

APPENDIX C-1

**ROCKIES EXPRESS
UPLAND CONSTRUCTION PLAN**

ROCKIES EXPRESS PIPELINE COMPANY LLC
ROCKIES EXPRESS PIPELINE – WEST PROJECT
UPLAND CONSTRUCTION PLAN

May 1, 2006

UPLAND CONSTRUCTION PLAN

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UPLAND CONSTRUCTION PLAN (PLAN)

I. APPLICABILITY

- A. The intent of this Plan is to identify baseline mitigation measures for minimizing erosion and enhancing revegetation. The project sponsor (REX-West) will specify in their application for a FERC Certificate (Certificate) any individual measures in this Plan they consider unnecessary, technically infeasible, or unsuitable due to local conditions and to fully describe any alternative measures they would use. REX-WEST should also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is certificated, further changes can be approved. Any such changes from the measures in this Plan (or the REX-West's approved plan) will be approved by the Director of the Office of Energy Projects (Director), upon the applicant's written request, if the Director agrees that an alternative measure:

1. provides equal or better environmental protection; or
2. is necessary because a portion of this Plan is infeasible or unworkable based on project-specific conditions; or
3. is specifically required in writing by another Federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Any requirements in this Plan to file material with the Secretary of the FERC (Secretary) do not apply to projects undertaken under the provisions of the blanket certificate program. This exemption does not apply to a request for alternative measures.

Project-related impacts on wetland and waterbody systems are addressed in the staff's Wetland and Waterbody Construction and Mitigation Procedures (Procedures).

II. SUPERVISION AND INSPECTION

A. ENVIRONMENTAL INSPECTION

1. At least one Environmental Inspector is required for each construction spread during construction and restoration (as defined by section V). The number and experience of Environmental Inspectors assigned to each construction spread should be appropriate for the length of the construction spread and the number/significance of resources affected.

2. Environmental Inspectors shall have peer status with all other activity inspectors.
3. Environmental Inspectors shall have the authority to stop activities that violate the environmental conditions of the Certificate, state and Federal environmental permit conditions, or landowner requirements; and to order appropriate corrective action.

B. RESPONSIBILITIES OF ENVIRONMENTAL INSPECTORS

At a minimum, the Environmental Inspector(s) shall be responsible for:

1. Ensuring compliance with the requirements of this Plan, the Procedures, the environmental conditions of the Certificate authorization, the mitigation measures proposed by REX-West (as approved and/or modified by the Certificate), other environmental permits and approvals, and environmental requirements in landowner easement agreements.
2. Identifying, documenting, and overseeing corrective actions, as necessary to bring an activity back into compliance;
3. Verifying that the limits of authorized construction work areas and locations of access roads are properly marked before clearing;
4. Verifying the location of signs and highly visible flagging marking the boundaries of sensitive resource areas, waterbodies, wetlands, or areas with special requirements along the construction work area;
5. Identifying erosion/sediment control and soil stabilization needs in all areas;
6. Ensuring that the location of dewatering structures and slope breakers will not direct water into known cultural resources sites or locations of sensitive species;
7. Verifying that trench dewatering activities do not result in the deposition of sand, silt, and/or sediment near the point of discharge into a wetland or waterbody. If such deposition is occurring, the dewatering activity shall be stopped and the design of the discharge shall be changed to prevent reoccurrence;
8. Ensuring that subsoil and topsoil are tested in agricultural and residential areas to measure compaction and determine the need for corrective action;
9. Advising the Chief Construction Inspector when conditions (such as wet weather) make it advisable to restrict construction activities to avoid excessive rutting;

10. Ensuring restoration of contours and topsoil;
11. Verifying that the soils imported for agricultural or residential use have been certified as free of noxious weeds and soil pests, unless otherwise approved by the landowner;
12. Determining the need for and ensuring that erosion controls are properly installed, as necessary to prevent sediment flow into wetlands, waterbodies, sensitive areas, and onto roads;
13. Inspecting and ensuring the maintenance of temporary erosion control measures at least:
 - a. on a daily basis in areas of active construction or equipment operation;
 - b. on a weekly basis in areas with no construction or equipment operation; and
 - c. within 24 hours of each 0.5 inch of rainfall;
14. Ensuring the repair of all ineffective temporary erosion control measures within 24 hours of identification;
15. Keeping records of compliance with the environmental conditions of the FERC certificate, and the mitigation measures proposed by REX-West in the application submitted to the FERC, and other Federal or state environmental permits during active construction and restoration; and
16. Identifying areas that should be given special attention to ensure stabilization and restoration after the construction phase.

III. PRECONSTRUCTION PLANNING

REX-West will do the following before construction:

A. CONSTRUCTION WORK AREAS

1. Identify all construction work areas (e.g., construction right-of-way, extra work space areas, pipe storage and contractor yards, borrow and disposal areas, access roads, etc.) that would be needed for safe construction. REX-West must ensure that appropriate cultural resources and biological surveys have been conducted.
2. REX-West has expanded and will continue to expand any required cultural resources and endangered species surveys in anticipation of the need for activities outside of certificated work areas.

B. DRAIN TILE AND IRRIGATION SYSTEMS

1. Attempt to locate existing drain tiles and irrigation systems.
2. Contact landowners and local soil conservation authorities to determine the locations of future drain tiles that are likely to be installed within 3 years of the authorized construction.
3. Develop procedures for constructing through drain-tiled areas, maintaining irrigation systems during construction, and repairing drain tiles and irrigation systems after construction.
4. Engage qualified drain tile specialists, as needed to conduct or monitor repairs to drain tile systems affected by construction. Use drain tile specialists from the project area, if available.

C. GRAZING DEFERMENT

Develop grazing deferment plans with willing landowners, grazing permittees, and land management agencies to minimize grazing disturbance of revegetation efforts as necessary and practical.¹

D. ROAD CROSSINGS AND ACCESS POINTS

Plan for safe and accessible conditions at all roadway crossings and access points during construction and restoration.

E. DISPOSAL PLANNING

Determine methods and locations for the disposal of construction debris (e.g., timber, slash, mats, garbage, drilling fluids, excess rock, etc). Off-site disposal in other than commercially operated disposal locations is subject to compliance with all applicable survey, landowner permission, and mitigation requirements.

F. AGENCY COORDINATION

REX-West will coordinate with the appropriate local, state, and Federal agencies as outlined in this Plan and in the Certificate.

1. Obtain written recommendations from the local soil conservation authorities or land management agencies regarding permanent erosion control and revegetation specifications².

1 REX-WEST would continue to monitor and maintain the disturbed construction area for revegetation and/or erosion problems resulting from construction. REX-WEST does not believe grazing can be practically deferred from the construction areas due to the length of the project across open grazing lands.

2 FERC Plan states that written recommendations must be obtained from local soil conservation authorities or land management agencies. The REX-WEST Plan states that REX-WEST will make a reasonable attempt to obtain such recommendations

2. Develop specific procedures in coordination with the appropriate agency to prevent the introduction or spread of noxious weeds and soil pests resulting from construction and restoration activities.

G. STORMWATER POLLUTION PREVENTION PLAN

Make available on each construction spread the Stormwater Pollution Prevention Plan prepared for compliance with the U.S. Environmental Protection Agency's National Stormwater Program General Permit requirements where appropriate.³

IV. INSTALLATION

A. APPROVED AREAS OF DISTURBANCE

1. Project-related ground disturbance shall be limited to the construction right-of-way, extra work space areas, pipe storage yards, borrow and disposal areas, access roads, and other areas approved in the Certificate. Any project-related ground disturbing activities outside these Certificated areas, except those needed to comply with the Plan and Procedures (e.g., slope breakers, energy-dissipating devices, dewatering structures, drain tile system repairs) will require prior Director approval. All construction or restoration activities outside of the Certificated areas are subject to all applicable survey and mitigation requirements.
2. The construction right-of-way width for this project is described as 125 feet for the mainline and 100 feet for the Echo Springs Lateral in the FERC application.

B. TOPSOIL SEGREGATION

1. Unless the landowner or land management agency specifically approves otherwise, prevent the mixing of topsoil with subsoil by stripping topsoil from either the full work area or from the trench and subsoil storage area (ditch plus spoil side method) in:
 - a. actively cultivated or rotated croplands and pastures ;
 - b. residential areas;
 - c. hayfields; and

³ REX–West Stormwater Pollution Prevention Plan is more comprehensive than the REX–West Plan and permitted subject to civil and/or criminal penalties under the Clean Water Act. The REX–West SWPPP conditions will take precedence over any contradictory condition of this Plan.

- d. other areas at the landowner's or land managing agency's request.
2. In residential areas importation of topsoil is an acceptable alternative to topsoil segregation.
3. In deep soils (more than 12 inches of topsoil), segregate at least 12 inches of topsoil. In soils with less than 12 inches of topsoil make every effort to segregate the entire topsoil layer.
4. Where topsoil segregation is required, maintain separation of salvaged topsoil and subsoil throughout all construction activities.
5. Segregated topsoil may not be used for padding the pipe.

C. DRAIN TILES

1. Mark locations of drain tiles damaged during construction.
2. Probe all drainage tile systems within the area of disturbance to check for damage.
3. Repair damaged drain tiles to their original or better condition. Do not use filter-covered drain tiles unless the local soil conservation authorities and the landowner agree. Use qualified specialists for testing and repairs.
4. For new pipelines in areas where drain tiles exist or are planned, ensure that the depth of cover over the pipeline is sufficient to avoid interference with drain tile systems. For adjacent pipeline loops in agricultural areas, install the new pipeline with at least the same depth of cover as the existing pipeline(s).

D. IRRIGATION

Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties.

E. ROAD CROSSINGS AND ACCESS POINTS

1. Maintain safe and accessible conditions at all road crossings and access points during construction.
2. If crushed stone access pads are used in residential or active agricultural areas, place the stone on suitable synthetic fabric to facilitate removal.⁴

⁴ REX-WEST Plan identifies suitable fabric to prevent inappropriate materials from being utilized

F. TEMPORARY EROSION CONTROL

Install temporary erosion controls immediately after initial disturbance of the soil. Temporary erosion controls must be properly maintained throughout construction (on a daily basis) and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration is complete.

1. Temporary Slope Breakers

- a. Temporary slope breakers are intended to reduce runoff velocity and divert water off the construction right-of-way. Temporary slope breakers may be constructed of materials such as soil, silt fence, staked hay or straw bales, sediment logs or sand bags.⁵
- b. Install temporary slope breakers on all disturbed areas, as necessary to avoid excessive erosion. Temporary slope breakers must be installed on all slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody, wetland and/or road crossings at the following spacing (closer spacing should be used if necessary):

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
>30	100

- c. Direct the outfall of each temporary slope breaker to a stable, well vegetated area or construct an energy-dissipating device at the end of the slope breaker and off the construction right-of-way.
- d. Position the outfall of each temporary slope breaker to prevent sediment discharge into wetlands, waterbodies, or other sensitive resources.

2. Sediment Barriers

- a. Sediment barriers are intended to stop the flow of sediments and to prevent the deposition of sediments into sensitive resources. They may be constructed of materials such as silt fence, staked hay or straw bales, compacted earth (e.g., driveable berms across travelways), sand bags, or other appropriate materials.
- b. At a minimum, install and maintain temporary sediment barriers across the entire construction right-of-way at the base of slopes

⁵ REX-WEST believes use of sediment logs may also be appropriate under some conditions.

greater than 5 percent where the base of the slope is less than 50 feet from a waterbody, wetland, or road crossing until revegetation is successful as defined in this Plan. Leave adequate room between the base of the slope and the sediment barrier to accommodate ponding of water and sediment deposition.

- c. Where wetlands or waterbodies are adjacent to and downslope of construction work areas, install sediment barriers along the edge of these areas, as necessary to prevent sediment flow into the wetland or waterbody.

3. Mulch

- a. Apply mulch on all slopes (except in actively cultivated cropland) concurrent with or immediately after seeding, where necessary to stabilize the soil surface and to reduce wind and water erosion. Spread mulch uniformly over the area to cover at least 75 percent of the ground surface at a rate of 2 tons/acre of straw or its equivalent, unless the local soil conservation authority, landowner, or land managing agency approves otherwise in writing.
- b. Mulch can consist of weed-free straw or hay, wood fiber hydromulch, erosion control fabric, or some functional equivalent.
- c. Mulch before seeding if:
 - (1) final grading and installation of permanent erosion control measures, will not be completed in an area within 20 days after the trench in that area is backfilled (10 days in residential areas), as required in section V.A.1; or
 - (2) construction or restoration activity is interrupted for extended periods, such as when seeding cannot be completed due to seeding period restrictions.
- d. If mulching before seeding, increase mulch application on all slopes within 100 feet of waterbodies and wetlands to a rate of 3 tons/acre of straw or equivalent.
- e. If wood chips are used as mulch, do not use more than 1 ton/acre and add the equivalent of 11 lbs/acre available nitrogen (at least 50 percent of which is slow release).
- f. Ensure that mulch is adequately anchored to minimize loss due to wind and water.

- g. When anchoring with liquid mulch binders, use rates recommended by the manufacturer. Do not use liquid mulch binders within 100 feet of wetlands or waterbodies.
- h. Install erosion control fabric on waterbody banks at the time of final bank recontouring. Anchor the erosion control fabric with staples or other appropriate devices.

V. RESTORATION

A. CLEANUP

1. Commence cleanup operations immediately following backfill operations. Complete final grading, topsoil replacement, and installation of permanent erosion control structures within 20 days after backfilling the trench (10 days in residential areas). If seasonal or other weather conditions prevent compliance with these time frames, maintain temporary erosion controls (temporary slope breakers and sediment barriers) until conditions allow completion of cleanup.

REX-West will file with the Secretary for the review and written approval of the Director, a winterization plan if construction continues into the winter season when conditions could delay successful decompaction, topsoil replacement, or seeding until the following spring.

2. A travel lane may be left open temporarily to allow access by construction traffic if the temporary erosion control structures are installed as specified in section IV.F. and inspected and maintained as specified in sections II.B.12 through 14. When access is no longer required the travel lane must be removed and the right-of-way restored.
3. Rock excavated from the trench may be used to backfill the trench only to the top of the existing bedrock profile. Rock that is not returned to the trench should be considered construction debris, unless approved for use as mulch or for some other use on the construction work areas (see section VI.C) or by the landowner or land managing agency.
4. Remove excess rock from at least the top 12 inches of soil in all actively cultivated or rotated cropland and pastures, hayfields, and residential areas, as well as other areas at the landowner's request. The size, density, and distribution of rock on the construction work area should be similar to adjacent areas not disturbed by construction. The landowner may approve other provisions in writing.

5. Grade the construction right-of-way to restore pre-construction contours and leave the soil in the proper condition for planting.
6. Remove construction debris from all construction work areas unless the landowner or land managing agency approves otherwise.
7. Remove temporary sediment barriers when replaced by permanent erosion control measures or when revegetation is successful.

B. PERMANENT EROSION CONTROL DEVICES

1. Trench Breakers

- a. Trench breakers are intended to slow the flow of subsurface water along the trench. Trench breakers may be constructed of materials such as sand bags or polyurethane foam. Do not use topsoil in trench breakers.
- b. An engineer or similarly qualified professional shall determine the need for and spacing of trench breakers. Otherwise, trench breakers shall be installed at the same spacing as and upslope of permanent slope breakers.
- c. In agricultural fields and residential areas where slope breakers are not typically required, install trench breakers at the same spacing as if permanent slope breakers were required.
- d. At a minimum, install a trench breaker at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody or wetland and where needed to avoid draining a waterbody or wetland.

2. Permanent Slope Breakers

- a. Permanent slope breakers are intended to reduce runoff velocity, divert water off the construction right-of-way, and prevent sediment deposition into sensitive resources. Permanent slope breakers may be constructed of materials such as soil, sand bags, or some functional equivalent.
- b. Construct and maintain permanent slope breakers in all areas, except cultivated areas and lawns, using spacing recommendations obtained from the local soil conservation authority or land managing agency.

In the absence of written recommendations, use the following spacing unless closer spacing is necessary to avoid excessive erosion on the construction right-of-way:

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
>30	100

- c. Construct slope breakers to divert surface flow to a stable area without causing water to pool or erode behind the breaker. In the absence of a stable area, construct appropriate energy-dissipating devices at the end of the breaker.
- d. Slope breakers may extend slightly (about 4 feet) beyond the edge of the construction right-of-way to effectively drain water off the disturbed area. Where slope breakers extend beyond the edge of the construction right-of-way, they are subject to compliance with all applicable survey requirements.

C. SOIL COMPACTION MITIGATION

- 1. Test topsoil and subsoil for compaction at regular intervals in agricultural and residential areas disturbed by construction activities. Conduct tests on the same soil type under similar moisture conditions in undisturbed areas to approximate preconstruction conditions. Use penetrometers or other appropriate devices to conduct tests.
- 2. Plow severely compacted agricultural areas with a paraplow or other deep tillage implement. In areas where topsoil has been segregated, plow the subsoil before replacing the segregated topsoil.⁶

Alternatively, make arrangements with the landowner to plant and plow under a "green manure" crop, such as alfalfa, to decrease soil bulk density and improve soil structure. If subsequent construction and cleanup activities result in further compaction, conduct additional tilling.

- 3. Perform appropriate soil compaction mitigation in severely compacted residential areas.

D. REVEGETATION

- 1. General
 - a. REX-West is responsible for ensuring successful revegetation of soils disturbed by project-related activities, except as noted in section V.D.1.b.
 - b. Restore all turf, ornamental shrubs, and specialized landscaping in accordance with the landowner's request, or

⁶ REX-WEST will consult with the landowner, NRCS, or other agency relative to the specific soils found at the specific location and perform soil decompaction as required by the affected party.

compensate the landowner. Restoration work must be performed by personnel familiar with local horticultural and turf establishment practices.

2. Soil Additives

Fertilize and add soil pH modifiers in accordance with written recommendations obtained from the local soil conservation authority, land management agencies, or landowner. Incorporate recommended soil pH modifier and fertilizer into the top 2 inches of soil as soon as possible after application.

3. Seeding Requirements

- a. Prepare a seedbed in disturbed areas to a depth of 3 to 4 inches using appropriate equipment to provide a firm seedbed. When hydroseeding, scarify the seedbed to facilitate lodging and germination of seed.
- b. Seed disturbed areas in accordance with written recommendations for seed mixes, rates, and dates obtained from the local soil conservation authority or the request of the landowner or land management agency. Seeding is not required in actively cultivated croplands unless requested by the landowner.
- c. Perform seeding of permanent vegetation within the recommended seeding dates. If seeding cannot be done within those dates, use appropriate temporary erosion control measures discussed in section IV.F. and perform seeding of permanent vegetation at the beginning of the next recommended seeding season. Lawns may be seeded on a schedule established with the landowner.
- d. In the absence of written recommendations from the local soil conservation authorities, seed all disturbed soils within 6 working days of final grading, weather and soil conditions permitting, subject to the specifications in section V.D.3.a-c.
- e. Base seeding rates on Pure Live Seed. Use seed within 12 months of seed testing.
- f. Treat legume seed with an inoculant specific to the species using the manufacturer's recommended rate of inoculant appropriate for the seeding method (broadcast, drill, or hydro).
- g. In the absence of written recommendations from the local soil conservation authorities, landowner, or land managing agency to the contrary, a seed drill equipped with a cultipacker is

preferred for seed application.

Broadcast or hydroseeding can be used in lieu of drilling at double the recommended seeding rates. Where seed is broadcast, firm the seedbed with a cultipacker or roller after seeding. In rocky soils or where site conditions may limit the effectiveness of this equipment, other alternatives may be appropriate (e.g., use of a chain drag) to lightly cover seed after application, as approved by the Environmental Inspector.

VI. OFF-ROAD VEHICLE CONTROL

To each owner or manager of forested lands offer to install and maintain measures to control unauthorized vehicle access to the right-of-way. These measures may include:

- A. Signs;
- B. Fences with locking gates;
- C. Slash and timber barriers, pipe barriers, or a line of boulders across the right of-way; and
- D. Conifers or other appropriate trees or shrubs across the right-of-way.

VII. POST-CONSTRUCTION ACTIVITIES

A. MONITORING AND MAINTENANCE

1. Conduct follow-up inspections of all disturbed areas after the first and second growing seasons to determine the success of revegetation.
2. Revegetation in non-agricultural areas shall be considered successful if upon visual survey the density and cover of non-nuisance vegetation are similar in density and cover to adjacent undisturbed lands. In agricultural areas, revegetation shall be considered successful if crop yields are similar to adjacent undisturbed portions of the same field or landowner has been suitably compensated as specified in section V.D.1.a. of this plan

Continue revegetation efforts until revegetation is successful.

3. Monitor and correct problems with drainage and irrigation systems resulting from pipeline construction in active agricultural areas until restoration is successful.
4. Restoration shall be considered successful if the right-of-way surface condition is similar to adjacent undisturbed lands, construction debris is removed (unless requested otherwise by the land owner or land managing agency), revegetation is successful, and proper drainage has been restored or landowner has been suitably compensated as specified in section V.D.1.a. of this plan.

5. Routine vegetation maintenance clearing shall not be done more frequently than every 3 years. However, to facilitate periodic corrosion and leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be maintained annually in a herbaceous state. In no case shall routine vegetation maintenance clearing occur between April 15 and August 1 of any year.
6. Efforts to control unauthorized off-road vehicle use, in cooperation with the landowner, shall continue throughout the life of the project. Maintain signs, gates, and vehicle trails as necessary.

B. REPORTING

1. REX-West will maintain records that identify by milepost:
 - a. method of application, application rate, and type of fertilizer, pH modifying agent, seed, and mulch used;
 - b. acreage treated;
 - c. dates of backfilling and seeding;
 - d. names of landowners requesting special seeding treatment and a description of the follow-up actions; and
 - e. any problem areas and how they were addressed.
2. REX-West will file with the Secretary quarterly activity reports documenting problems, including those identified by the landowner, and corrective actions taken for at least 2 years following construction.