Mohave County Wind Farm

Environmental
and
Construction Compliance Monitoring Plan

BP Wind Energy

April 30, 2013
Version 7

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LIST OF APPENDICES

ACRONYMS AND ABBREVIATIONS

AAO	Agency Authorized Officer
ACM	Agency Compliance Manager
AEM	Agency Environmental Monitor
BP Wind Energy	BP Wind Energy North America Inc.
BLM	Bureau of Land Management
CM	BP Wind Energy Compliance Manager
CRMP	Cultural Resources Management Plan
CSM	BP Wind Energy Construction Site Manager
ECCMP	Environmental and Construction Compliance Monitoring Plan
EIS	Environmental Impact Statement
EM	BP Wind Energy Environmental Monitor
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
HPTP	Historic Properties Treatment Plan
KFO	BLM Kingman Field Office
km	kilometer
kV	kilovolt
MET	Meteorological tower
MW	megawatt
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
O&M	Operations and Maintenance
PM	BP Wind Energy Project Manager
POD	Plan of Development
Project	Mohave County Wind Farm
Reclamation	Bureau of Reclamation
ROD	Record of Decision
ROW	Right of Way
SPCC	Spill Prevention Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevent Plan
WEAP	Worker Environmental Awareness Program
Western	Western Area Power Administration

1.0 INTRODUCTION

1.1 Background Information

BP Wind Energy North America Inc. (BP Wind Energy), or an affiliate thereof, which is a wholly owned, indirect subsidiary of BP p.l.c., a publicly traded company, or an affiliate thereof, is proposing to develop, own, operate, and decommission the Mohave County Wind Farm (Project) in Mohave County, northwestern Arizona, on federal lands managed by the Bureau of Land Management (BLM) and the Bureau of Reclamation (Reclamation). The scope of this Environmental and Construction Compliance Monitoring Plan (ECCMP) is confined to the construction phase. The ECCMP would also apply to future construction activities if the project is built in phases, unless amended by BLM or Reclamation. BP Wind Energy has applied to interconnect the proposed Project with either the 345 kilovolt (kV) Western Area Power Administration's (Western) Liberty-Mead transmission line or the 500 kV Mead-Phoenix transmission line (of which Western is one of several co-owners) for up to 500 megawatts (MW). The proposed Project would interconnect through a new switchyard to be constructed within the Project area. All three federal agencies listed above (BLM, Reclamation, and Western; collectively the Agencies hereafter) may be involved in the construction compliance process depending on the land ownership (BLM or Reclamation) and Project feature involved (i.e., Western for the substation). An Environmental Impact Statement (EIS) is being developed for the Project to meet the requirements of the National Environmental Policy Act (NEPA) of 1969. The NEPA process was initiated in 2006. BLM is the lead agency for the Project and released the Draft EIS for public comment from April 27, 2012 to June 18, 2012. The Final EIS is scheduled to be released to the public in spring of 2013.

1.2 Project Description

The Project area, as defined in Chapter 2 of the EIS, includes approximately 38,099 acres of public land managed by the BLM Kingman Field Office (KFO), and approximately 8,960 acres of land managed by Reclamation, for a total of 47,059 acres. The Project area is located approximately 64 kilometers (km) (40 miles) northwest of Kingman, Arizona in the White Hills of Mohave County. Project features as described in the EIS include wind turbines; foundations and pad-mounted transformers; electrical, communication, and distribution systems; main access road to Highway 93, and interior access roads; substations; a switchyard; and ancillary facilities including an Operations and Maintenance (O&M) building, temporary laydown/staging areas, mobile batch plants, mining activities, and temporary and permanent meteorological (met) towers.

BP Wind Energy has applied for the ROWs using a "turbine corridor" approach in order to account for the degree of flexibility required for a project of this scale and complexity, given the long federal permitting timeline anticipated at the time of application (August 2006). By providing site-specific data within broad turbine corridors as well as within larger areas identified for placement of roads, transmission lines, substations and other features of the Proposed Action and Alternatives, BP Wind Energy preserves flexibility to micro-site all elements of the wind farm in order to avoid and minimize impacts identified through the NEPA and other analyses. In addition BP Wind Energy preserves critical business flexibility to select turbine models and layout based on the options

commercially available at the time a Notice to Proceed is issued. The exact location of the wind turbines, roads, and transmission and distribution lines will be determined during final design after the ROD is issued (before the issuance of a NTP) including completion of wind-resource data analyses, pre-construction studies, and resolution of any conflicting environmental resource constraints.

2.0 OBJECTIVES

The Agencies require holders of right-of-way (ROW) grants to prepare and fund an environmental construction compliance monitoring program to ensure compliance with the terms, conditions, and stipulations in the Final EIS, Record of Decision (ROD), grants, and Plan of Development (POD).

The intent of this plan is to address inspecting/monitoring implementation of the requirements found in the Final EIS, ROD and authorizations and their inclusions. This ECCMP includes the following:

- Description of the responsibilities of the Agency Compliance Team including the Authorized Agency Officer (AAO), Agency Compliance Manager (ACM), and Agency Environmental Monitors (AEM)
- Communication protocol between the Agency Compliance Team and the BP Wind Energy Compliance Team including the BP Wind Energy Project Manager (PM), Construction Site Manager (CSM), Compliance Manager (CM), and Environmental Monitors (EM);

This ECCMP also addresses monitoring implementation of requirements of the following plans pertaining to construction that are appended to the POD or FEIS:

- Integrated Reclamation and Noxious Weed Management Plan
- Eagle Conservation Plan/Avian Conservation Strategy
- Bat Conservation Strategy
- Dust Abatement and Emissions Control Plan
- Mining Plan
- Transportation and Traffic Plan
- Health, Safety, Security, and Environment Plan (including Emergency Response and Waste Management)
- Plan of Development
- Spill Prevention Control and Countermeasure Plan (SPCC)
- Stormwater Pollution Prevention Plan (SWPPP)
- Blasting Plan
- Historic Property Treatment Plan (HPTP)/Cultural Resources Management Plan (CRMP)

The overall objective of the ECCMP is to provide direction for the Agency and BP Wind Energy Construction Compliance Monitoring Teams on conducting inspections, and evaluating and documenting compliance with the Project environmental measures and conditions during project construction as they relate to the previous list of plans. After construction and prior to operation, environmental compliance will be addressed in an

amendment to this ECCMP to focus on the roles and responsibilities of the operations team.

Other objectives of the ECCMP are to:

- Facilitate the timely resolution of compliance-related issues in the field;
- Provide information to the Agencies regarding noncompliance issues and their resolution while informing the BP Wind Energy CM; and
- Review, process, and track construction-related changes to Project environmental plans through the variance process as outlined in Section 7.

3.0 SITE FAMILIARIZATION AND WORKER ENVIRONMENTAL AWARENESS PROGRAM

The agency compliance monitoring team will require site familiarization in order to review drawings, understand site requirements, and help develop comprehensive training program(s) for construction staff. It is anticipated that monitoring staff will be hired two to three weeks in advance of contractor mobilization to give them reasonable time to familiarize themselves with the site, meet the agency(s), BP contacts and staff.

The Worker Environmental Awareness Program (WEAP) will consist of three main components including the pre-construction kickoff meeting, daily Plan of Day meetings, and safety meetings. Prior to the start of construction, a pre-construction kickoff meeting will be held that is led by the Agency Compliance Team including the lead AAO and Reclamation/Western AAOs and/or lead AMC, and designated ACMs. The purpose will be to provide the Agency and BP Wind Energy Compliance Teams with an overview of Agency expectations as described in this ECCMP, the FEIS, ROD, POD, and other associated permits and conditions. The agenda will describe the communications protocol, the variance process and reporting and documentation requirements as described in this ECCMP. During each subsequent day of construction, the Plan of Day meeting in the morning conducted the BP Wind Energy CSM will provide another opportunity for any new construction workers, Agency or BP Wind Energy Compliance Team members to complete the WEAP required prior to construction. For each WEAP training completed, the sample log in Appendix A will be used to document attendance and be included in the daily summary reports by the AEMs and BP Wind energy EMs. Finally, additional safety meetings will be conducted prior to the start of construction to go over safety procedures as further described in the Health, Safety, Security, and Environmental Plan attached to the POD. Additional detail is provided in Section 2.5 of the POD.

4.0 EQUIPMENT

Personnel responsible for monitoring and documenting compliance with the measures in the ECCMP may require field support equipment such as GPS units, digital cameras, radios and cellular phones (smart phone) as described in Section 7 of the Health, Safety, Security, and Environmental Management Plan. BP Wind Energy will include these specifications in the bidding process, subject to qualification approval by the Agencies, to ensure contractors have the necessary equipment to complete their job descriptions. The compliance contractors will supply this equipment, but may charge

back reasonable use/rental fees to BP Wind Energy. Compliance contractors are responsible for providing company vehicles for the monitors.

5.0 COMPLIANCE TEAMS ROLES AND RESPONSIBILITIES

5.1 Agency Authority

In the event the Agencies approve the Mohave County Wind Farm Project, ROW grants and the interconnection approval will be issued to BP Wind Energy. The ROW grants and interconnection approval will cover all facilities as well as the switchyard and transmission tie in facility, with the exception of the minerals material site that will require a negotiated sale or competitive bid. BP Wind Energy has filed applications with the BLM for ROW grants pursuant to the Federal Land Policy and Management Act (FLPMA), with Reclamation pursuant to the Act of Congress of June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), Section 10, and 43 CFR Part 429, and with Western for interconnection approval under Section 211 of the Federal Power Act (18 CFR § 2.20). Under FLPMA Title V (Rights-of-Way), the U.S. Secretary of the Interior is authorized to grant ROWs for the purpose of allowing systems for generation, transmission, and distribution of electric energy. Under Western's Open Access Transmission Service Tariff regulations, Western is authorized to issue an authorization for interconnection to the transmission line. BP Wind Energy Construction Compliance Team

BP Wind Energy will be responsible for managing its employees, contractors, and subcontractors during the construction of the facility so that the Project is in compliance with the ROD, grants and inclusions, POD, and all other applicable permits and laws. BP Wind Energy will employ the following personnel for the Project:

- Project Manager (PM) – The PM will be responsible for managing the entire construction project for BP and will be coordinating with the construction contractor's management. The PM will aide in coordinating with the AAO on as needed basis, particularly for level three variances.
- Construction Site Manager (CSM) – The CSM will be responsible for managing the daily operations during the construction of the wind farm, updating the PM on daily construction activities, and ensuring the compliance team has the resources required to inspect the Project as required.
- Compliance Manager (CM) – The CM will coordinate with the CSM and will be responsible for implementing compliance with the ROD, grants and inclusions, POD, and all other applicable permits(including mitigating plans and measures) and managing the Environmental Monitors (EM). The CM will order requests for additional monitors, when appropriate.
- Environmental Monitor(s)(EM) – The EMs will report their daily findings of construction compliance to the CM and will be responsible for conducting environmental inspections alone or in combination with environmental inspections with the AEM.

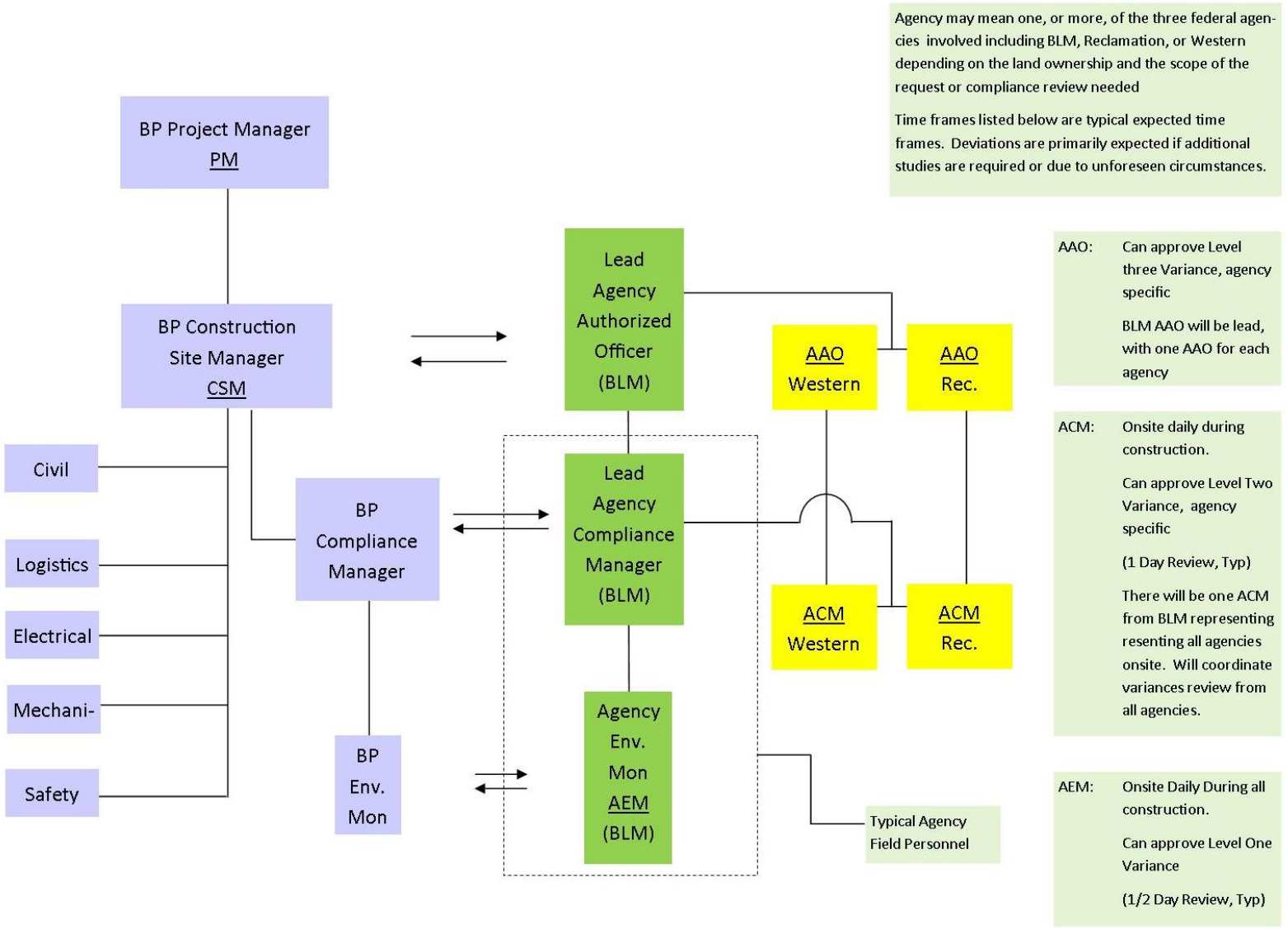


Figure 1. Organizational structure of the BP Wind Energy and Agency compliance monitoring teams.

5.2 Agency Compliance Team

All three federal agencies listed above (BLM, Reclamation, and Western) may be involved in the construction compliance process depending on the land ownership (BLM or Reclamation) and portion of the Project involved (i.e., Western for the interconnection). To streamline interagency coordination, BLM will assume lead roles for positions of AAO and ACM similar to the lead agency role BLM currently fulfills for the NEPA process, and coordinate with Reclamation and Western AAO and ACM positions as appropriate.

Key Agency compliance contacts by role, as shown in Figure 1, and by key resource area are shown below by specific agency in Appendix F. This list is not exhaustive, but rather intended to focus on the key resource areas where the most intensive compliance focus is expected, but will be expanded based on Agency input prior to NTP.

5.2.1 Agency Authorized Officer

The BLM AAO lead or Reclamation / Western AAOs may elect to designate some or all of their duties to their respective ACM. Additional responsibilities will include providing input on Project materials including the WEAP training, leading the pre-construction meeting, and attending a WEAP training before coming on-site.

The BLM AAO will be lead for the project regardless of land ownership. Reclamation and Western AAOs will be the lead representative for their respective Agency for the Project. The BLM AAO lead role includes providing oversight of the Agency Compliance Team through the BLM ACM lead. The Lead AAO and Lead ACM will coordinate with Reclamation and Western AAOs Agency Compliance Team members including the AEMs when reviewing and approving {or denying} Level 3 variances involving Reclamation land or the Western facility. Coordination will also take place in resolving uncertainty regarding the appropriate level of variance for a particular request if the ACM lead is unsure. Each agency will be responsible for decisions under their own jurisdictions.

5.2.2 Agency Compliance Manager

The ACM lead for the Project (BLM) will oversee management of the AEMs (irrespective of other agency land or facilities) with coordination with Reclamation and Western (as needed), aide in the preparation of Project materials, participate in any Agency preconstruction meetings, and provide input into the applicant's WEAP, and essentially be the field proxy eyes and ears for Reclamation and Western. Specific compliance monitor responsibilities are as follows:

- Report directly to the AAO for BLM and other Agency AAOs, ACMs, or designated Agency compliance contacts, as needed
- Share information with the BP Wind Energy CM
- Participate in the preconstruction meeting
- Participate in the WEAP kick-off meeting at NTP

- Verify the applicant's compliance with the Project environmental requirements and relay information to BP Wind Energy CM.
- Supervise the AEMs
- Ensure that all reported noncompliance is tracked for resolution by BP Wind Energy
- Review, approve, and distribute monitoring reports, and correspondence
- Review work progress, schedules, and budgets related to Agency compliance monitoring activities
- Confer with the AAOs for BLM (lead), Reclamation / Western, and compliance contacts on a regular basis
- Serve as the contact-point between the Agencies and BP Wind Energy and their compliance team
- ACM will meet with BP CM about level of monitoring effort, and if more monitors are needed, the ACM will coordinate a week or more in advance.
- Serve as the Agencies' representative to permitting agencies, private landowners, and special interest groups regarding the environmental mitigation efforts on the Project
- Coordinate with the Agencies and other agencies, as determined necessary, on reviewing and approving variance requests
- Review, and approve (or deny) Level 1 and 2 variance requests for BLM for implementation of limited variations from mitigation measures previously agreed to by BP Wind Energy and the Agencies through the variance process as detailed in Section 7.
- Provide coordination for variance approvals with Western and Reclamation, respectively.

5.2.3 Agency Environmental Monitor

AEMs may either be staff with their respective Agency or contract personnel. During the procurement process for the third-party contractors in particular, resource availability to adjust to increasing demand will specifically be part of the scope required for any responding firms once we have common qualification expectations. The AEMs will monitor construction activities to provide compliance guidance and to monitor environmental compliance, often focused on particular resources (e.g., biological, cultural, or paleontological). The number of AEMs will be determined through consultation between the ACM and BP CM. Specifically, the need for full-time environmental monitors may be re-evaluated throughout the construction phase and a schedule adjusted, as necessary, and as conditions demand. Other AEMs may be required to respond to specific elements of variance requests, due to workload issues, multiple locations of disturbance, act in emergency situations, or other factors that may impede construction if additional personnel are not available. One or more AEMs will be utilized for general compliance monitoring that is not specifically related to monitoring cultural, biological, or paleontological resources. Other AEMs with responsibilities of key resource area (either staff or contact) are listed below:

- **Cultural Resource Monitors**: will provide resource monitoring where required, respond to unanticipated discoveries of cultural resources or human remains, and conduct or request additional surveys as required for variance requests
- **Biological Resource Monitors**: will provide resource monitoring where required, respond to detections of sensitive species, and conduct or request additional surveys as required for variance requests.
- **Paleontological Resource Monitors**: will be on-site, as needed–to monitor excavations and trenches in areas with high potential for paleontological resources. Cultural Resource Monitors may also provide paleontology coverage if approved by the Agencies.

The primary responsibility of the lead AEM (general monitoring) will be to monitor and document BP Wind Energy's construction compliance, and/or noncompliance with Project environmental requirements. The lead AEM (general monitoring) will also review and, with input and/or clearances from AEMs for cultural, biological, paleontological resources, as necessary, and the ACM, approve (or deny) Level 1 variance requests (in the field where practical), for implementation of limited variations from mitigation measures previously agreed to by the variance process in Section 7. In addition, the AEMs may assist the AAO and/or ACM with completion of their duties as requested. In the event a stop work order is necessary, the involved AEM will work through the AAO lead or ACM lead if delegated by the AAO (with coordination of Reclamation / Western where they are involved) to issue that order following the documentation and process outlined in further detail in Section 8.

5.2.4 Communication

Communication will follow the protocol displayed in Figure 1 between the Agency and BP Wind Energy Compliance Teams. For example, BP Wind Energy EMs will be able to share and receive information from AEMs, the BP Wind Energy Compliance Manager will be able to share and receive information from the ACM, and the BP Wind Energy ACM will be able to share and receive information from the lead AAO and Reclamation / Western AAOs. Although the Agency Compliance Team ultimately reports to their respective Agencies, two-way communication at the EM level between the Agency and BP Compliance Team will optimize opportunities to address potential compliance issues before they become non-compliant.

An appropriate agency compliance team member will share all findings with the BP Wind Energy CM for review to ensure that all noncompliance items are documented in the site compliance log and that an appropriate attempt at resolution has been initiated. The ACM will provide the Agencies with weekly status updates, monthly monitoring reports, and a final report on the construction and monitoring efforts. These will become part of the agency project file.

5.3.4.1 Electronic Collaborative Workspace

BP Wind Energy and their Construction Compliance Team including the third-party contractor hired for construction oversight, will establish a non-public, secure, electronic collaborative website for the environmental compliance effort that is available to the

appropriate BLM, Reclamation, and Western staff. The website would be login and password protected. Options are:

- Microsoft SharePoint;
- ShareFile; or
- Other electronic collaborative websites for sharing date that is accessible by involved agencies.

Access to all or selected portions of the website will be established.

This website augments traditional methods of communications by providing an electronic collaborative workspace that would include the following:

- Inventory survey documents (access limited to need to know);
- NTPs;
- Meeting minutes (to include calls, email discussions, and/or in person guidance or direction);
- Daily, weekly, and monthly summary reports;
- Variance Requests and approvals; and
- Others as needed, such as a collaborative workspace for draft documents.

6.0 REPORTING AND DOCUMENTATION

Reporting and documentation will focus on documenting compliance and non-compliance issues through meeting minutes, weekly, and monthly summary reports. Noncompliance issues will be identified when a compliance team member observes an activity that violates Project terms, conditions, and requirements, and described in the FEIS, ROD, POD, and associated permits. Examples include activities that may damage resources without application of proper work space or other impact reduction, avoidance, or mitigation; or activities that are not in compliance with permit conditions such as failure to install erosion control devices or constraints impacts to the areas to control or reduce impacts to areas identified prior to construction. Section 8 provides further detail on the stop work authority and procedure.

6.1 Meeting Minutes

Written minutes will be prepared by the Agency Compliance Team when applicable, to document and track meetings or discussions between the Agency and BP Wind Energy Compliance Teams. All meeting minutes will be uploaded to the electronic collaborative work space and become part of the agency project file.

6.2 Weekly Summary Report

The lead ACM will compile his/her daily monitoring logs into a weekly update using the Monitoring Report Cover and Monitoring Report provided in Appendices B and C, respectively. The ACM weekly summary report (Appendix E) will document the current status and location of construction during the covered time period (i.e., that week), the presence of sensitive species or resource in that area, and photo documentation where

appropriate of both and any noncompliance issues observed by the compliance team during the week. The Agencies and BP Wind Energy CM will receive a copy of all weekly summary reports submitted by the ACM. All summary reports will be uploaded the electronic collaborative work space. Monitoring Reports will become a part of the agency project records.

6.3 Monthly Summary Report

Monthly summary reports will use the same form as the weekly report (Appendix E), and will briefly describe construction activities during the reporting period and highlight key findings contained with the associated weekly summary reports during the reporting period and cumulatively for the construction period for that Project phase. The Monthly Summary Report will also include a table indicating Noncompliance issues observed by the compliance team during the reporting period and the Level 1, 2, and 3 variance requests approved by the Agency Compliance Team using the examples provided in Appendices B (monitoring report cover page form) and C (monitoring report form), respectively. All summary reports will be uploaded the electronic collaborative work space and become part of the agency project file.

7.0 VARIANCES

During construction, unforeseen or unavoidable site conditions could result in the need for changes from the approved mitigation measures and construction procedures. Additionally, the need for extra workspace, or changes to previously approved construction work areas may arise to avoid and minimize impacts or resolve environmental constraint conflicts. If the ACM/AEM acknowledges that a field-fitting change within corridors and pre-construction survey areas does not rise to the level of a variance, the change will be noted on the daily monitoring documentation, and construction may proceed. However, changes to previously approved mitigation measures, construction procedures, and construction work areas will be handled in the form of variance requests to be submitted by BP Wind Energy and reviewed and approved or denied by the Agencies with authority for that particular request based on land ownership or Project element. The variance process is intended to bracket the extent of decision-making authority as presented in Figure 1 and as guided by the Variance Determination Matrix and sample variance examples (Appendix I) to facilitate rapid resolution at the appropriate level. A system of three variance levels (Levels 1, 2, and 3) will be used to categorize and process variance requests. The three variance levels, the review and distribution process, and the decision-making authority proposed for each level are discussed in the following sections. A Variance Determination Matrix and sample variance examples are located in Appendix I. A Variance Request Form is provided in Appendix D. It will be modified if necessary. All variance request forms will be uploaded to the electronic collaborative work space for review and processing through the Agency Compliance Team. The outcome of the review will also be uploaded the same location. All variance requests and decisions will become part of the agency project file.

7.1 Level 1 Variances

Level 1 variances are minor changes to Project specifications, construction methods, or mitigation measures that provide equal or better protection to environmental resources or constructability. These minor variance requests can be reviewed (including for survey coverage of cultural, biological, and paleontological resources and by Reclamation or Western if on the respective agencies land) and either approved or denied by the AEM in the field during a typical construction day. Due to the minor nature of changes for Level 1 variances it is expected that most variances can be processed in a few hours. It is recognized, however, that some circumstances may, require more time to process. Level 1 variances must be within the approved EIS analysis (defined corridors, disturbance levels etc.), must be within the approved preconstruction survey areas, and must be within the limits of the NTP drawings.

Examples of Level 1 variance requests are guided by the Variance Determination Matrix and sample variance examples (Appendix I) and as follows

- A change pursuant to any of the below that does not result in unaccounted for impacts to archaeological sites, biological, paleontological, jurisdictional habitat or washes, or exceed other previously described environmental impacts or changes to cultural, biological, and paleontological resources.
- Shifts in permanent infrastructure alignments (and associated disturbance area corridors) -within the EIS study corridors and pre-construction surveyed areas and NTP drawings.
- Shifts in turbine locations (and associated temporary work areas), prior to surface disturbance, within turbine corridors, pre-construction survey areas, and NTP drawings.
- Relocation of temporary work areas that are already accounted for within the conditions, and stipulations in the Final EIS, Record of Decision (ROD), Plan of Development (POD) Rights-of-Way Grants, or makes no change to ROW or NTP drawings and may not exceed impacts covered in the EIS.

Level 1 variances may also be used to document and disseminate agency-directed changes (of variance Level 1 type) to mitigation measures or to other Project elements as described within EIS and supporting documentation.

To initiate a Level 1 variance request a BP Wind Energy EM, CM, or other BP representative will fill out a Variance Request Form using the example in Appendix D and submit a completed form with adequate information to the AEM to obtain the appropriate signatures. The Variance Request may include maps may include maps, drawings, resource clearance report information etc. The BP representative will then contact the AEMs to review the proposed change. The BP representative and the AEMs will work together to evaluate the site-specific situation and determine if the variance request is appropriate. The AEM may approve a Level 1 variance request if the results of implementing the change will provide equal or better protection for the resource than the original mitigation measure or if the original mitigation measure is not applicable to that specific site. A Level 1 variance request can be implemented in the field if it is in

compliance with the Variance Determination Matrix and sample variance examples (Appendix I). It can be implemented in the field as soon as it is approved (in writing) by the ACM lead/AEM, unless additional stipulations would otherwise delay or prohibit.

The AEM will document the variance approval (or denial) in his/her log and will include the variance in the weekly status update and will upload the approved variance request form to the collaborative workspace (refer to Section 6.2, Weekly Status Update). The variance requests will become part of the agency project files.

If the requested variance exceeds the AEM authority level or the appropriate variance level is uncertain, the AEM will work with the ACM lead and/or lead AAO as necessary to determine the appropriate variance level and inform the BP representative.

7.2 Level 2 Variances

A Level 2 variance request exceeds the field decision authority of the AEM and requires review or approval by the ACM. Generally, the actions linked to Level 2 variances are connected to permits, mitigation measures, habitat mitigation thresholds, and require oversight for conformance monitoring. Level 2 variance requests generally involve Project changes that would affect an area outside the NTP drawings, but within the areas previously surveyed for cultural resources, sensitive species, and biological resources. Level 2 variance requests typically require the review of supplemental documents, correspondence, and records and typically take a day to process, but could require more time to process, based on the complexity of the variance. Level 2 variances will be approved (or denied) in writing by the ACM lead with coordination with Reclamation / Western, respectively, as required. If the requested variance exceeds the lead ACM authority level or the appropriate variance level is uncertain, the ACM will work with the lead AAO as necessary to determine the appropriate variance level and inform the BP representative. Variance level 2 requests must be within the approved EIS analysis (defined corridors, disturbance levels etc.), must be within the approved pre-construction survey areas, but can be outside of the NTP drawings.

Examples of Level 2 variances, as guided by the items below and as guided by the Variance Determination Matrix and sample variance examples (Appendix I) and as follows:

- Proposed new temporary roads or work areas or use of existing roads within the EIS analysis and pre-construction surveyed areas, but not previously not defined in NTP drawings. Alteration shall not exceed the maximum documented acreage in the ROD and Final EIS Chapter 2, Table 2-7 (Typ).
- A modification to a temporary or permanent disturbance area that results in more local acreage, as long as the total project ground disturbance limits as set forth in the ROD and Final EIS Chapter 2, Table 2-7 are not exceeded.
- Shifts in turbine locations after surface disturbance, but within the EIS turbine corridor, pre-construction survey areas and total acreage documented in the ROD and EIS Chapter 2, Table 2-7.

- Changes above that may result in a location specific increase in impact to sensitive species habitat.
- Modification of NTP drawings or processes approved by the Agencies to meet specific mitigation measures.
- Moderate changes to work areas, work processes, and site features as defined by the ACM, or NTP drawing changes that require biological, cultural, Agency, or oversight based on adopted mitigation measures.

To initiate a Level 2 variance request, the BP Wind Energy CM or EM or other designated representative will complete a Variance Request Form included as Appendix D, prepare and include the appropriate supporting documentation, and submit to the lead ACM to obtain the required signatures. Once the written approval of the lead ACM or appropriate agency representative is obtained, the ACM will send the approved request form to the AEMs and CM electronically.

The variance may be implemented in the field as soon as the approved variance is received, unless additional stipulations would otherwise delay or prohibit.. The lead ACM will document the variance approval in the daily and weekly monitoring report and post the approved Variance Request Form on the electronic collaborative work space.

7.3 Level 3 Variances

Level 3 variance requests generally involve project changes that would affect an area outside the EIS corridors and that are outside the areas previously surveyed for cultural or paleontological resources, jurisdictional waters, or sensitive biological resources, or that differ from key elements of the project description as described in the FEIS, ROD, and POD. If a Level 3 variance requires additional NEPA, one or more ROW amendments may be necessary.

Examples of Level 3 Variances, as guided by the items below and as guided by the Variance Determination Matrix and sample variance examples (Appendix I) and as follows:

- Proposed activities that were not previously described or analyzed that affect agency permits and/or approved mitigation plans. If this is the case then supplemental NEPA documentation (additional ROW, a supplemental EIS, or a new EA) may be required as directed by the Agency.
- Proposed activities that were previously described and analyzed in the EIS, but whose quantity of project elements and their associated total impacts are increasing (such as poles per mile for transmission line).
- Changes or modifications to specific mitigation measures in the Agency authorizations; or
- Impacts to jurisdictional waters or sensitive vegetation areas that exceed permitting thresholds or habitat mitigation plan thresholds or what is described in the FEIS; or

- Major changes to work areas, work processes, and site features as defined by the Agency Compliance Team (an example of this is the transmission line location adjusting due to unforeseen circumstances).

To initiate a Level 3 variance request, the BP representative will fill out a complete Variance Request Form using the example provided in Appendix D, prepare the appropriate supporting documentation, including coordinating with the appropriate additional agencies, and submit (by email) to the appropriate AAO(s) for review and coordination and for the required signatures. The ACM will follow-up with the AAO to ensure the request was received and track progress of the request. Once the appropriate Agency approvals are obtained, including coordinating with the appropriate additional agencies, the AAO through the lead ACM, will send the approved request form (electronically) to the AEMs, CM, and CSM. In the event an amended ROW is needed, the appropriate Agencies involved with the original ROD will need to review for granting approval. The outcome of the Level 3 Variance request will be documented by the lead AAO using the Variance Request form included in Appendix D. The variance may be implemented in the field as soon as the approved variance is received, unless additional stipulations would otherwise cause a delay or prohibit approval. The lead ACM or designee will document the variance approval in the log and weekly status update (refer to Section 6.2) and post the approved Variance Request Form on the electronic collaborative work space.

8.0 STOP WORK AUTHORITY

The lead AAO has the authority to stop construction of an activity on land under their jurisdiction if the activity is determined to be non-compliant with the Project environmental and cultural resource protection requirements. Authority for BLM personnel to issue a “stop work” (temporary suspension) is 43 CFR 2807.16. Authority for suspension or termination of the ROW is 43 CFR 2807.17. This ECCMP Section is based on these regulations. This authority may be delegated to the lead ACM as determined appropriate by the BLM. The lead AAO or lead ACM will make immediate contact with the BP Wind Energy CM and describe the stop work request.

A written order providing reasons for the suspension will be provided following a verbal suspension of work. The lead AAO or designated representative, involved in issuing the “stop work” needs to release the “stop work” order by issuing a written notice to proceed.. Continuous non-compliance that would demonstrate a disregard for stipulations or components that the stipulations were designed to protect will result in suspension or termination of the ROW grant pursuant to 43 CFR 2807.17. This will include the opportunity for a hearing before an Administrative Law Judge pursuant to 43 CFR 4.

APPENDICES

Appendix A

Certification of Completion of Worker Environmental Awareness Program

Certification of Completion

Worker Environmental Awareness Program

This is to certify these individuals have completed a mandatory Worker Environmental Awareness Program (WEAP). The WEAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (that is, construction supervisors, crews, and plant operators) working on site or at related facilities. By signing below, the participant indicates that he/she understands and will abide by the guidelines set forth in the program materials. Include this completed form in the Monthly Compliance Report.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Appendix B

Monitoring Report Cover Page Form

PROJECT: Mohave County Wind Farm

COMPLIANCE MONITORING PROGRAM

MONITORING REPORT COVER PAGE

SAMPLE MONITORING REPORT (COVER PAGE)

The following report is a compilation of the monitoring reports issued by the Environmental Monitors and/or Compliance Manager for activities conducted on [Month] [Day], 20[XX]. Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

Approved Level 1 Variance

Approved Level 2 Variance

Approved Level 3 Variance

Appendix C

Monitoring Report Form

PROJECT: Mohave County Wind Farm

ENVIRONMENTAL INSPECTION AND MONITORING PROGRAM

MONITORING REPORT Form

Report Number: _____ Date of Report: _____

Location(s): _____

Environmental Monitor _____

Compliance Monitor: _____

SITE INSPECTION CHECKLIST

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

SECTION 5: VARIANCES

DESCRIPTION OF OBSERVED ACTIVITY

ISSUES REQUIRING CORRECTIVE ACTION

Issue Requiring Corrective Action	Applicant Notification	Corrective Actions Implemented by Applicant

Photos:

Completed by:

Name: _____

Firm: _____

Date:

Distribution:

Appendix D

Variance Request Form

Variance Request Form

Mohave County Wind Farm

Variance Request No.: _____

Date Submitted: _____

Date Approval Required: _____

BLM Approval Reference No.: _____

Location: _____

Alignment Sheet _____

Construction Drawing/Station Number: _____ Approval Agency: _____

Current Land Use/Vegetative Cover: _____

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

Variance Level → [ ] Level 1 [ ] Level 2 [ ] Level 3

Variance From → [ ] Permit [ ] Plan/Procedure [ ] Specification [ ] Drawing

[ ] Mitigation Measure [ ] Other

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

Variance Justification:	
Action Covered in EIS [ ] Y [ ] N	Additional NEPA Needed [ ] Y [ ] N

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey [ ] Y [ ] N		[ ] Y [ ] N
T & E [ ] Y [ ] N		[ ] Y [ ] N

Request prepared by:

Sign-off (as appropriate)	Name (Print)	Approval Signature	Date	Conditions Attached
Environmental Monitor				[ ] Y [ ] N
Compliance Manager				[ ] Y [ ] N
Agency Authorized Officer				[ ] Y [ ] N

For use in approval only.

Variance Approval:_____ Variance Denied: _____ Beyond Authority: _____

Approval Number: _____ Date: _____

Signature: _____ Stipulations: _____

Appendix E

Agency Compliance Monitor Weekly/ Monthly Report

Agency Compliance Monitor Weekly/Monthly Report

Address: Phone: Website:
City, State Zip Fax:

Project: Mohave County Wind Farm

Prepared By:

Reporting Period:

Summary:

Site Inspections/Mitigation Monitoring:

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

- Issues of Concern with or by the Applicant

Construction Activities:

Compliance:

Construction Progress:

Week	% Complete (projected)	% Complete (updated)

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

Construction Schedule:

- Scheduled Activities for Next Week

- Potential Delays to the Online Date of the Project

Plan Review Submittal Items

Submittal Type	Description

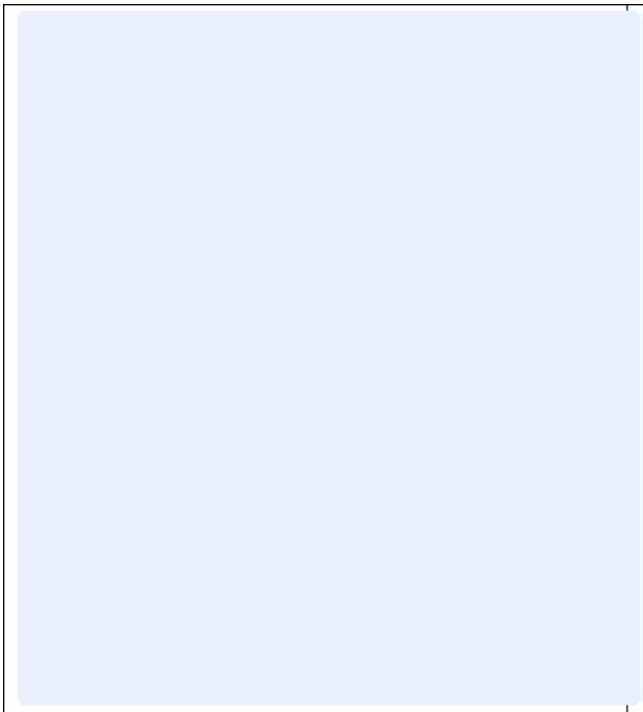
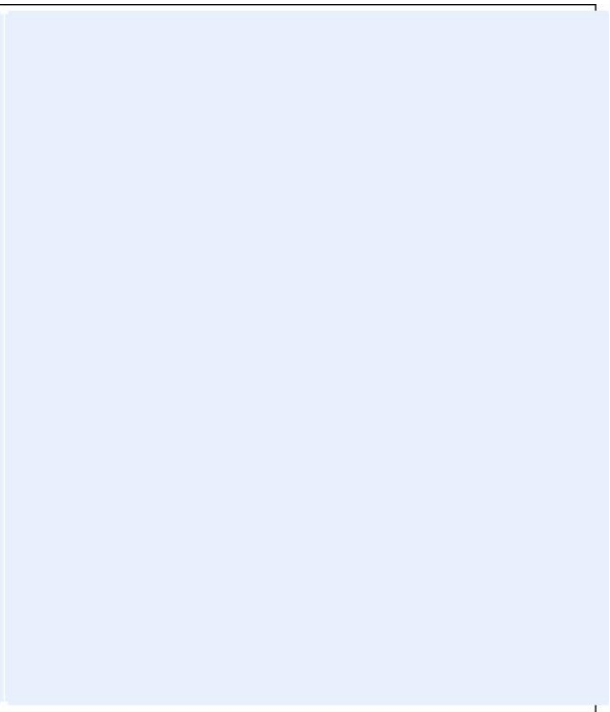
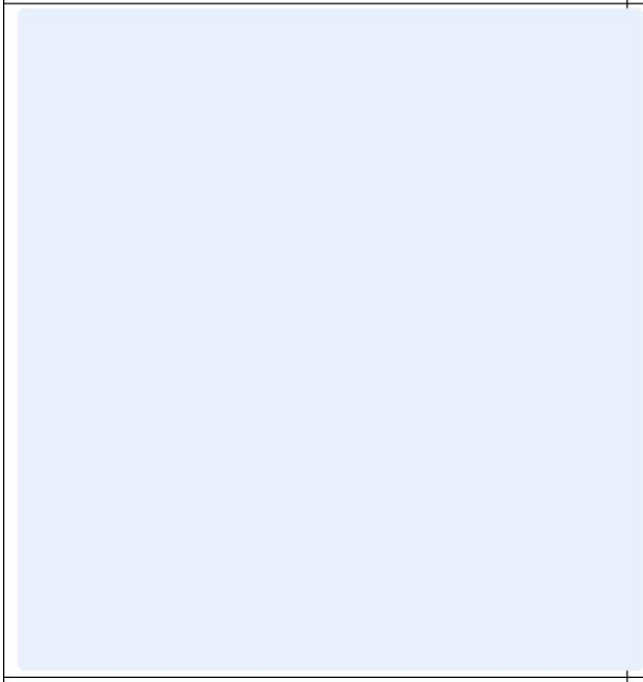
Notice to Proceed

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

Variance Requests

Variance Request No.	Submitted	Description	Status	Approval Date

Project Photographs from Week

APPENDIX F

Key Compliance Contacts

Key Compliance Contacts

Role	Contact	Phone	Email Address
BLM			
AAO	Ruben Sanchez - KFO		
ACM	TBD		
contracted designee	TBD		
KFO Point of Contact	Ammon Wilhelm		
contracted designee	TBD		
AEM (Biology)	TBD		
Biology contracted designee	TBD		
AEM (Cultural)	TBD		
Cultural contracted designee	TBD		
KFO Point of Contact	Tim Watkins		
contracted designee	TBD		
AEM (Paleo)	TBD		
Paleo contracted designee	TBD		
AEM (Other)	TBD		
contracted designee	TBD		
Reclamation			
Lands Group Manager	Faye Streier - Boulder City	702-293-8130	Fstreier@usbr.gov
ROW	Kay Sundberg	702-293-8176	Ksundberg@usbr.gov
ACM	Marc Maynard – Boulder City	702-293-8344	Mmaynard@usbr.gov
contracted designee	TBD		
AEM (Biology)	Jessie Stegmeier	702-293-8258	JStegmeier@usbr.gov
contracted designee	TBD		
AEM (Cultural)	Mark Slaughter	702-293-2633	MSlaughter@usbr.gov
contracted designee	TBD		
AEM (Paleo)	Mark Slaughter	702-293-2633	MSlaughter@usbr.gov
contracted designee	TBD		
AEM (Other)	TBD		
contracted designee	TBD		
Western			
AAO	Linda Marianito		
ACM	TBD		
AEM (Biology)	TBD		
contracted designee	TBD		
AEM (Cultural)	TBD		
contracted designee	TBD		
AEM (Paleo)	TBD		
contracted designee	TBD		
AEM (Misc)	TBD		
contracted designee	TBD		
BP			
PM	TBD		
CSM	TBD		
CM	TBD		
EM	TBD		

APPENDIX G

Variance Acreage Table

Variance Acreage Table

Variance ID	Approval Date	Description	Variance Level	Old Disturbance Area (Ac)	New Disturbance Area (Ac)	Net Difference in Disturbance (Ac)	Total Area included in FEIS (Y/N)

Total Area Remaining (Ac)

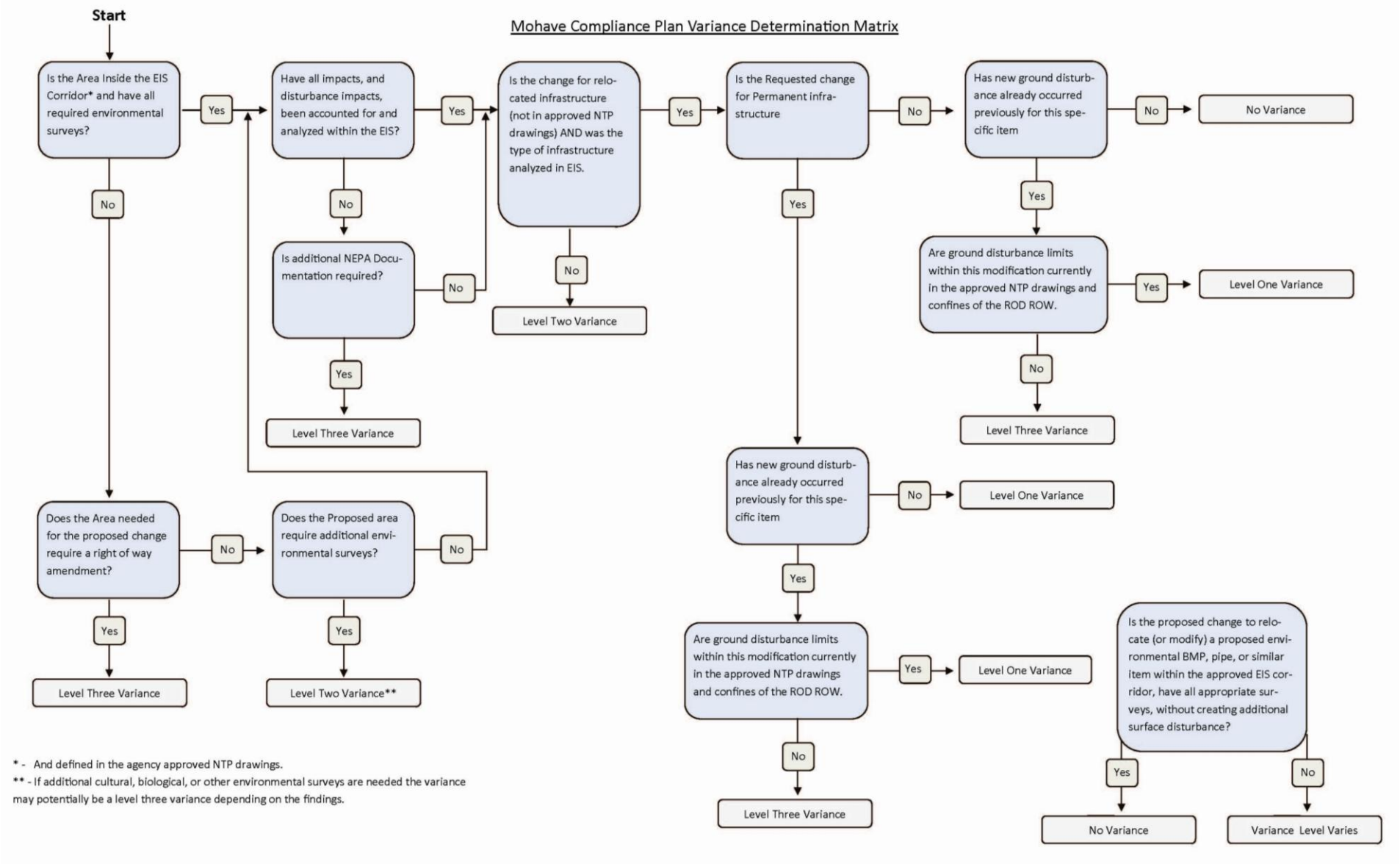
APPENDIX H

Mitigation Monitoring and Reporting Program

FROM ROD APPENDIX WHEN AVAILABLE

APPENDIX I

Mohave Compliance Plan Variance Determination Matrix and Variance Examples


Start
Mohave Compliance Plan Variance Determination Matrix
Is the Area Inside the EIS Corridor* and have all required environmental surveys?
Yes
No
Have all impacts, and disturbance impacts, been accounted for and analyzed within the EIS?
Yes
No
Is additional NEPA Documentation required?
No
Yes
Level Three Variance
Is the change for relocated infrastructure (not in approved NTP drawings) AND was the type of infrastructure analyzed in EIS.
Yes
No
Level Two Variance
Is the Requested change for Permanent infrastructure
No
Yes
Has new ground disturbance already occurred previously for this specific item
No
No Variance
Yes
Are ground disturbance limits within this modification currently in the approved NTP drawings and confines of the ROD ROW.
Yes
Level One Variance
No
Level Three Variance
Has new ground disturbance already occurred previously for this specific item
No
Level One Variance
Yes
Are ground disturbance limits within this modification currently in the approved NTP drawings and confines of the ROD ROW.
Yes
Level One Variance
No
Level Three Variance
Does the Area needed for the proposed change require a right of way amendment?
No
Yes
Level Three Variance
Does the Proposed area require additional environmental surveys?
No
Yes
Level Two Variance**
Is the proposed change to relocate (or modify) a proposed environmental BMP, pipe, or similar item within the approved EIS corridor, have all appropriate surveys, without creating additional surface disturbance?
Yes
No Variance
No
Variance Level Varies
* - And defined in the agency approved NTP drawings.
** - If additional cultural, biological, or other environmental surveys are needed the variance may potentially be a level three variance depending on the findings.

Examples of Variance and Levels

1) No variance*
    a. Relocation of Erosion &Sediment (E&S) control Measures
    b. Relocation of, or change to, concrete washes
    c. Realignment, or field fitting, of culvert pipes and associated riprap aprons based on field conditions
    d. Field fitting of similar infrastructure (slopes, roads, pads, etc)
    e. Reconfiguration of temporary work space (Crane paths, laydowns, stockpiles, turnarounds, etc.) prior to surface disturbance. An example of this is changing a 100' x 100' stockpile area to a 200' x 50' area.

2) Level 1*
    a. Reconfiguration of temporary work areas before surface disturbance has occurred for the area. Such as a turbine pad moving before the pad has been cleared.
    b. Moving a stockpile or turnaround (temporary construction) to a different location.
    c. Move a road, turbine, or permanent infrastructure prior to earth disturbance*. No new unmitigated impacts are accounted for.

3) Level 2
    a. A new permanent road, or turbine location, not shown on the preapproved site plans*.
    b. A temporary road* for site access. An example of this is needing a temporary road to access a hard to access location prior to a road being created
    c. Larger temporary workspace areas*, as long the total project acreage in the ROD and Final EIS Chapter 2, Table 2-7 is not exceeded. An example of this is larger stockpile areas or crane pads
    d. Larger permanent gravel areas*, such as wider turn radii in steep areas.
    e. Change of measures in approved plans, such as a seed specification.
    f. Reconfiguration of temporary work areas after surface disturbance has occurred for the area. Such as a turbine pad moving after the pad has been cleared* as long as additional disturbance doesn't exceed EIS analysis and ROD.
    g. A temporary or permanent road that is within the EIS corridor, granted ROW but requires additional oversight by agency EMs.

4) Level 3
    a. New roads or turbines outside the EIS corridor
    b. Exceeding the total project acreage as described within the ROD for new temporary or permanent infrastructure
    c. Exceeding permitted impacts, such as from a road alteration crossing a wash that the area was not accounted for in the impacts.

* This is the case as long as all of the area is within the EIS corridor, granted ROW, NTP drawings, all surveys have been completed, and there are no new impacts (such as a no variance or Level 1 variance).