

4415.0150 RIGHT-OF-WAY PROTECTION AND RESTORATION MEASURES

The Applicants have developed standardized erosion control and restoration measures to minimize potentially adverse environmental effects resulting from right-of-way preparation, construction, and maintenance of the pipelines. These measures are described in the Applicants' Environmental Mitigation Plan (EMP), which is provided in Appendix B of the Environmental Assessment Supplement. The Applicants have also developed a construction Spill Prevention, Containment and Control Plan (SPCCP) that describes planning, prevention and control measures to minimize impacts of construction-related spills. The SPCCP is provided in Appendix C of the Environmental Assessment Supplement.

The Applicants will comply with applicable federal, state, and local rules and regulations and take appropriate precautions to protect against degradation of the environment. The Applicants will retain third-party Environmental Inspectors to verify that environmental protection measures, environmental permit conditions, and other environmental specifications are implemented appropriately by the contractor during construction of the facilities. Environmental Inspectors will have peer status with all other construction inspectors and will have the authority to stop construction activities if necessary.

Subpart 1. Protection.

The application must describe what measures will be taken to protect the right-of-way or mitigate the adverse impacts of right-of-way preparation, pipeline construction, and operation and maintenance on the human and natural environment.

Measures that will be taken to protect the right-of-way or mitigate the adverse impacts of right-of-way preparation, pipeline construction, and operation and maintenance on the human and natural environment are describe in detail in the EMP, SPCC, and AMP in appendices B, C, and E, respectively, in the Environmental Assessment Supplement. A summary of the primary protective measures to be implemented during construction of the pipeline projects is provided below:

- Topsoil in active cropland will be removed from either the trench and spoil storage areas or the trench area, and replaced after the trench is backfilled;
- Topsoil in pasture land will be removed from the trench area and replaced after the trench is backfilled;
- Drain tiles encountered during trenching activities will be marked and identified for repair following pipeline installation;
- Temporary erosion control measures will be installed and maintained to minimize erosion and sediment from entering waterbodies and wetlands to the extent practicable;
- Temporary bridges will be used, where necessary, to transport construction equipment across perennial streams and rivers.

- Construction across flowing streams and rivers will be conducted as quickly as possible;
- Hazardous materials, chemical, fuels, and lubricating oils will not be stored near waterbodies, wetlands, or water supply wells;
- Construction mats, or low ground pressure equipment will be used in wetlands to minimize disturbance of the wetlands;
- Major highways and most paved secondary roads will be crossed using boring equipment where practicable to minimize disruption of traffic, and to avoid disturbance of the road surface; and
- Near residences, mitigation measures will be implemented to minimize construction-related dust.

Subpart 2. Restoration.

The applicant must describe what measures will be taken to restore the right-of-way and other areas adversely affected by construction of the pipeline.

Measures that will be taken to restore the right-of-way and other areas adversely affected by construction of the pipeline are described in detail in the Environmental Mitigation Plan (EMP) and the Agricultural Mitigation Plan (AMP), in appendices B and E, respectively, in the Environmental Assessment Supplement. A summary of the primary restoration measures to be used during restoration of project areas is provided below.

The EMP specifies:

- Permanent erosion control measures to be implemented in upland areas, stream banks, drainage ditches, and intermittent streams disturbed by the project;
- Soil compaction treatment in fields and any other areas where project activity has resulted in severely compacted or rutted soils;
- Removal of excess stones larger than four inches in diameter from the upper 12 inches of soil;
- Installation of off-road vehicle control measures as requested by Landowners or as directed by land management agencies;
- Permanent seeding on non-cultivated areas disturbed by the project;
- Repair of private roads and lanes damaged from equipment movement or right-of-way access;
- Restoration to preconstruction conditions, to the extent practicable, of damaged soil conservation practices; and
- Restoration of the right-of-way to its preconstruction elevation and contour to the extent practicable.

The AMP Specifies:

- Procedures for repair of drain tiles encountered and damaged during trenching;
- Rock Removal practices;
- Removal of construction debris;
- Compaction, Rutting, Fertilization, Liming, and Soil Restoration Procedures; and
- Procedures for determining construction-related damages and providing compensation.