPLIANCE MONITORING PLAN

CONTENTS

Appendices..... 3

Acronyms and Abbreviations 4

1.0 INTRODUCTION 5

2.0 ENVIRONMENTAL COMPLIANCE MONITORING PLAN (ECMP) OBJECTIVES... 6

3.0 ENVIRONMENTAL COMPLIANCE MONITORING MANAGEMENT 7

 3.1 Environmental Compliance Management..... 7

 3.2 Compliance Manager (CM) 10

 3.3 Compliance Monitors..... 11

 3.4 Report or Request Review Process 13

 3.5 Contract Relationships 14

4.0 PRECONSTRUCTION AND TRAINING 15

 4.1 Mitigation Matrix 15

 4.2 Preconstruction Activities 15

 4.3 Training 16

 4.4 Equipment 16

5.0 REPORTING AND DOCUMENTATION 17

 5.1 Daily Reports..... 17

 5.2 Weekly Reports 19

 5.3 Monthly and/or Quarterly Reports 20

 5.4 Final Report..... 20

 5.5 Non-Public Project Website..... 21

 5.6 Public Project Website 21

6.0 Deviations (Variances) and Amendments 23

 6.1 Deviation (Variance) Levels 23

 6.2 Amendments..... 25

 6.3 Other Agency Deviations 25

7.0 STOP WORK AND ACCESS..... 26

7.1 Stop Work Authority..... 26

7.2 Site Access 26

8.0 COMPLIANCE MONITORING CLOSE OUT..... 27

9.0 OPERATION Monitoring..... 28

10.0 OPERATION Monitoring..... 29

APPENDICES

- A. Summary Project Description
- B. Example Mitigation Matrix
- C. Example Weekly Report

ACRONYMS AND ABBREVIATIONS

AO	Authorized Officer representing the Bureau of Land Management
BLM	United States Department of the Interior, Bureau of Land Management
BOP	Balance of Plant
CM	Compliance Manager provided by the third-party contractor to the BLM
CPM	Compliance Project Manager, staff of the BLM
CRS	Cultural Resource Specialist
CWA	Clean Water Act
ECMP	Environmental Compliance Monitoring Plan
EIS	Environmental Impact Statement
EM	Environmental Monitors for the Project Owner/Right-of-Way Grant Holder
EPC	Engineering, Procurement and Construction
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
MW	Megawatt
NAM	Native American Monitors or Tribal Monitors
NPS	United States Department of the Interior, National Park Service
NTP	Notice to Proceed
POD	Plan of Development
ROD	Record of Decision
ROW	Right-of-Way
SWPPP	Storm Water Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USFWS	United States Department of the Interior, Fish and Wildlife Service
WEAP	Worker Environmental Awareness Program

[PROJECT NAME] ENVIRONMENTAL COMPLIANCE MONITORING PLAN

1.0 INTRODUCTION

On [DATE], the [NAME OF THE AUTHORIZED DISTRICT OR OFFICE] of the Bureau of Land Management (BLM) issued a Right-of-Way (ROW) grant authorizing construction and operation of the [PROJECT NAME] (see Appendix A for a Summary Project Description). Construction on the project is scheduled to begin on [DATE] and conclude by [DATE] (see Appendix B for the Project Schedule). The project owner and ROW Grant Holder, [PROJECT OWNER NAME], is responsible for implementing all the requirements described in the ROW grant; the Plan of Development; and any other decision requirements, mitigation, and other environmental protection measures required for the project.

The BLM has retained [THIRD-PARTY CONTRACTOR NAME] to conduct independent, third-party monitoring of the [PROJECT NAME]. The responsibility of [THIRD-PARTY CONTRACTOR NAME] is to ensure the project complies with all applicable requirements during construction. [THIRD-PARTY CONTRACTOR NAME] will use knowledgeable and trained personnel to perform on-the-ground inspections, review reports, and evaluate proposed project changes in a manner that has minimal interference with project development, resolves any noncompliance issues quickly, and protects critical resources. Although funded by the project owner/ROW Grant Holder, the third-party environmental compliance monitor works for, reports to, and represents the BLM.

This Environmental Compliance Monitoring Plan (ECMP) describes the environmental compliance monitoring for the [PROJECT NAME]. It describes:

- Objectives of the environmental compliance monitoring;
- Management structure including the responsibilities and relationships of individuals involved in the compliance management program;
- Reporting and document requirements;
- Project change and deviation requirements;
- Stop work and access authority;
- Training requirements; and
- Close-out procedures.

This Plan focuses only on the construction phase of the project that occurs prior to the operation and decommissioning activities of the facility. The project owner/ROW Grant Holder must provide a supplement to the ECMP that focuses on the roles and responsibilities for the operations and decommissioning of the project. The project owner/ROW Grant Holder must obtain BLM approval of any supplement to the ECMP.

2.0 ENVIRONMENTAL COMPLIANCE MONITORING PLAN (ECMP) OBJECTIVES

The overall objective of the construction phase of environmental compliance monitoring is to ensure that the project owner/ROW Grant Holder meets all BLM mitigation measures and environmental protection requirements during construction of the [PROJECT NAME]. The project owner/ROW Grant Holder must provide to BLM and obtain approval of any supplement or amendment to the ECMP for the operation and decommissioning phases of the project. Under the terms of the ROW authorization, the project owner/ROW Grant Holder must comply with all of the following:

- Mitigation measures, project design features, and other measures documented in the Final Environmental Impact Statement (FEIS) and Appendices included in the Record of Decision (ROD);
- Terms, conditions, and stipulations in the ROD, ROW Grant, and Notices to Proceed for the Project;
- Construction procedures and mitigation measures in the approved Plan of Development (POD) for the Project;
- Stipulations, terms, conditions, and other measures from the U.S. Fish and Wildlife Service (USFWS) Biological Opinion and authorizing Federal environmental agencies' permits and approvals not listed above; and
- Stipulations, terms, conditions, and other measures from State and regional environmental agencies' permits and approvals.

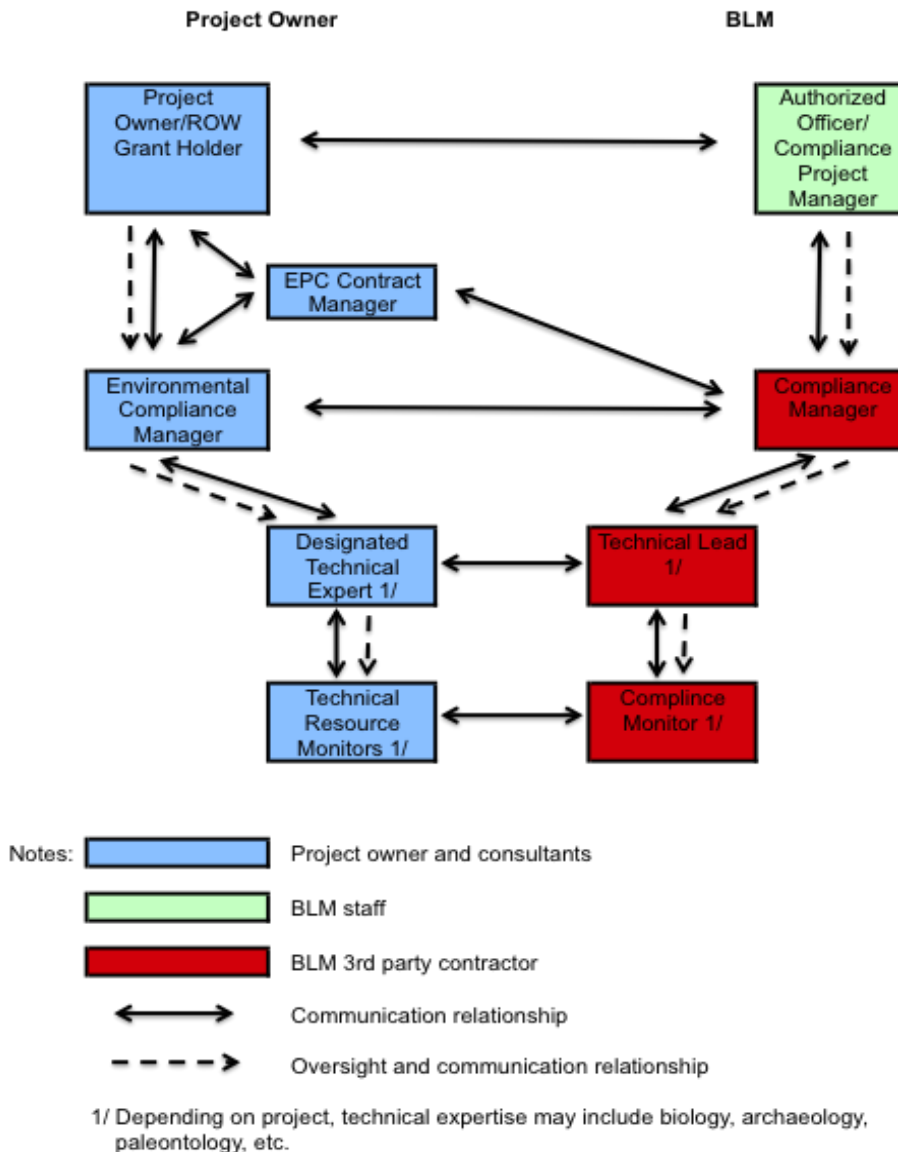
The project owner/ROW Grant Holder must actively implement these requirements. The BLM, acting on behalf of the public, is responsible for ensuring the project owner/ROW Grant Holder remains in compliance with its ROW obligations. The BLM will use its own staff and third-party contractors to independently monitor the project owner/ROW Grant Holder's construction and environmental monitoring activities, be aware of and respond to specific issues or concerns, review and approve any project changes, and review and approve periodic and specific reports and other documents.

3.0 ENVIRONMENTAL COMPLIANCE MONITORING MANAGEMENT

3.1 Environmental Compliance Management

The project owner/ROW Grant Holder, the BLM, and their contractors have important roles in environmental compliance monitoring during construction. Figure 1 shows the individuals involved in environmental compliance monitoring and their relationships.

Figure 1
[PROJECT NAME] Environmental Compliance Management



The project owner/ROW Grant Holder is responsible for constructing the project in conformance with the POD and implementing all applicable environmental mitigation measures and other

requirements in the ROW Grant, ROD, and other government agency permits and decisions such as the USFWS Biological Opinion. Their compliance team may consist of:

- **Project Owner's Representative:** The project owner/ROW Grant Holder's representative that has signature authority for the project and consequently is the decisionmaker on all issues related to environmental compliance for the project owner. The project owner/ROW Grant Holder's representative will enter into a contract to fund third-party environmental compliance monitoring (see Section 3.5) and will prepare a matrix of all environmental requirements during project construction including those of other Federal and State agencies (see Section 4.1). The BLM expects the project owner/ROW Grant Holder's representative or another designated individual to keep the BLM onsite Compliance Monitor apprised of the project schedule, major construction activities, and proposed project changes. The project owner/ROW Grant Holder's representative will ensure that there are regular meetings with the third-party environmental compliance monitors to keep them informed about project activities, where those activities are taking place, and any proposed project changes.
- **Engineering, Procurement and Construction (EPC) Contract Manger:** The project owner/ROW Grant Holder's onsite representative that is responsible for all construction and construction related activities.
- **Environmental Monitor:** The project owner/ROW Grant Holder's employee or contractor that is responsible for ensuring all environmental requirements are met, submitting environmental compliance documents, and overseeing all onsite monitors for the project owner. The BLM expects there to be open communication between the Environmental Monitor and the BLM's onsite Compliance Monitor and that the Environmental Monitor will immediately report any noncompliance issue or environmental concern to the BLM's onsite Compliance Monitor.
- **Designated Technical Experts:** On-the-ground employees or contractors responsible for ensuring that specific environmental resources are protected during construction and specific mitigation measures are implemented as required. They may include experts in biology, cultural resources, or other technical areas depending on the mitigation requirements and environmental resources present at the project site. During construction, the Designated Technical Experts will oversee or conduct required surveys and the implementation of mitigation measures. The Designated Technical Experts will communicate with, work directly with, and provide regular feedback on any compliance issues to the BLM's third-party Compliance Manager and Compliance Monitors.

The BLM compliance team is responsible for independently ensuring all environmental requirements are met, identifying and correcting any noncompliance issues, and reviewing any project changes. The BLM compliance team consists of:

- **BLM Authorized Officer (BLM AO):** The BLM [AUTHORIZING DISTRICT OR OFFICE NAME] Field Manager with signature authority for the ROW Grant and approval authority for any project changes and decisionmaker on all issues related to

environmental compliance on the ROW Grant. The BLM AO will work closely with the BLM Compliance Project Manager and third-party Compliance Manager to ensure that requests such as deviations or approvals are reviewed and acted on by BLM and other agencies, to the extent possible, within a reasonable time.

- **BLM Compliance Project Manager (BLM CPM):** The BLM staff person designated by the BLM AO as the point of contact for all compliance related issues and has the authority to act in the absence of the BLM AO unless some other individual is identified. The BLM CPM will provide general oversight over the third-party environmental compliance monitor.
- **Compliance Manager (CM):** The third-party contractor responsible for independently verifying, on behalf of the BLM, that all environmental compliance requirements are met, environmental compliance issues and concerns are reported and resolved, and project changes reported and approved. The CM reports directly to the BLM AO or the designated BLM CPM. (Further details on the Compliance Monitor’s responsibilities are discussed in Section 3.2 below.)
- **Compliance Monitors:** On-the-ground personnel reporting to the CM and responsible for observing and reporting compliance with the terms and conditions of the BLM ROW Grant and all applicable permitting documents related to project construction. (Further details on the Compliance Monitor’s responsibilities are discussed in Section 3.3 below.)

Table 1 identifies the designated personnel responsible for environmental compliance activities for the **[PROJECT NAME]**.

Table 1
[PROJECT NAME] Designated Personnel

Function	Name	Organization	Phone	E-mail
Project Owner’s Representative		[PROJECT OWNER NAME]		
EPC Construction Manager				
Environmental Monitor				
Designated Technical Monitors				
Authorized Officer		BLM [AUTHORIZING DISTRICT OR OFFICE NAME]		
Compliance Project Manager		BLM [AUTHORIZING		

Function	Name	Organization	Phone	E-mail
		DISTRICT OR OFFICE NAME]		
Compliance Manager		[THIRD-PARTY CONTRACTOR NAME]		
Compliance Monitors		[THIRD-PARTY CONTRACTOR NAME]		
Other Agency Representatives				

3.2 Compliance Manager

The CM is the BLM’s third-party contractor responsible for monitoring environmental compliance during project construction. The CM reports directly to the BLM AO or BLM CPM. Specific duties of the CM include:

1. Develop a contract with the project owner/ROW Grant Holder for third-party environmental monitoring services during construction (see Section 3.5).
2. Review and verify the project owner’s compliance program is consistent with and adequate to monitor compliance with the project’s environmental requirements. Make recommendations to the BLM AO if changes are required.
3. Review and comment on a matrix prepared by the project owner/ROW Grant Holder prior to construction of all environmental requirements including those of other Federal and State agencies (see Section 4.1).
4. Review preconstruction documents and participate in appropriate preconstruction activities including the BLM’s preconstruction meeting and the project owner/ROW Grant Holder’s environmental training program.
5. Track all environmental compliance progress and report to the BLM any environmental noncompliance issues. Monitor the status of all noncompliance issues and work with the project owner and, as necessary, the BLM and other agencies to achieve resolution (see Section 5).
6. Receive all project decision, approval, and compliance documents, review and distribute to appropriate compliance monitors and/or BLM staff for review, and submit with recommendations for consideration and possible approval by the BLM AO or CPM.
7. Receive, review, and approve Level 1 project deviation requests. Review, comment on and coordinate with the BLM and other agencies on Level 2 and 3 deviation requests (see Section 6.1).

8. Supervise the activities, materials, schedules, and performance of the third-party contractor's Compliance Monitors.
9. Review work progress, schedules, and budgets related to third-party contractor's compliance monitoring activities.
10. Confer with the BLM CPM and other assigned BLM personnel on a regular basis.
11. Serve as the contact between the BLM and the project owner/ROW Grant Holder for environmental compliance issues.
12. As appropriate and authorized by the BLM, serve as the BLM's representative to permitting agencies and special interest groups keeping them informed on environmental compliance on the project and involving them in problem resolution.
13. Prepare a final report to the BLM AO or CPM on the third-party compliance monitoring activities (see Section 5.4).

Throughout construction, the CM will inform and involve other Federal and State agencies in the monitoring and documenting of environmental compliance to the extent requested by those agencies and authorized by the BLM.

Depending on the role and time required, the CM may designate other appropriately trained staff to carry out his/her responsibilities. The BLM AO or CPM must approve any designation in advance.

3.3 Compliance Monitors

The primary responsibility of the Compliance Monitors will be to monitor the project owner/ROW Grant Holder's construction and environmental compliance activities and to determine and document their compliance and/or noncompliance with the project environmental requirements.

Based on direction from the BLM, [THIRD-PARTY CONTRACTOR NAME] will provide full-time on-the-ground Compliance Monitors during the pre-construction, grading, and construction phases of the project. The construction phase of the project will include the temporary disturbance area reclamation and site stabilization. The number of Compliance Monitors will be determined after a review of the mitigation and monitoring requirements identified in the ROD, FEIS, POD, other agency permits, and any other decision documents.

Compliance Monitors may include qualified technical subject area experts such as biologists, cultural resources specialists, Native American monitors, paleontologists, visual resource experts, or others as determined necessary. The necessary compliance monitor expertise will be based on the mitigation and monitoring requirements in the environmental and permitting documents. Where several compliance monitors with specific expertise are required, one of them will be designated as the lead (for example the Compliance Monitor Biology Lead) to report directly to the CM and oversee the work of other Compliance Monitors with that technical

expertise. The BLM AO or CPM must review and approve all Compliance Monitors and Leads before they begin work on a project to confirm that they have the relevant expertise.

The Compliance Monitors are required to have knowledge of the planned site activities for the coming week and the project owner/ROW Grant Holder's environmental monitoring staffing requirements. The lead Compliance Monitor at the project site will attend regular project development meetings with the project owner/ROW Grant Holder and/or the EPC. These meetings can be incorporated into larger EPC meetings or be specific to environmental compliance. Depending on the complexity of the project and issues encountered during construction, brief daily meetings including the EPC, subcontractors, monitoring staff, and the CMC may be required.

Specific responsibilities of the Compliance Monitors include:

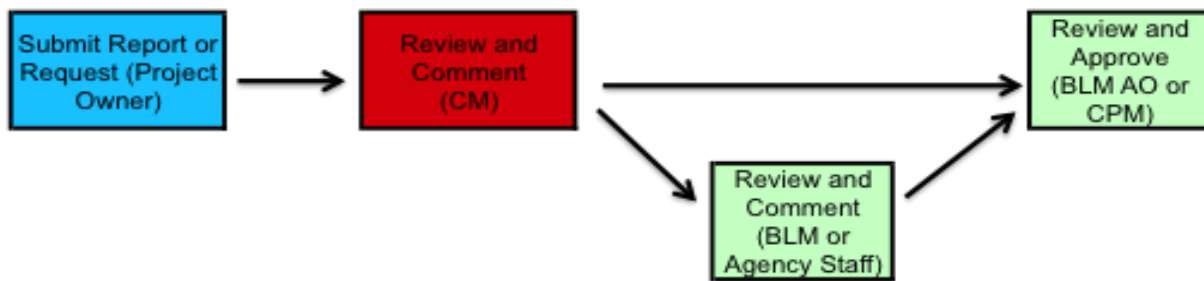
1. Be knowledgeable of the approved project description, project owner/ROW Grant Holder's environmental compliance management program, onsite environmental resource staff, environmental reporting responsibilities, and the chain of communication.
2. Maintain regular contact with the project owner/ROW Grant Holder's environmental compliance team and EPC manager in order obtain current information on the status of construction and discuss any significant construction events scheduled over the next 2 or 3 days.
3. Inspect construction activities on a daily basis during initial site clearing, fencing, excavation and grading, and special environmental protection activities such as wildlife relocation and cultural resource recovery. Observe the project owner/ROW Grant Holder's Environmental Monitors and Designated Technical Monitors to ensure that all environmental resources within their area of expertise are not being directly impacted and the environmental requirements are in compliance. The Compliance Monitors may inspect all activities with the project owner/ROW Grant Holder's environmental monitors or independently.
4. Inspect environmentally sensitive areas regularly and ensure all construction activities are contained within designated staked and flagged areas.
5. Track construction progress and environmental compliance in an environmental mitigation matrix and/or daily logs and provide regular feedback on compliance issues to the BLM in weekly and other reports (see Section 5.0). Record daily observations including digital photo documentation at each location visited to ensure consistent and accurate reporting of site conditions at the time of inspection. Assign a compliance level for each activity monitored.
6. Review weekly and other reports by the project owner/ROW Grant Holder's environmental monitors and/or technical specialists and provide comments to the BLM if appropriate.

7. Work with the Project Owner/ROW Grant Holder's Environmental Monitor and Designated Technical Monitors to identify, avoid, and, when necessary, resolve all environmental and noncompliance issues.
8. When appropriate and necessary, stop work associated with a specific noncompliance activity that is damaging or has the potential to damage sensitive environmental resources (see Section 7.1).
9. Review requests for changes in the approach for verification of any environmental compliance measures and submit those requests and their recommendation to the CM, or the BLM AO or CPM (see Section 6.0).
10. Involve other Federal and State agencies in the environmental compliance monitoring program to the extent requested by those agencies and authorized by the BLM.
11. After construction has been completed, review and comment on the project owner/ROW Grant Holder's final monitoring report.
12. Immediately inform the BLM's CPM and the third-party CM of any significant issues, project changes, or complaints.
13. Perform all duties in an objective, professional, and problem-solving manner.

3.4 Report or Request Review Process

To ensure that all reports or requests from the project owner/ROW Grant Holder are tracked, provided to the appropriate BLM staff or other agencies, and responded to in a timely manner, the requests should be submitted to the third-party CM or their delegate. The CM will review the request, distribute it to appropriate BLM staff and/or other agencies, and make recommendations for consideration by the BLM AO or CPM. The CM will track progress of the submittal during the review process and notify the BLM AO or CPM of issues or delays. The normal submittal and review process is shown in Figure 2.

Figure 2
Report or Request Review Process



3.5 Contract Relationships

The ROW holder may choose to provide a third-party contractor as the BLM’s third-party environmental compliance monitor. The agreement will identify the third-party contractor funding by the holder, and contractor reporting and direction by the BLM only. The BLM will request the holder to provide names of prospective third-party contractors for approval. Upon BLM approval, the holder will select a third-party contractor. The BLM will not be a party to any financial arrangement between the holder and the third-party contractor.

The BLM will request that the holder dismiss and replace a third-party contractor when performance of the inspections does not meet BLM requirements. The contract will include a provision that [PROJECT OWNER NAME] may not terminate the contract or withhold payments to [THIRD-PARTY CONTRACTOR NAME] without prior authorization of the BLM AO. Any complaints regarding the performance of the [THIRD-PARTY CONTRACTOR NAME] will be brought to the attention of the BLM AO or CPM. The holder can request dismissal of a third-party contractor when the holder is dissatisfied with performance, but must include sufficient supporting rationale. The BLM may reject the holder’s request.

On the [PROJECT NAME], [THIRD-PARTY CONTRACTOR NAME] will provide and [PROJECT OWNER] will fund [IDENTIFY NUMBER] full time Compliance Monitors and will include [IDENTIFY SPECIAL EXPERTISE IF REQUIRED]. This level of staffing assumes that construction contractors will demonstrate high levels of environmental compliance, and the project owner/ROW Grant Holder’s environmental monitors will be qualified and experienced. It also assumes that the project owner/ROW Grant Holder will supply sufficient technical specialists and associated monitors to support environmental compliance during the entire construction period of the project. The CM will evaluate the quality and effectiveness of the project owner/ROW Grant Holder’s environmental compliance monitoring in consultation with the BLM CPM to ensure adequate and quality staffing. Should additional environmental compliance monitors be required, the BLM will make a request to the project owner/ROW Grant Holder to provide additional qualified environmental staff. Additional third-party compliance monitors to be funded by [PROJECT OWNER NAME] may be added based on project specific needs if they are necessary and approved by the BLM following review and comments by [PROJECT OWNER NAME].

4.0 PRECONSTRUCTION AND TRAINING

Preconstruction activities are critical to the success of the environmental compliance monitoring program. During preconstruction, the compliance monitoring teams for the project owner/ROW Grant Holder and BLM are assembled, roles and relationships are established, and critical documents such as the Final POD and mitigation matrix are completed.

4.1 Mitigation Matrix

Prior to the start of construction and any ground-disturbance activities, the project owner/ROW Grant Holder will provide the BLM and the third-party CM with a mitigation matrix containing the following information for each applicable environmental mitigation measure or resource protection requirement:

- Summary description of the measure or requirement;
- Project development stage (for example: preconstruction, construction, commissioning, operation, and decommissioning) for implementation;
- Proposed timeframe for implementation;
- Source of measure; and
- Agency responsible.

The third-party CM will review and verify that the matrix is complete and the timeframes are reasonable. The CM will use the matrix as the basis to track when filings associated with each mitigation measure or requirement are submitted, approved, and completed along with any comments.

4.2 Preconstruction Activities

Before the start of construction, the BLM and the third-party environmental compliance monitor will hold a meeting to establish working relationships and project organization.

The BLM will also hold a preconstruction meeting prior to issuing the Notice to Proceed. The project owner/ROW Grant Holder, EPC contractor, and Environmental Monitor, as well as the BLM AO or CPM and the third-party Compliance Monitor, will attend. The purpose of this meeting is for the project owner/ROW Grant Holder to discuss the timing, phasing, and nature of construction activities and the BLM to discuss the environmental compliance monitoring, to include:

- Compliance monitoring objectives;
- Requirements of the ROW Grant and other permit documents;
- Roles, responsibilities, and relationships;
- Stop work authority and access;
- Reporting requirements; and
- Deviation process.

The meeting will also cover the daily activities of the Compliance Monitors and their interactions with the project owner/ROW Grant Holder's inspection and construction personnel.

Prior to construction, the Compliance Monitors will review required preconstruction submittals such as survey reports and plans. The Compliance Monitors will provide comments on these plans to the BLM CPM and the project owner/ROW Grant Holder's environmental monitor.

4.3 Training

[PROJECT OWNER'S NAME] is responsible for preparing and conducting an environmental training program for their environmental monitoring team and contractor personnel prior to the start of construction. The BLM CPM and the CM may participate in project owner/ROW Grant Holder's environmental training program to present an overview of the BLM's environmental compliance monitoring program and to become familiar with the project owner/ROW Grant Holder's environmental inspection program and personnel. Personnel from other appropriate Federal and State agencies may attend the training at the invitation of the BLM. The BLM CPM or the CM will coordinate attendance of personnel from other appropriate Federal and State agencies.

The project owner/ROW Grant Holder, through its Environmental Monitor, will develop and implement Worker Environmental Awareness Program (WEAP) training. The BLM CPM must review and approve the WEAP training prior to its implementation, and the CM must be familiar with it.

[THIRD-PARTY CONTRACTOR NAME] is responsible to train their Compliance Monitors in all procedures, duties, responsibilities, reporting requirements, and authorities, including the use of construction deviations (variances) to complete their assigned tasks.

4.4 Equipment

The environmental compliance monitoring program will require field support equipment such as notebook computers and associated software, digital cameras, cellular phones, and vehicles for field personnel. [THIRD-PARTY CONTRACTOR NAME] is responsible for providing all equipment required for its personnel.

5.0 REPORTING AND DOCUMENTATION

It is important that the third-party Compliance Monitors regularly, objectively, and accurately document the inspection and monitoring results. This documentation can be used to communicate to the BLM and other agencies, demonstrate [PROJECT OWNER'S NAME]'s conformance with the environmental requirements of the ROW Grant and other permit documents for the [PROJECT NAME], identify and resolve any noncompliance issues, support any corrective or enforcement actions, and be used in any legal challenges.

The Compliance Monitors will maintain a daily log of all monitoring activities and prepare weekly and quarterly summary reports. The monitors will enter all the reports and any supporting photographs or documents into a database program posted on a secure project website and made available to authorized personnel in the BLM, other regulatory agencies, and [PROJECT NAME]. At the conclusion of monitoring activities, [THIRD-PARTY CONTRACTOR NAME] will prepare Final Compliance Monitoring Report. Specifics of the reporting and documentation to be used for the Project are described below.

5.1 Daily Reports

On a daily basis, each Compliance Monitor will record every separate activity monitored in a daily log. The log will provide:

- A brief description of the activities observed;
- Location of the activities;
- Compliance level of the activity (see below);
- Sensitive resources (biological, cultural, or other) observed;
- Digital photographs; and
- Comments.

The Compliance Monitors will assign one of four compliance levels to each activity monitored. The compliance levels, special reporting requirements, and resulting actions are described in Table 2.

Table 2
Compliance Levels, Reporting Requirements, and Actions

Compliance Level	Description	Reporting	Actions
Communication	Limited to communication with the project owner/ROW Grant Holder or their representatives, construction contractors, agencies, or others	Document relevant meetings or discussions, maintained in the project file	No action or follow-up is required

Acceptable	The inspected area or activity complies with project specifications and any applicable mitigation measures have been adequately implemented and are operating as required	Document that an inspected area or activity is in compliance	No further monitoring of that area or activity is necessary
Problem Area	There are questions or concerns with a specific area, construction activity, and/or mitigation implementation or operation. ¹ The problem area may become a noncompliance issue if it is not resolved in a timely manner, impacts sensitive resources, or is repeated	Record an observation that a location or activity does not meet the definition of acceptable but is not considered a noncompliance. The report should include digital photographs	Notify the project owner's Environmental Monitor, and follow-up on the activity
Noncompliance	An activity or area does not comply with the project specifications; violates mitigation or environmental protection requirements; or places sensitive environmental resources, personal	Document the name of the monitor, time, date, and details of the violation or noncompliant area or activity. The report should include digital photographs	The CM will prepare a special "Noncompliance Report" on the issue but will notify the project owner's Environmental Monitor and the BLM when issuing the report. The BLM AO will review the report and issue a "Notice of Noncompliance" if

¹ This may include an accidental or unforeseeable incident, an activity that is not out of compliance but damage to resources could occur if corrective actions are not taken, or an activity that departs from the described project and does not affect any sensitive resources. Examples include a fuel leak where Project personnel respond properly by stopping, containing, and cleaning up the spill in accordance with the Project specifications; a tortoise fence with a build-up of soil or debris; a topsoil pile located on the bank of a drainage; and an improperly constructed/located erosion control structure; or 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.

	safety, or worker safety at risk ²		appropriate. The CM and monitors will work collaboratively with the project owner/ROW Grant Holder's environmental compliance staff, construction contractor, BLM CPM, and applicable agencies to determine the appropriate corrective measures, ensure the measures are properly understood. The seriousness of the noncompliance will determine the immediacy of the response and degree of involvement of BLM and other agencies. The project owner/ROW Grant Holder is responsible to implement and document resolution. The CM will inspect, verify, and document that the noncompliance is adequately resolved as soon as possible
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5.2 Weekly Reports

[THIRD-PARTY CONTRACTOR NAME] will summarize the daily activity logs and special reports prepared for the [PROJECT NAME] into a Weekly Report. The purpose of the report is to document environmental compliance activities and progress. It will include updates on:

- Overall status of the project including construction level as a percent complete or other method as agreed to by the BLM and provided by the project owner/ROW Grant Holder;
- Summary of overall environmental compliance including activities observed and submittals received from the project owner/ROW Grant Holder;
- Observations of sensitive environmental resources such as protected species or

² Examples of noncompliance activities include failure to install or maintain required erosion control devices; failure to install or maintain an endangered species protective fence; ground-disturbing activities conducted outside the approved right-of-way limits; or surface disturbing activities conducted without an appropriate biological monitor present.

- cultural resources;
- Any problem areas or noncompliance including whether and how the issue was resolved or whether further action is required and the anticipated timeframe for issue resolution; and
- Upcoming events.

Relevant digital photographs will be included in the report.

The [THIRD-PARTY CONTRACTOR NAME] will post the report on the non-public environmental compliance website (see Section 5.5) and distribute the report to BLM personnel if requested and other agencies as approved by the BLM.

5.3 Monthly and/or Quarterly Reports

As requested by the BLM AO or CPM, the CM will prepare monthly and/or quarterly reports that provide an overview of the project construction and summarize the environmental compliance issues and resolutions documented by the compliance monitors during the reporting period. The reports will include:

- Major construction activities and construction progress as a percentage complete or other identifying method agreed to by the BLM AO;
- Number of activities monitored;
- List of project owner/ROW Grant Holder submittals received and reviewed;
- List of Problem Areas, Noncompliance Reports issued, and their status;
- List of deviations requested by level, subsequent actions, and their status;
- Table summarizing the net acreage of Federal lands affected by approved variances and net acreage of Federal and non-Federal lands affected under the Archaeological Resources Protection Act and Endangered Species Act;
- Relevant digital photographs; and
- Other information requested by the BLM AO or CPM.

The [THIRD-PARTY CONTRACTOR NAME] will post the Monthly and/or Quarterly Summary Reports on the non-public, secure environmental compliance website (see Section 5.5). When the report is posted, the CM will send an email to the authorized distribution list, including the BLM, CM, and the project owner/BLM Grant Holder representatives, notifying them the report is available. The email will include the link to the website.

5.4 Final Report

Upon the completion of all compliance monitoring for the [PROJECT NAME], [THIRD-PARTY CONTRACTOR NAME] will prepare a final compliance monitoring report. The purpose of the report is to document the compliance status of all mitigation measures and environmental protection requirements contained in the BLM ROW Grant, ROD, FEIS, and other permitting documents.

The final compliance monitoring report will include:

- Summary overview of the environmental compliance monitoring program;

- Completed Mitigation Matrix (see Section 4.1);
- List of Notices to Proceed;
- Construction deviation (variance) approvals;
- Problems Area Reports and summary of the final resolution;
- Noncompliance Reports and summary of the final resolution;
- Stop work orders;
- Complaints;
- List of outstanding activities or requirements (such as temporary reclamation areas and site stabilization); and
- DVD containing the project photo documentation.

The report should also discuss the lessons learned from the environmental compliance monitoring to allow the BLM to understand which aspects worked well and which need to be improved.

[THIRD-PARTY CONTRACTOR NAME] will provide a paper and electronic copy of the report to the BLM AO and CPM and an electronic copy to the project owner/ROW Grant Holder.

5.5 Non-Public Project Web site

[THIRD-PARTY CONTRACTOR NAME] will establish and maintain a non-public, password-protected project website. The website will include:

- Summary information on the project;
- Important permitting and decision documents;
- Mitigation matrix with current compliance status;
- Environmental monitoring reports;
- Project submittals;
- Photographs; and
- Public complaints summary.

The project website may also be used to post meeting minutes, notes from conference calls, and guidance from agencies regarding interpretation of environmental requirements.

If authorized by the BLM, other agencies may be given access to the website.

5.6 Public Project Web site

[THIRD-PARTY CONTRACTOR NAME] will establish and maintain a public project website. The website will include:

- Summary information on the project;
- Important permitting and decision documents;
- Monthly/Quarterly environmental monitoring reports;
- Project submittals; and

- Public complaints hotline and email.

The public project website may also be used to post other information and materials from agencies regarding interpretation of environmental requirements. The BLM AO or CPM must approve posting any additional information.

6.0 DEVIATIONS (VARIANCES) AND AMENDMENTS

During construction, unforeseen or unavoidable site conditions or circumstances can result in the need for changes from approved project description, construction procedures and work areas, and mitigation measures. These changes, as well as clarifications or corrections to inconsistencies to project permits or decision documents, are handled through deviation requests. The nature of the deviation and potential adverse impacts will determine whether work needs to stop for all or a portion of the project during review of the deviation.

The project owner/ROW Grant Holder must submit deviation requests to the BLM AO, BLM CPM, or CM. The project owner/ROW Grant Holder will also distribute the deviation request to any participating agencies along with a request for the agency to submit comments to the BLM AO or CPM. The requests will be reviewed and a decision made by the BLM AO or CPM or in some cases by the third-party CM depending on the level of the deviation and potential for impacts.

6.1 Deviation (Variance) Levels

Three deviation levels (Levels 1, 2, and 3) are used to categorize and process deviation requests. The purpose, examples, decision-making authority, and review process are discussed in Table 3.

Table 3
Deviation (Variance) Descriptions

Deviation Level	Level 1	Level 2	Level 3
Description	Minor, site-specific, performance-based changes to project specifications, construction methods, or mitigation measures	Project changes within the previously approved work area, to include changes in facility design or location	<ol style="list-style-type: none"> 1. Project changes outside the previously surveyed or authorized ROW area 2. Project changes not previously identified and analyzed by NEPA 3. Project changes resulting in an increase in disturbed acres 4. Project changes would result in impacts to resource values greater than approved by BLM

Purpose	Improve constructability reflecting actual site conditions, modify mitigation not applicable to the site, provide clarifications or correct inconsistencies	Make modifications within the work area reflecting actual site conditions or unanticipated changes or circumstances	Make modifications outside the work area reflecting actual site conditions or unanticipated changes or circumstances
Deviation Activity Location	Within the approved work area and within the surveyed areas	Outside the approved work area but within the surveyed area	Outside the approved work area and outside the surveyed areas
Environmental Protection	Provide equal or better protection to environmental resources	Provide equal or better protection to environmental resources	Provide equal or better protection to environmental resources
Examples	<ul style="list-style-type: none"> • Use additional access roads that would not require any improvement to the road • Minor variations in site-specific plans that reflect actual site conditions • Minor changes to the project design required due to site-specific restrictions 	<ul style="list-style-type: none"> • Extra workspace or lay down areas • Use of existing roads not previously approved • Increasing width of construction right-of way • Moving or significantly changing a major facility within approved site 	<ul style="list-style-type: none"> • Expansion of the project site • Change in right-of way • Locating a facility outside of the approved site • Change in facility type
Approval Authority	CM or Compliance Monitor in the field	BLM AO or CPM or, if approved by the BLM AO, the CM	BLM AO
Review Process	<ol style="list-style-type: none"> 1. EM completes deviation request form 2. EM submits request to CM 3. CM reviews and consults with EM 4. If appropriate, CM approves request 5. CM documents approval and notifies BLM 	<ol style="list-style-type: none"> 1. EM completes deviation request form 2. EM submits request and all supporting analysis to BLM AO or CPM with a copy to the CM 3. BLM AO or CPM reviews and consults with CM 4. CM consults with any applicable 	<ol style="list-style-type: none"> 1. EM completes deviation request form 2. EM submits request and all supporting analysis including required surveys to BLM AO or CPM with a copy to the CM 3. BLM AO or CPM reviews and consults with CM

		agencies and makes a recommendation 5. If appropriate, BLM AO or CPM approves the request and notifies the CM	4. CM consults with any applicable agencies, verifies required surveys, and makes a recommendation 5. If appropriate, BLM AO or CPM approves the request and notifies the CM
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6.2 Amendments

Any project-related changes that exceed what can be reviewed and approved in a deviation request must be handled as an amendment to the ROW Grant. For an amendment, the project owner/BLM Grant Holder will discuss with the BLM AO or CPM the nature of the request to determine the specific process to be followed. The BLM or other agency with lead authority will determine how the amendment will be processed and whether a full NEPA review will be required based on the nature of the change, potential for undocumented environmental impacts, and permanence of the change. Typically, the project owner/ROW Grant Holder will prepare an amendment request including a detailed description of the necessary changes and a supporting environmental analysis and distribute them to the BLM for coordination with all agencies involved in the previous decision. The BLM and other appropriate agencies will review and approve the amendment. The third-party Compliance Monitor will be involved based on the determination of the BLM AO or CPM. The typical process for an amendment will follow a Level 3 deviation as identified above.

6.3 Other Agency Deviations

Project deviations may also be requested by another Federal agency if mitigation is not feasible, is not accomplishing its intended result, or was overlooked during the permitting process. In this case, the requesting agency will coordinate with the BLM AO or CPM, the third-party Compliance Monitor, and the project owner/ROW Grant Holder regarding the request, the schedule of review, and the applicable construction activities. The process for other agency deviations will generally follow deviation levels found in Table 3 and be determined by the BLM AO or CPM after coordination on the proposed deviation.

7.0 STOP WORK AND ACCESS

7.1 Stop Work Authority

The BLM has the authority to immediately suspend work on any or all construction if an activity is determined to be a deviation from the project's environmental requirements or approved construction plans, or as otherwise necessary to protect public health or safety or the environment. By agreeing to the ECMP, the BLM AO has delegated to the third-party CM and the Compliance Monitors the ability, through a verbal or written order, to immediately suspend work or activities that are in noncompliance with the terms and conditions of the ROW grant. The CM or Compliance Monitor must follow any work suspension order with a written report and request for the BLM AO to issue an Immediate Temporary Suspension of Activities. If the BLM AO concurs with the request, the CM will issue a verbal suspension order followed by a written decision. The BLM AO may apply the suspension to the entire ROW Grant or limit it to the construction activity determined to be in noncompliance.

The project owner/ROW Grant Holder's Environmental Monitor, Designated or Authorized Technical Specialists (biology, archaeology, etc.) may also immediately suspend work or activities that are in noncompliance with the terms and conditions of the ROW grant through a verbal or written order. If the project owner/ROW Grant Holder's Environmental Monitor, Designated or Authorized Technical Specialists suspend work or activities, they must immediately notify the third-party CM or Compliance Monitor who will investigate the situation, notify the BLM Compliance Project Manager, and prepare a report.

7.2 Site Access

The BLM and the third-party CM and Compliance Monitors, when acting on behalf of the BLM, have full access to the site and all facilities provided they have received all applicable training and follow all safety requirements.

8.0 COMPLIANCE MONITORING CLOSE OUT

Approximately 3 to 6 months prior to the completion of all activities for construction, operations, or decommissioning, and the associated compliance monitoring, the project owner/ROW Grant Holder, BLM AO or CPM, and third-party CM will initiate procedures to close out the compliance monitoring. The close-out procedures include:

- The BLM, CM, and project owner/ROW Grant Holder will meet to discuss the project status and any problems or noncompliance issues;
- The BLM, CM, and project owner/ROW Grant Holder will review the document record for completeness of all mitigation measures and required reports;
- The BLM AO or CPM, in consultation with the CM and project owner/ROW Grant Holder, will determine when the services of third-party Compliance Monitors are no longer needed to ensure compliance monitoring;
- The CM will work with the project owner/ROW Grant Holder or their representatives to ensure a complete record of all documents required in the ROW Grant, ROD, and other applicable decisions are on file and have been submitted and approved by the BLM AO or CPM. The BLM AO or CPM, CM, and project owner/ROW Grant Holder will agree to a timeframe for providing all required information;
- The BLM AO or CPM and the CM will agree to a timeframe for providing the Final Report (see Section 4.5) and the electronic record from the web based data program for all documents and reports to include photos of all site activities memorialized in that web based data record; and
- Upon completion of all third-party compliance monitoring for construction, [PROJECT OWNER NAME] will make final payments to [THIRD-PARTY CONTRACTOR NAME] as described in their contract.

At any time during construction, reclamation and site stabilization, operations, or decommissioning, the BLM AO, with input from the CM and project owner/ROW Grant Holder, may determine that third-party environmental compliance monitoring services are no longer required or the level of monitoring should be reduced to match the current monitoring needs of the BLM. The BLM will notify the CM of any change in level of staffing needed onsite no less than 2 weeks in advance.

9.0 OPERATION MONITORING

Before commercial operation of the [PROJECT NAME] begins, a supplement ECMP will be provided that details the roles and responsibilities for compliance during operations. The supplemental ECMP will describe the monitoring personnel, management structure, documentation, and actions to be taken to ensure the [PROJECT NAME] complies with all operational permits, approvals, plans, and additional requirements. To the extent possible, the supplemental ECMP will incorporate the experience and lessons learned from the environmental compliance monitoring during construction.

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

- Updated matrix of environmental mitigation measures and requirements for operation associated with the BLM's ROW Grant and ROD, the USFWS Biological Opinion, and other agency permit and decision documents;
- Designation of an environmental monitor representing the project owner/ROW Grant Holder to assume the primary role of ensuring compliance with the requirements during operations;
- Description of relationship with the BLM and the need for any third-party monitors;
- Requirement for use of adaptive management procedures to address change in legislation, regulation, or as otherwise necessary to protect public health or safety or the environment;
- Methods to accurately track, report, and keep records for compliance during operation (e.g., compliance tracking database);
- Methods and timing to notify and propose solutions to the BLM and other agencies of any noncompliance issues;
- Initial training and refresher training of operational personnel, commensurate with their roles and responsibilities; and
- Measures and schedule to address decommissioning and site stabilization of the project at scheduled, nonscheduled, partial, and final closure.

The ECMP will be subject to review and approval by the BLM AO or CPM no less than 90 days prior to the start of commercial operation.

10.0 DECOMMISSIONING MONITORING

Before decommissioning of the [PROJECT NAME] begins, a supplemental ECMP will be provided that details the roles and responsibilities for compliance during decommissioning. The supplemental ECMP will describe the monitoring personnel, management structure, documentation, and actions to be taken to ensure the [PROJECT NAME] complies with all decommissioning permits, approvals, plans, and additional requirements. To the extent possible, the supplemental ECMP will incorporate the experience and lessons learned from the environmental compliance monitoring during construction and operations.

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

- Updated matrix of environmental mitigation measures and requirements for decommissioning associated with the BLM's ROW Grant and ROD, the USFWS Biological Opinion, and other agency permit and decision documents;
- Designation of an environmental monitor representing the project owner/ROW Grant Holder to assume the primary role of ensuring compliance with the requirements during decommissioning;
- Description of relationship with the BLM and the need for any third-party monitors;
- Requirement for use of adaptive management procedures to address change in legislation, regulation, or as otherwise necessary to protect public health or safety or the environment;
- Methods to accurately track, report, and keep records for compliance during decommissioning (e.g., compliance tracking database);
- Methods and timing to notify and propose solutions to the BLM and other agencies of any noncompliance issues;
- Initial training and refresher training of decommissioning personnel, commensurate with their roles and responsibilities;
- Measures and schedule to address decommissioning of the project at scheduled, nonscheduled, partial, and final closure; and
- Measures and schedule to address the interim and long-term site stabilization monitoring.

The ECMP will be subject to review and approval by the BLM AO or CPM no less than 120 days prior to the start of decommissioning.