

Appendix E

Bison's Wetland and Waterbody Construction and Mitigation Procedure (Bison's Procedures)

Prepared for:
Bison Pipeline LLC

Wetland and Waterbody Construction and Mitigation Procedures

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Wetland and Waterbody Construction and Mitigation Procedures

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Wetland and Waterbody Construction and Mitigation Procedures

This document is based on the Federal Energy Regulatory Commission's (FERC's) January 17, 2003 version of the Wetland and Waterbody Construction and Mitigation Procedures, which has been adopted for use in its entirety by Bison with modifications identified in Table 1. Modifications to this Document since October 2009 are listed in this table in underlined text. These modifications reflect changes that were not present in this Document during FERC's Final Environmental Impact Statement (EIS) analysis.

Table 1 – Revisions to FERC Document: Wetland and Waterbody Construction and Mitigation Procedures	
Section	Description of Modifications
IV.A.1.g.	Inserted after (f.) a sub-section (g), specifying that chemical storage and refueling operations will occur no less than 500 feet from waterbodies and wetlands when on Bureau of Land Management (BLM)-managed lands.
V.B.3.g	<u>Inserted information about Bison's use of the double-ditching technique in waterbodies, and clarified that this method would not be used in pond S4IHE034 (MP 263.1) and pond S4IHE035 (MP 264.3), unless these features are dry at the time of construction.</u>
V.B.3.h	<u>Inserted language stating locations at which Bison will reduce the Construction ROW within waterbodies.</u>
V.B.6.d.(4)	Inserted as (4). Discussion of methods for disposal of drilling mud and cuttings.
V.B.9	Added within (9), language indicating that the contractor will construct waterbody crossings as shown in construction drawings.
V.B.10	<u>Added new subsection to describe Bison's crossing methods for waterbodies with no perceptible flow at the time of crossing, and clarified that this method would not be used in pond S4IHE034 (MP 263.1) and pond S4IHE035 (MP 264.3), unless these features are dry at the time of construction.</u>
V.C.1	<u>Revised language to reflect Bison's use of the double-ditching technique in waterbodies.</u>
V.C.6	<u>BLM Request. Revised restoration language to be consistent with Bison's Wetland Restoration Plan.</u>
V.D.1	Revised language regarding routine maintenance
VI.A.4	<u>Added definition of wetland buffers and their demarcation requirements.</u>
VI.C. 5	<u>Revised language to specify that wetlands on BLM lands in Wyoming will be sown with a seed mix provided by BLM Wyoming.</u>
VI.C. 6	<u>Specify that all disturbed areas are successfully revegetated in accordance with Bison's Wetland Restoration Plan.</u>
VI.D.1	Revised language regarding routine maintenance
VII.B.2	Inserted language specifying that pump use is restricted within 500 feet of waterbodies and wetlands when on BLM-managed lands.

The modifications identified above are highlighted with **bolded text** in the body of this report. This document, with the FERC-approved modifications listed, will be known as **Bison's Procedures**.

I. Applicability

- A. The intent of these Procedures is to assist applicants by identifying baseline mitigation measures for minimizing the extent and duration of Project-related disturbance on wetlands and waterbodies. The Project sponsors should specify in their applications for a FERC Certificate (Certificate) any individual measures in these Procedures they consider unnecessary, technically infeasible, or unsuitable due to local conditions and to fully describe any alternative measures they would use. Applicants 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 these Procedures (or the applicant's approved procedures) 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;
2. Is necessary because a portion of these Procedures 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 these Procedures 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 non-wetland areas are addressed in the staff's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

B. Definitions

1. "Waterbody" includes any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing, and other permanent waterbodies such as ponds and lakes.
 - a. "Minor waterbody" includes all waterbodies less than or equal to 10 feet wide at the water's edge at the time of crossing.
 - b. "Intermediate waterbody" includes all waterbodies greater than 10 feet wide but less than or equal to 100 feet wide at the water's edge at the time of crossing.
 - c. "Major waterbody" includes all waterbodies greater than 100 feet wide at the water's edge at the time of crossing.

2. "Wetland" includes any area that is not in actively cultivated or rotated cropland and that satisfies the requirements of the current federal methodology for identifying and delineating wetlands.

II. Preconstruction Filing

- A. The following information shall be filed with the Secretary prior to the beginning of construction:
 1. The hydrostatic testing information specified in Section VII.B.3. and a wetland delineation report as described in Section VI.A.1., if applicable; and
 2. A schedule identifying when trenching or blasting would occur within each waterbody greater than 10 feet wide, or within any designated coldwater fishery. The Project Sponsor shall revise the schedule as necessary to provide FERC staff at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice.
- B. The following site-specific construction plans required by these Procedures must be filed with the Secretary for the review and written approval by the Director:
 1. Plans for extra work areas that would be closer than 50 feet from a waterbody or wetland;
 2. Plans for major waterbody crossings;
 3. Plans for the use of a Construction Right-of-Way (ROW) greater than 75 feet wide in wetlands; and
 4. Plans for horizontal directional drill (HDD) "crossings" of wetlands or waterbodies.

III. Environmental Inspectors

- A. At least one Environmental Inspector (EI) having knowledge of the wetland and waterbody conditions in the Project area is required for each construction spread. The number and experience of EIs assigned to each construction spread should be appropriate for the length of the construction spread and the number/significance of resources affected.
- B. The EI's responsibilities are outlined in Bison's Upland Erosion Control, Revegetation and Maintenance Plan (Bison's Plan).

IV. Preconstruction Planning

- A. A copy of the Stormwater Pollution Prevention Plan (SWPPP) prepared for compliance with the United States Environmental Protection Agency's (USEPA's) National Stormwater Program General Permit requirements must be available in the field on each construction spread. The SWPPP shall contain spill prevention and response procedures that meet the requirements of state and federal agencies.

1. It shall be the responsibility of the Project Sponsor and its contractors to structure their operations in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to waterbodies or wetlands. The Project Sponsor and its contractors must, at a minimum, ensure that:
 - a. all employees handling fuels and other hazardous materials are properly trained;
 - b. all equipment is in good operating order and inspected on a regular basis;
 - c. fuel trucks transporting fuel to on-site equipment travel only on approved access roads;
 - d. all equipment is parked overnight and/or fueled at least 100 feet from a waterbody or in an upland area at least 100 feet from a wetland boundary. These activities can occur closer only if the EI finds, in advance, no reasonable alternative and the Project Sponsor and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill;
 - e. hazardous materials, including chemicals, fuels, and lubricating oils, are not stored within 100 feet of a wetland, waterbody, or designated municipal watershed area, unless the location is designated for such use by an appropriate governmental authority. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas; and
 - f. concrete coating activities are not performed within 100 feet of a wetland or waterbody boundary, unless the location is an existing industrial site designated for such use; and
 - g. all chemical storage, equipment overnight parking and/or fueling, and concrete coating activities will occur at least 500 feet from a waterbody or wetland when on Bureau of Land Management (BLM)-managed lands.**
2. The Project Sponsor and its contractors must structure their operations in a manner that provides for the prompt and effective cleanup of spills of fuel and other hazardous materials. At a minimum, the Project Sponsor and its contractors must:
 - a. ensure that each construction crew (including cleanup crews) has on hand sufficient supplies of absorbent and barrier materials to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills;
 - b. ensure that each construction crew has sufficient tools and materials on-hand to stop leaks;
 - c. know the contact names and telephone numbers for all local, state, and federal agencies (including, if necessary, the U.S. Coast Guard and the National Response Center) that must be notified of a spill; and
 - d. follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

B. Agency Coordination

The Project Sponsor must coordinate with the appropriate local, state, and federal agencies as outlined in these Procedures and in the Certificate.

V. Waterbody Crossings

A. Notification Procedures and Permits

1. Apply to the United States Army Corps of Engineers (USACE), or its delegated agency, for the appropriate wetland and waterbody crossing permits.
2. Provide written notification to authorities responsible for potable surface water supply intakes located within 3 miles downstream of the crossing at least one week before beginning work in the waterbody, or as otherwise specified by that authority.
3. Apply for state-issued waterbody crossing permits and obtain individual or generic Section 401 water quality certification or waiver.
4. Notify appropriate state authorities at least 48 hours before beginning trenching or blasting within the waterbody, or as specified in state permits.

B. Installation

1. Time Window for Construction

Unless expressly permitted or further restricted by the appropriate state agency in writing on a site-specific basis, in-stream work, except that required to install or remove equipment bridges, must occur during the following time windows:

- a. coldwater fisheries - June 1 through September 30; and
- b. coolwater and warmwater fisheries - June 1 through November 30.

2. Extra Work Areas

- a. Locate all extra work areas (EWS) (such as staging areas and additional spoil storage areas) at least 50 feet away from water's edge, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.
- b. The Project Sponsor shall file with the Secretary, for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from the water's edge (except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback.
- c. Limit clearing of vegetation between extra work areas and the edge of the waterbody to the certificated Construction ROW.

- d. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.
3. General Crossing Procedures
 - a. Comply with the USACE, or its delegated agency, permit terms and conditions.
 - b. Construct crossings as close to perpendicular to the axis of the waterbody channel as engineering and routing conditions permit.
 - c. If the pipeline parallels a waterbody, attempt to maintain at least 15 feet of undisturbed vegetation between the waterbody (and any adjacent wetland) and the Construction ROW.
 - d. Where waterbodies meander or have multiple channels, route the pipeline to minimize the number of waterbody crossings.
 - e. Maintain adequate flow rates to protect aquatic life and prevent the interruption of existing downstream uses.
 - f. Waterbody buffers (extra work area setbacks, refueling restrictions, etc.) must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.
 - g. Utilize the double-ditching technique to separate the top one foot of stream bottom substrate from deeper soil layers over the trench line for all waterbodies crossed by the Project, except for 2 ponds (S4IHE034 located at MP 263.1 and S4IHE035 at MP 264.3), if wet at the time of crossing. If these ponds are dry at the time of crossing, the double ditching technique shall be employed. Reconstruct the original layers by replacing deeper substrate first.**
 - h. Reduce the Construction ROW for waterbodies with no perceptible flow at the time of construction when there is an adjacent wetland as required for wetlands in Section VI.A.3.**
 4. Spoil Pile Placement and Control
 - a. All spoil from minor and intermediate waterbody crossings, and upland spoil from major waterbody crossings, must be placed in the Construction ROW at least 10 feet from the waterbody water's edge or in additional extra work areas as described in Section V.B.2.
 - b. Use sediment barriers to prevent the flow of spoil or heavily silt-laden water into any waterbody.
 5. Equipment Bridges
 - a. Only clearing equipment and equipment necessary for installation of equipment bridges may cross waterbodies prior to bridge installation. Limit the number of such crossings of each waterbody to one per piece of clearing equipment.

- b. Construct equipment bridges to maintain unrestricted flow and to prevent soil from entering the waterbody. Examples of such bridges include:

- (1) Equipment pads and culvert(s);
- (2) Equipment pads or railroad car bridges without culvert(s);
- (3) Clean rock fill and culvert(s); and
- (4) Flexi-float or portable bridges.

Additional options for equipment bridges may be utilized that achieve the performance objectives noted above. Do not use soil to construct or stabilize equipment bridges.

- c. Design and maintain each equipment bridge to withstand and pass the highest flow expected to occur while the bridge is in place. Align culverts to prevent bank erosion or streambed scour. If necessary, install energy dissipating devices downstream of the culverts.
- d. Design and maintain equipment bridges to prevent soil from entering the waterbody.
- e. Remove equipment bridges as soon as possible after permanent seeding unless the USACE, or its delegated agency, authorizes it as a permanent bridge.
- f. If there will be more than one month between final cleanup and the beginning of permanent seeding and reasonable alternative access to the Construction ROW is available, remove equipment bridges as soon as possible after final cleanup.

6. Dry-Ditch Crossing Methods

- a. Unless approved otherwise by the appropriate state agency, install the pipeline using one of the dry-ditch methods outlined below for crossings of waterbodies up to 30 feet wide (at the water's edge at the time of construction) that are state-designated as either coldwater or significant coolwater or warmwater fisheries.

b. Dam and Pump

- (1) The dam-and-pump method may be used without prior approval for crossings of waterbodies where pumps can adequately transfer streamflow volumes around the work area and there are no concerns about sensitive species passage.
- (2) Implementation of the dam-and-pump crossing method must meet the following performance criteria:
 - (i) Use sufficient pumps, including on-site backup pumps, to maintain downstream flows;
 - (ii) Construct dams with materials that prevent sediment and other pollutants from entering the waterbody (e.g., sandbags or clean gravel with plastic liner);
 - (iii) Screen pump intakes;

- (iv) Prevent streambed scour at pump discharge; and
- (v) Monitor the dam and pumps to ensure proper operation throughout the waterbody crossing.

c. Flume Crossing

The flume crossing method requires implementation of the following steps:

- (1) Install flume pipe after blasting (if necessary), but before any trenching;
- (2) Use sand bag or sand bag and plastic sheeting diversion structure or equivalent to develop an effective seal and to divert stream flow through the flume pipe (some modifications to the stream bottom may be required in order to achieve an effective seal);
- (3) Properly align flume pipe(s) to prevent bank erosion and streambed scour;
- (4) Do not remove flume pipe during trenching, pipelaying, or backfilling activities, or initial streambed restoration efforts; and
- (5) Remove all flume pipes and dams that are also not part of the equipment bridge as soon as final cleanup of the stream bed and bank is complete.

d. Horizontal Directional Drill (HDD)

To the extent they were not provided as part of the pre-certification process, for each waterbody or wetland that would be crossed using the HDD method, provide a plan that includes:

- (1) Site-specific construction diagrams that show the location of mud pits, pipe assembly areas, and all areas to be disturbed or cleared for construction;
- (2) A description of how an inadvertent release of drilling mud would be contained and cleaned up;
- (3) A contingency plan for crossing the waterbody or wetland in the event the directional drill is unsuccessful and how the abandoned drill hole would be sealed, if necessary; and
- (4) **A plan for how the Contractor shall dispose of all drill cuttings and drilling mud. With the permission of the landowner, drill fluid and cuttings will be spread over the subsoil layer in the Construction ROW, covered with topsoil and reseeded. Samples of the spent fluid will be acquired and analyzed for contamination prior to disposal. Otherwise, waste will be collected, transported and disposed of off-site at an approved location.**

7. Crossings of Minor Waterbodies

Where a dry-ditch crossing is not required, minor waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. Except for blasting and other rock breaking measures, complete instream construction activities (including trenching, pipe installation, backfill, and restoration of the streambed contours) within 24 hours. Streambanks and unconsolidated streambeds may require additional restoration after this period;
- b. Limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. Equipment bridges are not required at minor waterbodies that do not have a state-designated fishery classification (e.g., agricultural or intermittent drainage ditches). If an equipment bridge is used, however, it must be constructed as described in Section V.B.5.

8. Crossings of Intermediate Waterbodies

Where a dry-ditch crossing is not required, intermediate waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. Complete instream construction activities (not including blasting and other rock breaking measures) within 48 hours, unless site-specific conditions make completion within 48 hours infeasible;
- b. Limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. All other construction equipment must cross on an equipment bridge as specified in Section V.B.5.

9. Crossings of Major Waterbodies

Before construction, the Project Sponsor shall file with the Secretary, for the review and written approval by the Director, a detailed, site-specific construction plan and scaled drawings identifying all areas to be disturbed by construction for each major waterbody crossing (the scaled drawings are not required for any offshore portions of pipeline projects). This plan should be developed in consultation with the appropriate state and federal agencies and should include extra work areas, spoil storage areas, sediment control structures, etc., as well as mitigation for navigational issues.

The EI may adjust the final placement of the erosion and sediment control structures in the field to maximize effectiveness.

The Contractor shall construct each major waterbody crossing in accordance with a site-specific plan as shown in the construction drawings. The Contractor shall complete in-stream construction activities as expeditiously as practicable.

10. Waterbodies with No Perceptible Flow (Dry Crossings)

For waterbodies that are dry at the time of construction [e.g. those with no perceptible flow, including inundated waterbodies with no perceptible flow,

except for 2 ponds (S4IHE034 located at MP 263.1 and S4IHE035 at MP 264.3), if wet at the time of crossing], Bison will utilize conventional (upland) trenching construction methods with adherence to the following proposed crossing measures:

- a. Reducing the right-of-way at locations where adjacent and/or associated wetlands are present;**
- b. Maintaining vegetated buffer zones until immediately before trenching is about to commence;**
- c. Crossing these resources in accordance with its Procedures (typically within 24 to 48 hours);**
- d. Initiating bank restoration within 48 hours from the start of the crossing; and**
- e. Keeping bridge materials readily available to install should a rain event occur and perceptible flow become present.**

11. Temporary Erosion and Sediment Control

Install sediment barriers (as defined in Section IV.F.2.a. of the Plan) immediately after initial disturbance of the waterbody or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan; however, the following specific measures must be implemented at stream crossings:

- a. Install sediment barriers across the entire Construction ROW at all waterbody crossings, where necessary, to prevent the flow of sediment into the waterbody. In the travel lane, these may consist of removable sediment barriers or drivable berms. These removable sediment barriers may be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent;
- b. Where waterbodies are adjacent to the Construction ROW, install sediment barriers along the edge of the Construction ROW, as necessary, to contain spoil and sediment within the Construction ROW; and
- c. Use trench plugs at all waterbody crossings, as necessary, to prevent diversion of water into upland portions of the pipeline trench and to keep any accumulated trench water out of the waterbody.

12. Trench Dewatering

Dewater the trench (either on or off the Construction ROW) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any waterbody. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. Restoration

1. Use **segregated materials from the double-ditching technique** or clean gravel or native cobbles for the upper 1 foot of trench backfill in all waterbodies that contain coldwater fisheries.
2. For open-cut crossings, stabilize waterbody banks and install temporary sediment barriers within 24 hours of completing in-stream construction activities. For dry-ditch crossings, complete streambed and bank stabilization before returning flow to the waterbody channel.
3. Return all waterbody banks to preconstruction contours or to a stable angle of repose as approved by the EI.
4. Application of riprap for bank stabilization must comply with USACE, or its delegated agency, permit terms and conditions.
5. Unless otherwise specified by state permit, limit the use of riprap to areas where flow conditions preclude effective vegetative stabilization techniques such as seeding and erosion control fabric.
6. **Revegetate disturbed riparian areas in accordance with Bison's Reclamation Plan. Riparian areas that are currently grass-forb dominated will be sown with an appropriate grass-forb mix, and riparian areas that are currently scrub-shrub will be seeded with an appropriate grass-forb-shrub mix.**
7. Install a permanent slope breaker across the Construction ROW at the base of slopes greater than 5 percent that are less than 50 feet from the waterbody, or as needed to prevent sediment transport into the waterbody. In addition, install sediment barriers as outlined in the Plan.

In some areas, with the approval of the EI, an earthen berm may be suitable as a sediment barrier adjacent to the waterbody.

8. Sections V.C.3. through V.C.6. above also apply to those perennial or intermittent streams not flowing at the time of construction.

D. Post-Construction Maintenance

1. Limit vegetation maintenance adjacent to waterbodies to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire Construction ROW. **Bison will not be cutting vegetation as part of routine maintenance. If and when areas need to be mowed or trees need to be cut for these surveys, FERC will be notified before such mowing or tree cutting takes place.**
2. Do not use herbicides or pesticides in or within 100 feet of a waterbody except as allowed by the appropriate land management or state agency.

VI. Wetland Crossing

A. General

1. The Project Sponsor shall conduct a wetland delineation using the current federal methodology and file a wetland delineation report with the Secretary before construction. This report shall identify:
 - a. by milepost all wetlands that would be affected;
 - b. the National Wetlands Inventory (NWI) classification for each wetland;
 - c. the crossing length of each wetland in feet; and
 - d. the area of permanent and temporary disturbance that would occur in each wetland by NWI classification type.

The requirements outlined in this section do not apply to wetlands in actively cultivated or rotated cropland. Standard upland protective measures, including workspace and topsoiling requirements, apply to these agricultural wetlands.

2. Route the pipeline to avoid wetland areas to the maximum extent possible. If a wetland cannot be avoided or crossed by following an existing ROW, route the new pipeline in a manner that minimizes disturbance to wetlands. Where looping an existing pipeline, overlap the existing pipeline ROW with the new construction ROW. In addition, locate the loop line no more than 25 feet away from the existing pipeline unless site-specific constraints would adversely affect the stability of the existing pipeline.
3. Limit the width of the Construction ROW to 75 feet or less. Prior written approval of the Director is required where topographic conditions or soil limitations require that the Construction ROW width within the boundaries of a federally delineated wetland be expanded beyond 75 feet. Early in the planning process, the Project Sponsor is encouraged to identify site-specific areas where existing soils lack adequate unconfined compressive strength that would result in excessively wide ditches and/or difficult-to-contain spoil piles.
4. **A buffer zone of 15 feet must be maintained for wetlands that encroach into the construction ROW (but do not cross the entire construction ROW). Bison will maintain a minimum 75-foot-wide construction ROW. Where such wetlands encroach into one side of the construction ROW, Bison will neck down on that side of the construction ROW to avoid the wetland, unless the pipeline cannot be micro-routed to avoid this wetland, and the wetland encroaches into the minimum 75-foot-wide construction ROW. Wetlands that cannot be avoided (decision to be made by the EI in consultation with the FERC/BLM Monitor) within the minimum 75-foot-wide construction ROW will be impacted. All required wetland buffers should be fenced to demarcate the edge of the buffer zone.** Wetland boundaries and buffers must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

5. Implement the measures of Sections V. and VI. in the event a waterbody crossing is located within or adjacent to a wetland crossing. If all measures of Sections V. and VI. cannot be met, the Project Sponsor must file with the Secretary a site-specific crossing plan for review and written approval by the Director before construction. This crossing plan shall address at a minimum:
 - a. spoil control;
 - b. equipment bridges;
 - c. restoration of waterbody banks and wetland hydrology;
 - d. timing of the waterbody crossing;
 - e. method of crossing; and
 - f. size and location of all extra work areas.
6. Do not locate aboveground facilities in any wetland, except where the location of such facilities outside of wetlands would prohibit compliance with United States Department of Transportation (DOT) regulations.

B. Installation

1. Extra Work Areas and Access Roads
 - a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.
 - b. The Project Sponsor shall file with the Secretary, for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from wetland boundaries (except where adjacent upland consists of actively cultivated or rotated cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback.
 - c. Limit clearing of vegetation between extra work areas and the edge of the wetland to the certificated Construction ROW.
 - d. The Construction ROW may be used for access when the wetland soil is firm enough to avoid rutting or the Construction ROW has been appropriately stabilized to avoid rutting (e.g., with timber riprap, prefabricated equipment mats, or terra mats).

In wetlands that cannot be appropriately stabilized, all construction equipment other than that needed to install the wetland crossing shall use access roads located in upland areas. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the Construction ROW.

- e. Other than the Construction ROW, the only access roads that may be used in wetlands without Director-approval are those existing roads that can be used with no modification and no impact on the wetland.

2. Crossing Procedures

- a. Comply with USACE, or its delegated agency, permit terms and conditions.
- b. Assemble the pipeline in an upland area unless the wetland is dry enough to adequately support skids and pipe.
- c. Use "push-pull" or "float" techniques to place the pipe in the trench where water and other site conditions allow.
- d. Minimize the length of time that topsoil is segregated and the trench is open.
- e. Limit construction equipment operating in wetland areas to that needed to clear the Construction ROW, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the Construction ROW.
- f. Cut vegetation just aboveground level, leaving existing root systems in place, and remove it from the wetland for disposal.
- g. Limit pulling of tree stumps and grading activities to directly over the trenchline. Do not grade or remove stumps or root systems from the rest of the Construction ROW in wetlands unless the Chief Inspector and EI determine that safety-related construction constraints require grading or the removal of tree stumps from under the working side of the Construction ROW.
- h. Segregate the top 1 foot of topsoil from the area disturbed by trenching, except in areas where standing water is present or soils are saturated or frozen. Immediately after backfilling is complete, restore the segregated topsoil to its original location.
- i. Do not use rock, soil imported from outside the wetland, tree stumps, or brush riprap to support equipment on the Construction ROW.
- j. If standing water or saturated soils are present, or if construction equipment causes ruts or mixing of the topsoil and subsoil in wetlands, use low-ground-weight construction equipment or operate normal equipment on timber riprap, prefabricated equipment mats, or terra mats.
- k. Do not cut trees outside of the approved construction work area to obtain timber for riprap or equipment mats.
- l. Attempt to use no more than two layers of timber riprap to support equipment on the Construction ROW.
- m. Remove all project-related material used to support equipment on the Construction ROW upon completion of construction.

3. Temporary Sediment Control

Install sediment barriers (as defined in Section IV.F.2.a. of the Plan) immediately after initial disturbance of the wetland or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench). Except as noted below in Section VI.B.3.c., maintain sediment barriers until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan.

- a. Install sediment barriers across the entire Construction ROW at all wetland crossing where necessary to prevent sediment flow into the wetland. In the travel lane, these may consist of removable sediment barriers or drivable berms. Removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent.
- b. Where wetlands are adjacent to the Construction ROW and the Construction ROW slopes toward the wetland, install sediment barriers along the edge of the Construction ROW, as necessary, to prevent sediment flow into the wetland.
- c. Install sediment barriers along the edge of the Construction ROW, as necessary, to contain spoil and sediment within the Construction ROW through wetlands. Remove these sediment barriers during ROW cleanup.

4. Trench Dewatering

Dewater the trench (either on or off the Construction ROW) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any wetland. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. Restoration

1. Where the pipeline trench may drain a wetland, construct trench breakers and/or seal the trench bottom, as necessary, to maintain the original wetland hydrology.
2. For each wetland crossed, install a trench breaker at the base of slopes near the boundary between the wetland and adjacent upland areas. Install a permanent slope breaker across the Construction ROW at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from the wetland, or as needed to prevent sediment transport into the wetland. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the EI, an earthen berm may be suitable as a sediment barrier adjacent to the wetland.
3. Do not use fertilizer, lime, or mulch unless required in writing by the appropriate land management or state agency.
4. Consult with the appropriate land management or state agency to develop a project-specific wetland restoration plan. The restoration plan should include measures for re-establishing herbaceous and/or woody species, controlling the invasion and

spread of undesirable exotic species (e.g., purple loosestrife and phragmites), and monitoring the success of the revegetation and weed control efforts. Provide this plan to the FERC staff upon request.

5. Until a project-specific wetland restoration plan is developed and/or implemented, temporarily revegetate the Construction ROW with annual ryegrass at a rate of 40 pounds/acre (unless standing water is present), **except for BLM lands in Wyoming.**
6. Ensure that all disturbed areas successfully revegetate with wetland herbaceous and/or woody plant species in **accordance with Bison's Wetland Restoration Plan.**
7. Remove temporary sediment barriers located at the boundary between wetland and adjacent upland areas after upland revegetation and stabilization of adjacent upland areas are judged to be successful as specified in Section VII.A.5. of the Plan.

D. Post-Construction Maintenance

1. Do not conduct vegetation maintenance over the full width of the Permanent ROW in wetlands. **Bison will not be cutting vegetation as part of routine maintenance. If and when areas need to be mowed or trees need to be cut for these surveys, FERC will be notified before such mowing or tree cutting takes place.**
2. Do not use herbicides or pesticides in or within 100 feet of a wetland, except as allowed by the appropriate land management agency or state agency.
3. Monitor and record the success of wetland revegetation annually for the first 3 years after construction or until wetland revegetation is successful. At the end of 3 years after construction, file a report with the Secretary identifying the status of the wetland revegetation efforts. Include the percent cover achieved and problem areas (weed invasion issues, poor revegetation, etc.). Continue to file a report annually until wetland revegetation is successful.
4. Wetland revegetation shall be considered successful if the cover of herbaceous and/or woody species is at least 80 percent of the type, density, and distribution of the vegetation in adjacent wetland areas that were not disturbed by construction. If revegetation is not successful at the end of 3 years, develop and implement (in consultation with a professional wetland ecologist) a remedial revegetation plan to actively revegetate the wetland. Continue revegetation efforts until wetland revegetation is successful.

VII. Hydrostatic Testing

A. Notification Procedures and Permits

1. Apply for state-issued water withdrawal permits, as required.

2. Apply for National Pollutant Discharge Elimination System (NPDES) or state-issued discharge permits, as required.
3. Notify appropriate state agencies of intent to use specific sources at least 48 hours before testing activities unless they waive this requirement in writing.

B. General

1. Perform non-destructive testing of all pipeline section welds or hydrotest the pipeline sections before installation under waterbodies or wetlands.
2. If pumps used for hydrostatic testing are within 100 feet of any waterbody or wetland, **or within 500 feet of any waterbody or wetland on BLM-managed lands**, address the operation and refueling of these pumps in the Project's Spill Prevention, Control, and Countermeasures (SPCC) Plan.
3. The Project Sponsor shall file with the Secretary before construction a list identifying the location of all waterbodies proposed for use as a hydrostatic test water source or discharge location.

C. Intake Source and Rate

1. Screen the intake hose to prevent entrainment of fish.
2. Do not use state-designated exceptional value waters, waterbodies which provide habitat for federally-listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate federal, state, and/or local permitting agencies grant written permission.
3. Maintain adequate flow rates to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users.
4. Locate hydrostatic test manifolds outside wetlands and riparian areas to the maximum extent practicable.

D. Discharge Location, Method, and Rate

1. Regulate discharge rate, use energy dissipation device(s), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediment, or excessive streamflow.
2. Do not discharge into state-designated exceptional value waters, waterbodies which provide habitat for federally-listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate federal, state, and local permitting agencies grant written permission.