

Appendix X

ENVIRONMENTAL COMPLIANCE AND MONITORING PLAN

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Easley Renewable Energy Project

Prepared for



IP Easley, LLC

a subsidiary of Intersect Power, LLC

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1. INTRODUCTION

This framework Environmental Compliance Plan provides an overview of how IP Easley, LLC (Proponent or Applicant), or the Project Operator at the time would manage compliance with all laws, regulations, and agreements related to the construction and operation of the Easley Renewable Energy Project (Project). IP Easley, LLC, has developed this plan as part of the Plan of Development (POD) that accompanies its application to the Bureau of Land Management (BLM) seeking a right-of-way (ROW) grant. This Plan is intended to be a guidance document to facilitate compliance and may be updated, revised, and changed as roles and responsibilities are further refined during the Project development process. More specifically, this Plan may be revised and changed following the approval of the environmental document for the Project by BLM and the separate environmental document being prepared by Riverside County under the California Environmental Quality Act.

The BLM, issuer of ROW grant for the Project, would be responsible for enforcement of the terms and conditions of those grants and authorizations on BLM-administered land. Riverside County would have a similar enforcement responsibility on private land. As the lead federal land management agency during construction of the Project, the BLM may engage a third-party compliance inspection contractor (CIC) to act on behalf of the federal land management agency to provide construction oversight and monitor compliance of the Project with the terms and conditions of the federal grants and authorizations.

2. PLAN OBJECTIVE

The goal of the document is to establish the framework and processes necessary to ensure that environmental and other compliance requirements are achieved during construction. This compliance strategy outlines the environmental training and orientation, roles and responsibilities, communication process for reporting compliance violations, and process for specifically addressing variances to the POD.

Compliance with all applicable environmental laws may include, but are not limited to:

- Endangered Species Act, Section 401 and 404 of the Clean Water Act, Section 106 of the National Historic Preservation Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, etc.
- Compliance with federal, state, and local laws, regulations, and permits; and
- Compliance with the mitigation measures, including monitoring of such actions.

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

3. PROJECT LOCATION

The Easley Renewable Energy Project is located on private and BLM-administered land in Riverside County, north of I-10 and approximately 2 miles north of the town of Desert Center, California. A generation-tie (gen-tie) line approximately 6.7 miles would mainly traverse across the Oberon Project site and connect into an approved substation that is under construction on the approved Oberon Renewable

Energy Project site. From the Oberon onsite substation, the power generated by the Easley Project would be transmitted to the SCE Red Bluff Substation via the Oberon 500 kV gen-tie line.

4. PROJECT OVERVIEW

IP Easley, LLC (Applicant or Proponent), a subsidiary of Intersect Power, LLC, proposes to construct, operate and decommission the Easley Renewable Energy Project (Easley or Project), a utility-scale solar photovoltaic (PV) electrical generating and storage facility, and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid.

The proposed Project application area is located on approximately 3,735 acres of private and BLM-administered land, in Riverside County north of Desert Center, California. The Project would generate and store up to 650 megawatts (MW) of renewable electricity via arrays of solar photovoltaic (PV) panels, battery energy storage system (BESS), and appurtenant facilities. A 6.7-mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse across the Oberon Project site and connect into an approved substation that is under construction on the approved Oberon Renewable Energy Project site, an adjacent solar and energy storage facility owned by Intersect Power. From the Oberon onsite substation, the power generated by the Easley Project would be transmitted to the SCE Red Bluff Substation via the Oberon 500 kV gen-tie line, which is expected to be online by the end of 2023.

The public lands within the Project solar application area are designated as Development Focus Area (DFA) by the Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision (ROD), and thus, have been targeted for renewable energy development. Because the proposed Project is partially located on federal land under management of the U.S. Bureau of Land Management (BLM), the BLM is the lead agency under the National Environmental Policy Act (NEPA), 42 U.S.C. section 4321 et seq.

5. CONSTRUCTION SCHEDULE

The construction schedule is dependent on obtaining all necessary federal, state, and local approvals. Construction is anticipated to occur over an approximately 24-month period, depending on Power Purchase Agreement and financing requirements. The on-site workforce would consist of laborers, craftsmen, supervisory personnel, supply personnel, and construction management personnel. The construction workforce would largely be recruited from within Riverside and San Bernardino Counties. Certain non-local specialty trade workers supporting proprietary plant equipment/components and construction processes may be employed on a short-term basis during construction.

Before construction activities at the Project site, IP Easley, LLC, would conduct pre-construction surveys and a geotechnical evaluation, which would gather information on the physical properties of the soil and rock for the solar and energy storage facility and gen-tie line on BLM-administered land for incorporation into the design of the Project. The subsurface scientific testing and analysis would include geotechnical borings, trenching, and pile testing across the Project site and along the gen-tie line route.

Pre-construction field survey work would include identifying precise locations of the site boundary, security fence, and ROW boundary. These features would be subsequently staked in the field. No paint or permanent discoloring agents would be applied to rocks or vegetation to indicate survey or construction limits. All off-road vehicle travel across BLM-administered land would be monitored by qualified biologists, archaeologists, and tribal monitors, as appropriate.

All contractors, subcontractors, and Project personnel would receive Worker Environmental Awareness Program (WEAP) training regarding the appropriate work practices necessary to effectively understand and implement the environmental resource and safety commitments in the Project description; implement the mitigation measures; comply with applicable environmental laws and regulations; avoid and

minimize impacts; and understand the importance of these resources and the purpose and necessity of protecting them.

Qualified biologists would conduct pre-construction surveys for sensitive species. Sensitive resource areas would be flagged for avoidance or proper management during construction. A temporary desert tortoise exclusion fence would be erected around work areas, and desert tortoise clearance surveys would be performed in accordance with the United States Fish and Wildlife Service's (USFWS) protocol. Should schedule or other constraints necessitate any desert tortoise clearance surveys to occur outside of the desert tortoise activity period, the Applicant would seek a variance to the USFWS protocol, as allowed in DRECP CMA LUPA-BIO-IFS-4. If necessary, desert tortoise, wildlife, and certain types of qualifying cacti would be removed from the site and relocated so that construction and necessary conservation work may be conducted in the work area. Species relocation areas would be established in consultation with USFWS and BLM staff. All areas of permanent desert tortoise fence would be integrated with the site security fence for maximum durability.

Several staging areas would be established within the solar facility site boundaries for storing materials, construction equipment, and vehicles. The staging areas would be surveyed and monitored by qualified biologists, archaeologists, and tribal monitors, as appropriate.

Construction, including automated construction techniques, would occur between the hours of 4:00 a.m. and 8:00 p.m. Monday through Friday for up to a maximum of 16 hours per day. During summer months, construction would begin early to minimize work during the hottest periods of the day. Likewise, limited, targeted night work may also be required by the interconnecting utility or for similar electrical work. Weekend construction work is not expected to be required on a regular basis, but may occur on occasion, depending on scheduling considerations.

6. ROLES AND RESPONSIBILITIES

6.1. U.S. Bureau of Land Management

The role of the BLM is to ensure that all stipulations and requirements of the federal grants and authorizations are implemented and complied with during the construction, operation, and maintenance of the Project. Oversight would be provided by federal Authorized Officers or their delegated representatives. Authorized Officers would have the ultimate authority and would be the decision makers for issues pertaining to ROW grants and authorizations. The Authorized Officers would supervise the federal Project Manager to verify that environmental compliance is meeting the requirements of all applicable laws, permits, regulations, and agreements. The Authorized Officers would determine if noncompliance events, for which the Project owner is accountable, qualify as violations of the terms and conditions of any ROW grant or authorization. Only the Authorized Officers, in accordance with 43 Code of Federal Regulations (CFR) Part 2807, would have the authority to suspend or terminate a ROW grant or authorization if IP Easley, LLC and/or its construction contractor(s) do not comply with their stipulations, conditions, or with other applicable laws and regulations. The Authorized Officers would be the primary federal agents to issue decisions unless otherwise delegated to a federal Project Manager.

The federal Project Manager would be primarily responsible for enforcing the Project owner's day-to-day compliance with environmental laws and regulations, the POD, and all stipulations and conditions of the federal grants and authorizations. They would ensure that compliance during construction is done in a manner that facilitates timely and efficient construction while protecting the public interest and the environment. They would also be responsible for ensuring environmental impacts do not exceed those analyzed in the environmental document and would manage the third-party CIC, as required. The federal Project Manager would coordinate with agency resource specialists for their technical expertise and input

when needed. The federal Project Manager would be responsible for notifying the Project owner of any grant or authorization violations due to noncompliance, issuing work stoppage orders (WSOs) if needed, issuing work continuation notices (or lifting work stoppage orders), and enforcing corrective actions as needed. Non-compliance would be reported to the appropriate Authorized Officer(s).

The BLM's compliance representatives for the Project will be (see enclosed flow chart):

- *BLM Authorized Officer (AO)*: Palm Springs Field Manager, the BLM official with the administrative authority for the ROW Grant issuance and authority for accepting and approving Project-related changes in accordance with Section 6.0.
- *BLM Project Manager (PM)*: staff level position designated by the BLM AO as the point of contact for all compliance issues. The BLM PM is the primary point of contact at the BLM for the compliance manager (CM, as further discussed in Section 6.4) and provides unified agency direction to the BLM and the Project owner. The BLM PM will ensure, to the extent practicable, that information requiring agency review will be disseminated internally and that comments and direction are consolidated and presented to the Project owner.
- *BLM Compliance Project Manager (CPM)*: staff level position to provide as-needed support to the BLM PM. The CPM will complete periodic site visits and advise the BLM PM and BLM AO on compliance related matters.
- *BLM Technical Lead(s)*: various resource specialists working at the BLM Palm Springs Field Office and/or California Desert District Office that will be involved with implementation of this Project. They will assist the BLM PM, CM, and construction monitors (CMOs, as further discussed in Section 6.4) with evaluation of conditions and Project status relative to mitigation requirements or other stipulations. The BLM technical leads will include archaeologists, biologists, geologists, and other specialists as required.

6.2. IP Easley, LLC (Project Owner)

IP Easley, LLC, as the current Project owner, would be the holder of all ROW grants. As such, the Project owner is ultimately accountable for adherence to the environmental permit requirements and is responsible for ensuring that environmental impacts do not exceed those analyzed and approved in the environmental document. To facilitate this goal, the Project owner would employ environmental inspectors and monitors who would work with the construction contractor(s) and would support the efforts of the BLM. The Project owner would also maintain regular and consistent communication with the construction contractor(s) to track the success of environmental protection, mitigation, and compliance efforts before, during, and after construction. The Project owner is responsible for assuring that all instances of non-compliance are corrected. The Project owner will ensure record keeping with respect to due diligence on mitigation (including plans, surveys, reports, keeping plans current) and distribution of those materials to the BLM PM and CM via electronic methods.

The Project owner would designate an internal owner representative to coordinate directly with the BLM representatives and a monitor(s) to review compliance reports and concerns and to process variance requests. Because a variance request would result in a formal modification to Project permit(s), the variance request would need to come from the Project owner's representative and would be signed by the Project owner. The monitor would serve as an intermediary between the Project owner representative and the BLM representatives to provide information and support in the processing of variance requests. The number of appropriate compliance monitors would be determined once the Engineering, Procurement, and Construction (EPC) contractor has provided the Project owner with the proposed construction schedule and staffing requirements.

The Project owner compliance representatives for the Project will be (see enclosed flow chart):

- *IP Easley, LLC (Project Owner) Project Managers (IPPM)*: The IPPMs will be responsible for managing all aspects of the Easley Project. IPPMs will oversee on-site construction managers, inspectors, and environmental Project managers. IPPMs are responsible for ensuring the Project is constructed in accordance with the ROW Grant and overseeing implementation of environmental commitments.
- *IP Easley, LLC (Project Owner) Compliance Manager (IPCM)*: The IPCM will be responsible for providing the appropriate level of resources for successful implementation of the Project owner's environmental commitments. The IPCM directs the development and implementation of the preconstruction environmental planning, permitting, and compliance activities; the environmental inspection program; and environmental training. The IPCM will be the designated official responsible for day-to-day coordination with the BLM PM and CM and dispute resolution with respect to mitigation compliance and authorized terms and conditions of the ROW.
- *IP Easley, LLC (Project Owner) Designated Biologist and Principal Archeologist*: A Designated Biologist and Principal Archeologist will be identified as part of the Project owner's Environmental Compliance Team. The Designated Biologist and Principal Archeologist will be approved by the BLM per applicable mitigation measures and ROW stipulations.
- *IP Easley, LLC (Project Owner) Environmental Monitors (IPEM)*: The IPEMs will be the on-the-ground compliance personnel responsible for implementing the environmental construction compliance program to facilitate avoidance, minimization, and mitigation measures dictated under the Project requirements. This includes resolution of all problem areas or activities found to be in non-compliance. Lead IPEMs will be designated for Project components and/or by environmental resource area (i.e. Designated Biologist or Principal Archeologist) and will serve as the primary point of contact for the IPCM, CM, and CMO on site.

6.3. Construction Contractor(s)

As part of IP Easley, LLC's, commitment to environmental compliance, the construction contractor(s) would be contractually bound to comply with all relevant laws, regulations, and permits, including the Environmental Compliance and Monitoring Plan, POD, mitigation measures, and other specific stipulations set forth in the federal grants and authorizations on BLM-administered land and County Conditions of Approval (COAs).

All construction personnel and employees entering work areas would be required to participate in environmental training before starting work. Construction crews would also be required to cooperate and support the work of the Compliance Team to build the Easley Project safely and in compliance with all terms and conditions of the proposed ROW, including federal, state, and local laws and regulations and all landowner agreements. If a non-compliance event occurs, it would be the responsibility of the Construction Contractor(s) to notify IP Easley, LLC and the BLM and to cooperate fully in developing and implementing a solution as soon as possible to resolve the non-compliance. The construction contractor(s) would be expected to involve the CIC in key Project management meetings and the Project safety program.

6.4. Environmental Inspectors and Monitors

The Project owner would contract and/or fund an environmental compliance monitor (monitor) contract for construction activities. The monitor would report and monitor work for the BLM if required. The monitor's role would be to monitor and advise the construction contractors (EPC contractor) on compliance of issues with terms and conditions of the permits to ensure compliance with the POD, ROW Grant,

as well as all other federal, state, and local permits. Compliance with the permits would ultimately be the responsibility of the Project owner and its contractors.

The monitor's role would be to enforce the terms and conditions of federal, state, and local authorizations (i.e., biological, paleontological, archaeological, and Native American monitoring, Stormwater Pollution Prevention Plan [SWPPP] compliance, etc.) and ensure all APMs for the construction of the Easley Project are implemented. The monitor would seek to minimize all forms of non-compliance, resolve conflicts in the field through consultation with the Project owner, EPC contractor, and the BLM agency representative, provide guidance to field crews regarding environmental regulations and stipulations of the various permits and authorizations, plan ahead for areas where a construction variance may be needed prior to any violation occurring, and provide the Project owner information to support drafting of variance requests.

The Project owner and its construction contractor(s) would employ a team of environmental inspectors and monitors to monitor compliance with the federal grants and authorizations. The duties and responsibilities of the environmental inspectors and monitors would include:

- Daily inspections and monitoring of construction activities as required.
- Coordination and communication with the BLM/CIC.
- Supporting and participating in field inspections by federal agency personnel as needed.
- Delivering environmental training and providing the BLM/CIC with a current list of all personnel who have received training.
- Confirming the location of sensitive resources and areas of concern prior to construction activities commencing.
- Verifying that construction work areas, access roads, and sensitive resources or areas of concern have been properly marked and flagged prior to work commencing in those areas.
- Communicating and coordinating with construction crews and acting as a resource to explain environmental regulations and requirements.
- Attending safety meetings.
- Preparing daily logs/reports to be provided to the BLM/CIC.
- Supporting the preparation of variance requests and review by the federal agencies and the BLM/CIC.
- Informing construction contractor(s) and the BLM/CIC of all potential and existing compliance issues and support implementation of corrective actions.
- Invoking stop-work authority when construction activities violate the environmental conditions of the federal grants and authorizations or when sensitive resources are threatened.
- Participating in and supporting the implementation of corrective actions for non-compliance violations.
- Monitoring, inspecting, and documenting reclamation and revegetation activities as needed.

The Monitoring Contractor's team will consist of the following personnel (see enclosed flow chart):

- *Compliance Manager (CM)*: point of contact position designated by the Monitoring Contractor for all compliance related issues; reports to the BLM AO or the designated BLM PM for all compliance related issues.
- *Compliance Monitors (CMO)*: on-the-ground Monitoring Contractor personnel responsible for observing and reporting compliance with the terms and conditions of the BLM ROW authorization for all phases of Project construction.

6.4.1. Compliance Manager (CM)

The Monitoring Contractor's Compliance Manager for the Project will oversee management of the Environmental Construction Compliance Monitoring Program, prepare Project materials, participate in any BLM preconstruction meeting; be provided the option to participate in the Project owner's Environmental Training Program; supervise the monitoring activities, materials, and schedules; supervise the Compliance Monitors; provide guidance on and review of compliance issues; review and process variance requests; and review and distribute reports.

Specific Compliance Manager responsibilities are:

- Report directly to the BLM PM or BLM AO or other designated BLM Compliance Contacts;
- Participate in the BLM preconstruction meeting;
- Participate in Environmental Training Program/kick-off;
- Verify Project owner's compliance with the Project environmental requirements;
- Supervise the monitoring activities, materials, and schedules;
- Supervise the CMOs;
- Ensure that all reported non-compliances are tracked for resolution by the Project owner;
- Review, approve, and distribute monitoring reports, correspondence, and scope of work and schedule changes;
- Review work progress, schedules, and budgets related to compliance monitoring activities;
- Confer with the BLM PM and Compliance Contacts on a regular basis;
- Serve as the contact between BLM and the Project owner for compliance issues;
- Serve as BLM's representative to permitting agencies, private landowners, and special interest groups regarding the environmental mitigation efforts on the Project; and
- Coordinate with the BLM and other agencies, as determined necessary, on reviewing and approving variance requests.

6.4.2. Compliance Monitors (CMOs)

Based on discussions with the BLM PM, the Monitoring Contractor will provide sufficient on-the-ground CMOs during construction of all phases of the Project. The number of CMOs will be determined based on the specific activities during each construction phase and the requirements of the Project's mitigation measures and conditions of approval. Specifically, the need for the CMOs may be reevaluated throughout the construction phase and a schedule adjusted, as necessary, as conditions demand.

During construction, many factors may affect the specific deployment of the CMOs. These include the activity occurring at specific times of inspection, any noncompliance or problem areas documented during previous observations by the CMOs, site specific conditions at the time of construction, skill levels and attitudes of the contractor crews and foremen, and the number of team members.

The Monitoring Contractor's planned monitoring coverage assumes that the construction contractors will demonstrate a high level of environmental compliance, and that the Project owner compliance personnel will be qualified and experienced.

The CM will regularly evaluate the effectiveness of the environmental compliance monitoring in consultation with the BLM and compliance contacts to ensure adequate staffing. If determined necessary, the Monitoring Contractor will provide additional, adequately trained support staff to act as CMOs on an as-needed basis.

The primary responsibility of the CMOs will be to monitor and document the Project owner's construction, compliance, and/or noncompliance with the Project environmental requirements. The CMOs will also review and approve variance requests, as appropriate to their authority level, for implementation of

limited variations from mitigation measures previously agreed to by the Project owner or stipulated by other agencies (see also Section 11, Construction Variance).

Prior to the start of construction, the CMOs will become familiar with the Project owner environmental compliance management program, participate in the BLM preconstruction meeting, participate in the Project owner's Worker Environmental Awareness Program (WEAP), and receive additional training as needed from the Monitoring Contractor. The CMOs will become familiar with the roles and responsibilities of the Project owner field team, the organizational structure of the construction methods, environmental reporting responsibilities, and the chain of communication. It is assumed that the Project owner will provide the CMOs and the CM with copies of all permit requirements for the Project prior to initiation of construction.

At a minimum, the CMOs will maintain daily contact with the Project owner's Environmental Compliance Team. Construction activities will be inspected on a regular basis by the CMOs, and environmentally sensitive areas will be regularly inspected to ensure protection of the identified resources.

The CMOs will communicate with the Project owner Environmental Compliance Team on a regular basis. This approach will allow the Project owner Environmental Compliance Team to exchange information on the status of construction and to discuss any significant construction events scheduled over the next 2 or 3 days. The CMOs may inspect all activities either with the Project owner Environmental Compliance Team or independently.

The CMOs will have the authority to halt any construction activity that has the potential to damage a sensitive environmental resource. This could include conducting initial disturbance absent monitor presence; activity in non-compliance with a term, condition, or stipulation of a ROW grant, etc. In the event of potential non-compliance, the CM will immediately notify the Project owner Environmental Compliance Team. The Project owner Environmental Compliance Team lead will initiate his/her approved chain of command system to initiate issue resolution.

The CMOs will record observations, including digital photo documentation at each location visited. This process will ensure consistent and accurate reporting of site conditions at the time of inspection. Each activity monitored will be assigned a compliance level and documented in a weekly status update.

6.4.3. Biological Monitoring

Monitoring to ensure conformance with conditions of approval, including effective protection and avoidance of biological resources, shall be implemented by the Applicant as follows.

Biological Monitoring Team. During construction and decommissioning, the Applicant shall employ a biological monitoring team to oversee Project activities. Any activity that may impact vegetation, wildlife, and sensitive resources would be monitored to ensure compliance with all mitigation measures for biological resources.

The biological monitoring team would consist of:

- *Lead Biologist:* The Applicant shall assign a Lead Biologist, approved by BLM, CDFW, and USFWS as the primary point of contact for the BLM and resource agencies regarding biological resources mitigation and compliance.
- *Biological Monitor:* Biological monitors will be overseen by the Lead Biologist and will perform any required surveys, ground disturbance and construction monitoring, wildlife monitoring, inspections, marking sensitive resource buffers, and revegetation monitoring during Project activities. Biological monitors would include trained desert tortoise monitors (MM BIO-7) and nest monitors (MM BIO-8).

- *Authorized Biologist:* For desert tortoise protection measures (MM BIO-7), the Applicant will nominate a qualified individual to serve as Authorized Desert Tortoise Biologist, for approval by the USFWS.
- *Lead Avian Biologist:* As defined in the Nesting Bird Management Plan, Lead Avian Biologists search for and identifies active bird nests; makes recommendations for establishing appropriate nest buffers and any subsequent adjustments to those buffers; communicates buffer information to CDFW, who may also recommend indirect impact reductions, such as establishing no parking/stopping/loitering zones; involved in determining when a nest is no longer active based on personal observations or those of the biologist/biological monitor; maintains documentation. May establish Environmentally Sensitive Area (ESA) buffers for active nests and halt construction to protect nesting birds.
- *Avian Biologist/Monitor:* As defined in the Nesting Bird Management Plan, the Avian Biologist/Monitor conducts pre-construction nest sweeps and identifies nest locations; establishes appropriate buffers around active nests following guidance provided by the Lead Avian Biologist; actively monitors nests and adjacent construction activities; conducts regular sweeps to search for and identify additional nests; communicates regularly with the Lead Avian Biologist about any nesting bird behaviors observed; enters nesting and bird monitoring data; creates new documentation; and updates existing documentation. The Avian Biologist/Monitor may halt construction at any time to protect nesting birds.
- *Weed Management Biologist:* As defined in the Integrated Weed Management Plan, a Weed Management Biologist (e.g., a botanist or restoration specialist) will be assigned and will be responsible for coordination of biological resources compliance requirements among the Project owner and regulatory agencies throughout Project construction, operation, and decommissioning. The Weed Management Biologist's responsibilities will include managing and implementing weed monitoring and control efforts.
- *Restoration Biologist:* As defined in the Vegetation Management Plan, the Restoration Biologist would be designated by IP Easley, LLC, and approved by the BLM and Riverside County. In coordination with the Lead Biologist, the Restoration Ecologist will be responsible for site-specific reclamation activities and for supporting the Lead Biologist in managing and implementing the Vegetation Management Plan.

7. ENFORCEMENT

The BLM and County agency representative, the monitor, and the Project owner's representative are authorized to stop work at any time if the Project is out of compliance with the POD and associated local, state, or federal permits/conditions of approval. Reasons for a stop work order include, but are not limited to:

- Safety concern to people;
- Potential harm to threatened or endangered species or protected cultural or other resources;
- Violation of Project or permit specifications and requirements; or
- Violation of federal or state regulations.

Before a stop work order is issued, steps would be taken to communicate and coordinate with all appropriate personnel, unless the Project could or has resulted in a reportable compliance violation as outlined herein. In the latter case, the monitor would have full authority to cease construction activity. A stop work order would apply only to the area where there is an issue.

After a stop work order has been issued, the Project owner would work with the BLM representatives to identify necessary corrective actions, including the timeframe for implementation, to resolve the issue of non-compliance. Documentation of provided resolution would be confirmed by the monitor and approved by the BLM representatives. Work may not begin again in designated stop work area until a written NTP has been signed by the BLM representative and has been provided to Project owner. Stop work orders would be documented in monthly compliance monitoring reports.

The monitor would report this cessation in work to the appropriate agency representative, the EPC contractor, Project owner and Project owner representative within 24 hours. The monitor would concurrently report any compliance concerns directly to the Project's compliance coordinator representative as well as the BLM and County agency representatives verbally and/or in writing either via email or memo. This process ensures that both the agency and Project owner are aware of any compliance concerns that may arise during construction and would enable both parties to identify and implement corrective actions whenever necessary.

8. COMMUNICATION

Communication between all parties would be critical to maintain environmental compliance throughout the Project. Communication would help maintain a consistent understanding of the Project's environmental requirements throughout construction. The construction contractor(s), the CIC, and all environmental monitors would maintain a communications network that consists of one or both of the following devices: two-way radios or cellular phones. This would allow real-time coordination between all parties, which would facilitate resolution of any questions and/or monitoring requirements prior to construction activities. Oral communication would not substitute for written approvals.

8.1. Primary Interparty Communication Channels

The CIC would be responsible for developing and maintaining a Project compliance contact list containing the names, titles, phone numbers and email addresses of all agency Authorized Officers, federal Project Manager(s), County Project Manager, Project owner's Project managers, construction contractor(s) field supervisors, and construction managers, environmental inspectors, monitors, and any other individuals or agency personnel who would be involved with environmental compliance for the Project. The CIC would also be responsible for developing appropriate distribution lists for weekly compliance reports, noncompliance notifications, and variance requests.

8.2. Daily Communications

The construction contractor(s) would conduct daily morning meetings to review the location and extent of each day's construction activities. Discussion should highlight safety and environmental issues, including a summary of activities that require monitoring by Environmental Inspectors and coordination with the CIC. Evidence of proper approvals must be furnished for any activities scheduled to occur outside designated areas. Attendees should include the CIC; the construction contractor's Lead Environmental Inspector or Environmental Inspectors, Superintendent(s), and Foreman (Foremen); and the Company's Construction Inspector.

9. TRAINING FOR ALL CONSTRUCTION PERSONNEL

The Project's EPC contractor and monitor would coordinate environmental compliance training prior to any personnel starting work on the Project. The monitor would prepare a PowerPoint presentation that all construction personnel are required to review prior to the commencement of construction. This format is effective in the field and, once printed in hard copy, serves as the on-site training for personnel that may join the job site later.

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

All contractor and sub-contractor personnel would be required to sign a form stating they have completed environmental training for the Project. Each individual that successfully completes training would be issued an environmental training hardhat sticker and would be required to display this sticker throughout construction activities. Any personnel present in the work area that did not go through the training would result in non-compliance. The individual would be required to leave the work area immediately and would not be allowed back onto the Project site until training has been completed. As new personnel come on site throughout various stages of the Project, the training would be initiated, and the records (signed forms) updated and submitted to the BLM.

10. ENVIRONMENTAL MONITORING STRATEGY AND COMPLIANCE REPORTING

The monitor would work daily with the EPC contractor to ensure the agency representative(s) are aware of where the contractors would be working from week to week and what potential challenges have arisen and to determine if variances may be needed to the POD, which would require agency approval prior to the work occurring. Environmental monitoring would be planned according to the resources involved and would be coordinated with the sequence of construction (i.e., vegetation clearing, clean-up, etc.).

10.1. Monthly Inspection Reports

The monitor would provide monthly inspection reports to both the BLM agency representative, the EPC contractor, and the Project owner. If there is a possible compliance concern, the compliance concern would be documented within 24 hours of the occurrence and would be provided to EPC contractor, Project owner representative, and Project owner. The monthly environmental monitoring reports would include the following:

- Summary of the work completed and any schedule changes for work in environmentally sensitive areas;
- Summary of all non-compliance incidents that occurred during the reporting period;
- Corrective actions implemented in response to all instances of non-compliance and the effectiveness of all corrective actions implemented;
- Summary of all spills and rain events during the reporting period;
- Tailgate briefings and updates on new personnel on site requiring compliance training; and
- Summary list of variance requests.

10.2. Construction Compliance Report

Within 45 days prior to the commercial operation date (COD), the monitor would coordinate a construction closeout meeting with representatives of the Project and the BLM to review and document that all agency compliance requirements have been met or would be met by the end of COD, identify areas of improvement, and ensure that all compliance issues have been satisfactorily resolved or would be close to resolution by the end of construction. All outstanding issues would include a detailed plan for closure by the end of construction. At the end of construction, the monitor would provide a Construction Compliance Report to the BLM representative that would include the following:

- Summary of Variance Requests, including variance number; submittal date; supporting documentation; and approval date, if applicable;
- Summary of Reportable Violations, including violation date, type, and location as well as resolution and follow-up; and
- Summary of any Stop Work Orders, including issue, date, resolution, and supporting documentation.

11. CONSTRUCTION VARIANCE

Unforeseen or unavoidable field conditions may occur during construction that would require minor changes in the construction procedures. While the EPC contractor proactively plans construction activities to address potential changes that may arise during construction, it is impossible to foresee all issues that may arise over the course of the construction period, for example, the need for extra workspaces and minor route realignments. Changes to previously approved construction procedures and construction work areas would be conducted in the form of variance requests. The construction variance process is intended to address unexpected events or changes in site conditions that may occur during Project construction that would result in changes to the approved POD. Construction variances would be required anytime disturbance or construction is required outside of authorized ROW Grant/POD.

When a variance is sought on BLM-administered land, the Project owner's representative would coordinate with the monitor and the BLM representative to complete the variance request and supporting documentation. The monitor is responsible for transmitting the supporting documentation, including a summary of prior environmental analysis and their on-the-ground perspective of the requested variance to the agency representative. No construction activity associated with the variance can proceed until the variance request has been reviewed, approved, and signed-off by the authorized BLM representative. Approved variance requests would be saved by the monitor and provided to the EPC contractor and Project owner.

To provide consistency, expedite the variance request process, and reduce potential construction delays, a standardized variance request process and reporting procedure is outlined below.

11.1. Variance Levels and Approval Process

When a variance is sought on BLM-administered land, the Project owner's representative would coordinate with the monitor and the BLM representative to complete the variance request and supporting documentation. Supplemental biological and cultural resource surveys would accompany variance requests as necessary. The monitor is responsible for transmitting the supporting documentation, including a summary of prior environmental analysis and their on-the-ground perspective of the requested variance to the agency representative for variances on BLM-administered lands. The Project owner's representative would be responsible for submitting the variance and obtaining approval of the construction variance. A BLM-approved Variance Request Form would be used to track variances.

The variance process would allow the Project owner's representative to submit variances for approval, depending on the scope of the proposed modification, to the monitor (Level 1 Variances) or the BLM representative (Level 2 or Level 3 Variances). The BLM representative is responsible for approving, approving with revisions, or denying a Level 2 or Level 3 Variance request on federally managed lands. The monitor is responsible for coordinating with the Project owner's representative and its contractor(s) prior to implementing the variance modifications.

The monitor would participate in the variance review process and would provide the Project owner's representative and the BLM representative documentation to support the Variance Request Forms. The type of documentation and participation required would depend upon the type and level of variance requested. The monitor would also be responsible for documenting variance requests and approvals in their monthly compliance monitoring report. BLM representatives would be notified of any variance requests on lands or facilities under their jurisdiction. The exception is Level 1 Variance requests, which would be noted in the monthly monitoring report. A binder that includes all Variance Requests and Approvals would be kept on site and would be available for the Agency Representative upon request.

Level 1 Variance (Field Decisions)

A Level 1 Variance is a site-specific, minor change to Project specifications or mitigation measures that provides equal or better protection to environmental resources, does not alter performance-based requirements, does not violate agency requirements, and does not impact new landowners. The affected area must be within the ROW and previously surveyed boundaries for cultural and biological resources. These minor variance requests can be either approved or denied by the monitor in the field during normal construction operations and include a follow-up contact with the agency representative. Level 1 Variances may also be used to document and disseminate agency-directed changes to mitigation measures. Some examples of a Level 1 Variance include, but are not limited to:

- Changing areas required for topsoil stripping;
- Shifting extra workspace within the ROW and within the previously surveyed boundaries (without increasing land use disturbance in type or acreage or impacting cultural or sensitive resources);
- Modifying natural resource setbacks where site-specific conditions during construction do not allow for proper placement of spoil without impacting cultural or other sensitive resources.

To initiate a Level 1 Variance request, the Project owner's representative would fill out a Variance Request Form in coordination with the monitor, who would obtain the appropriate signatures. The site-specific situation would be evaluated by the monitor, who would determine whether the variance level requested is appropriate.

The monitor may approve a Level 1 Variance request if the results of implementing the change would provide equal or better protection of the resource than the permitted environmental protection or mitigation measures or if the measure is not applicable to that specific site. If a Level 1 Variance request is approved in the field, the monitor would sign the Variance Request Form. A Level 1 Variance request can be implemented in the field as soon as the monitor approves it. In some cases, the monitor may grant verbal approval and then complete the paperwork.

The monitor would document the variance approval in the monthly compliance monitoring report and would send it to the Project owner's representative and the BLM representative. If the variance exceeds the monitor's authority level, the monitor would inform the Project owner's representative that a Level 2 or Level 3 Variance request is required.

Level 2 Variance

A Level 2 Variance request exceeds the field decision authority of the monitor and requires discussion with the BLM prior to submittal of a variance request. The BLM representative must approve a Level 2 Variance. Level 2 variance requests generally involve Project changes that would affect an area outside of the ROW, but within the previously surveyed boundaries for cultural resources and sensitive resources.

Some examples of a Level 2 Variance request include, but are not limited to:

- Using a workspace outside of the ROW but within the boundaries previously surveyed for cultural and sensitive resources;
- Modifying a previously approved access road in ways not previously identified;
- Modifying seed mixes approved in agency documents due to unavailability; and
- Incorporating a minor route realignment where no new landowners would be affected, and all work areas are within previously surveyed areas.

To initiate a Level 2 Variance request, the Project owner's representative would fill out a Variance Request Form and prepare the appropriate supporting documentation. The Project owner's representative would then obtain the appropriate signatures and would complete and submit the Variance Request Form and

supporting documentation by e-mail (scanned copy) or facsimile to the BLM representative. The monitor, the Project owner's representative, and the BLM representative would discuss the variance request, either in the field or via conference call, and would determine what situations warrant additional discussions before Level 2 variances are approved.

If the Level 2 Variance request is approved, the BLM representative would sign the Variance Request Form and e-mail the approved form (scanned copy) to the Project owner's representative and monitor, and if necessary, other applicable federal and regulatory agency representatives. The variance may be implemented in the field as soon as the approved variance is received.

Level 3 Variance

A Level 3 Variance request generally involves Project changes that would affect an area outside of the previously approved ROW and corridor previously surveyed for cultural and sensitive resources or has the potential to impact cultural resources, sensitive species, or other sensitive resources. Per Regulation Part 43CFR2807.20, a Level 3 variance is necessary when the Project change substantially deviates from the location or use identified in the ROW grant.

Some examples of a Level 3 Variance include, but are not limited to:

- Requesting extra workspaces, access roads, route re-alignments, or facility relocations that affect new landowners or sensitive environmental areas or for which landowner approval cannot be obtained;
- Requesting Project-wide changes to mitigation measures or construction procedures;
- Requesting extra workspaces, access roads, or route realignments outside of the previously surveyed areas that require additional surveys and agency approvals that affect resources of sufficient sensitivity to require a Level 3 Variance approval as determined by the BLM representative in consultation with the affected local agencies, as needed; and
- Modifying sites potentially eligible for the National Register of Historic Places not previously addressed through the Section 106 consultation process or involving new/unauthorized impacts to state or federally protected species or their habitat.

The Project owner's representative and the monitor would consult with the BLM representative on a case-by-case basis via telephone call and email. The monitor, BLM representative, and the Project owner's representative would meet and determine what situations warrant additional discussions with the field offices before Level 3 variances are approved.

To initiate a Level 3 Variance request, the Project owner's representative would first seek comments from the BLM representative before filing the variance request. Any potential unauthorized changes to impacts to eligible cultural resources or federally listed species/critical habitat would require additional consultation and assessment of effect. The Variance Request Form includes a checklist that must be reviewed for all levels of variance. Landowner approval must be documented, as appropriate.

Level 3 variances would likely need additional environmental review. The level of review would be determined based on the location of the variance in relation to sensitive resources and land uses as well as the extent and duration of the variance request. In cases where a major variance is required (such as a re-route of the transmission line or solar facility boundary in a particular area or construction of a brand-new access road in critical habitat) additional NEPA review may be required. NEPA compliance could be a Categorical Exclusion, Determination of NEPA Adequacy or an EA, based on the anticipated level of effect. A Level 3 variance cannot be granted until a decision document and variance has been signed by the BLM.

12. POST-CONSTRUCTION INSPECTION

Once construction of the Project is complete and the construction contractors have demobilized, the BLM representative, the Project owner's representative, and the monitor would participate in a post-construction inspection. The monitoring contracts would remain open until all construction-related activities are complete, at which time the contract would conclude. The primary purpose of the post-construction inspection is to monitor the effectiveness of erosion controls and document completion of construction demobilization activities.

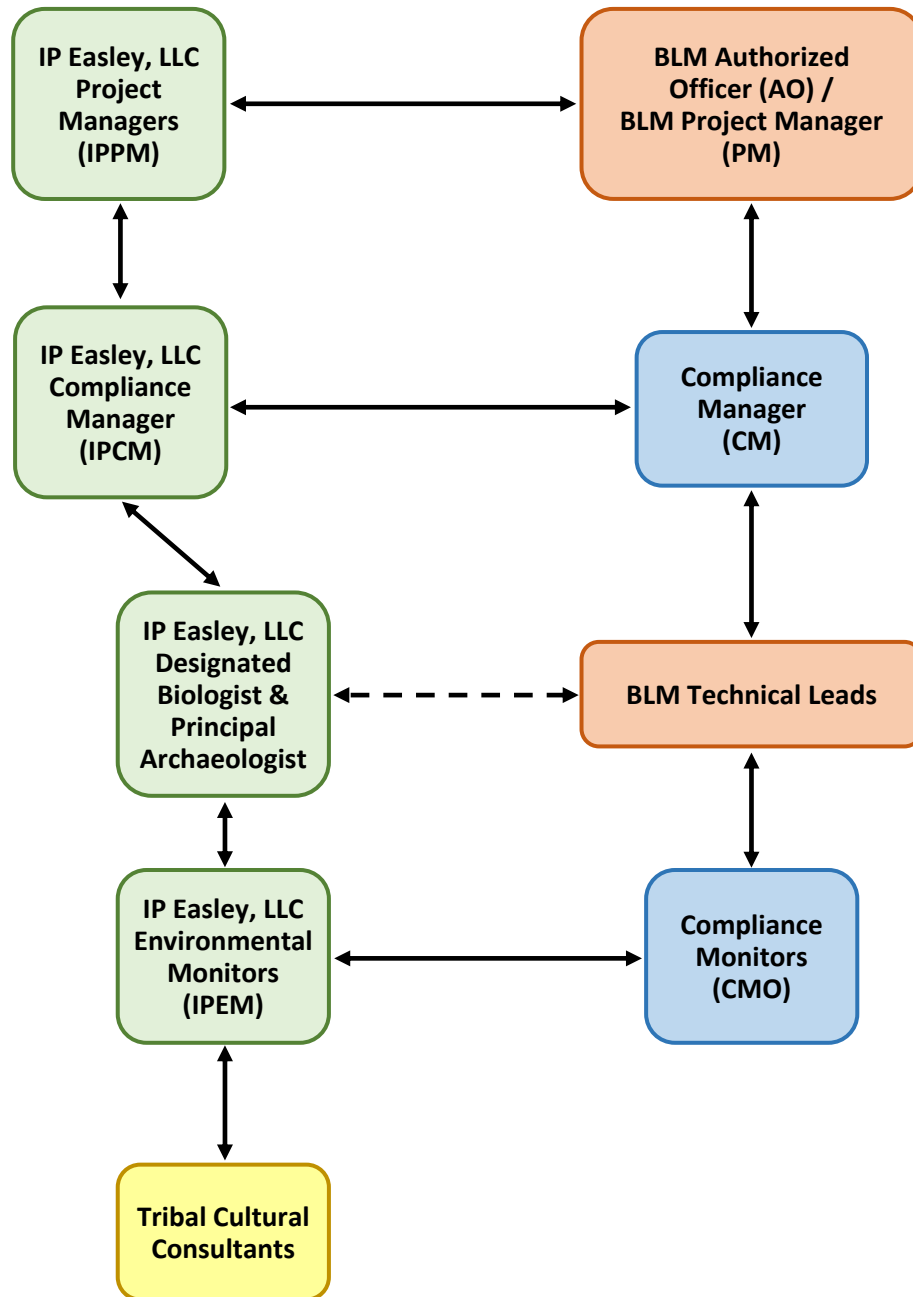
The monitor would be responsible for preparing a Post-Construction Inspection Report for the post-construction inspection, including recommendations for an additional inspection if needed.

The Post-Construction Inspection Report would contain the following information:

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

Once the report is drafted, the CIC would coordinate a construction closeout meeting with the Compliance Team. At this meeting, the Post-Construction Inspection Report would be reviewed to ensure that all requirements have been met and any issues have been satisfactorily resolved. If no further actions are needed, the work of the CIC would be deemed complete and the post-construction reclamation monitoring period would begin.

ECCMP Flow Chart



↔ Communication relationship
 - - - - - Potentially required when reporting a non-compliance event

