

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Docket No. AD12-2-000

**NOTICE OF AVAILABILITY OF DRAFT REVISIONS TO THE
UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN
AND WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION
PROCEDURES
AND REQUEST FOR COMMENTS**

(July 31, 2012)

The staff of the Office of Energy Projects is revising its Upland Erosion Control, Revegetation, and Maintenance Plan (Plan) and Wetland and Waterbody Construction and Mitigation Procedures (Procedures), last updated January 17, 2003. In accordance with Order 603,¹ the staff is asking for comments on the draft revisions from the natural gas industry, federal, state and local agencies, environmental consultants, inspectors, construction contractors, and other interested parties with special expertise with respect to environmental issues commonly associated with pipeline projects. **Please note that this comment period will close on October 9, 2012.**

The Plan and Procedures are referred to at 18 Code of Federal Regulations (CFR) 380.12(i)(5) and 380.12(d)(2), respectively, as well as 18 CFR 157.206(b)(3)(iv). The Plan and Procedures identify the staff's baseline mitigation measures for minimizing erosion and enhancing revegetation in uplands and the extent and duration of project-related disturbance on wetlands and waterbodies. Attached to this notice are full texts of the draft revisions, identifying all proposed changes from the current versions of the Plan and Procedures in tracked changes format². The draft revisions can also be viewed on the Federal Energy Regulatory Commission (FERC or Commission) website at <http://www.ferc.gov/industries/gas/enviro/guidelines.asp>.

The staff announced its intention to revise the Plan and Procedures by public notice issued October 31, 2011, in the above referenced docket. The proposed revisions address comments filed in response to the public notice, frequent inquiries for clarification or guidance, and common variance requests. Other modifications provide necessary updates to reflect current laws and industry best management practices.

¹ Revision of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act, Commission Order No. 603, Docket No. RM98-9-000, issued April 29, 1999. Noticed in the Federal Register on May 14, 1999. 64 FR 26572.

² The attachments referenced in this notice will not appear in the Federal Register.

We will consider all timely comments on the draft revisions before issuing the final versions. For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the docket number (AD12-2-000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502-8258 or efiling@ferc.gov. Please include your name and e-mail address so we can include you in future notices regarding our planned revisions.

- (1) You may file your comments electronically by using the [eComment](#) feature, which is located on the Commission's website at www.ferc.gov under the link to [Documents and Filings](#). An eComment is an easy method for interested persons to submit brief, text-only comments;
- (2) You may file your comments electronically by using the [eFiling](#) feature, which is located on the Commission's website at www.ferc.gov under the link to [Documents and Filings](#). With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "[eRegister](#)." You will be asked to select the type of filing you are making. A comment in response to this notice is considered a "Comment on a Filing"; or
- (3) You may file a paper copy of your comments at the following address:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

All of the information related to the proposed revisions to the Plan and Procedures and submitted comments can be found on the FERC website (www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket Number field (i.e., AD12-2). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/esubscribenow.htm.

Information Collection Statement

The Office of Management and Budget (OMB) regulations require OMB approval of certain reporting, record keeping, and public disclosure requirements (collections of information) imposed by an agency³. To ensure compliance with OMB's regulations implementing the Paperwork Reduction Act of 1995⁴, the Office of Energy Project's staff is providing notice of potential modifications to information collections from jurisdictional natural gas companies, and is requesting comments on information collection and reporting burden. Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information to the Commission and any applicable third parties.

Comments in consideration of the collection of information should be submitted following the guidelines described on page 2 of this notice, and should reference OMB Control No. 1902-0060 in addition to Docket No. AD12-2-000. Comments regarding information collection requirements should focus on whether the information will have practical utility; the accuracy of burden estimates (provided below); ways to enhance the quality, utility, and clarity of the information collected; and any suggested methods for minimizing the respondent's burden, including the use of automated information techniques. Following the comment period, the Commission staff will submit the final revised Plan and Procedure documents to OMB for review of the information collection requirements.

The information collection requirements described in the current versions of the Plan and Procedures are approved by OMB via FERC-537, "Gas Pipeline Certificates: Construction, Acquisition, and Abandonment" (OMB Control No. 1902-0060), which is used by the Commission to implement the statutory provisions of the Natural Gas Policy Act of 1978 (NGPA), 15 USC 3301-3432, and the Natural Gas Act (NGA) (15 USC 717-717w). The information collected per FERC-537 is necessary to certificate interstate pipelines engaged in the transportation and sale of natural gas, and the construction, acquisition, and operation of facilities to be used in those activities, to authorize the abandonment of facilities and services, and to authorize certain NGPA transactions.

The draft Plan and Procedure revisions identified in this notice are primarily modifications and clarifications to the content of information collections required by the current versions. For example, revisions to Plan sections III.H., III.I., and VII.B.2. clarify staff's expectations for the content of blasting plans, winter construction plans, and quarterly activity reports, respectively. Draft revisions to Plan section III.F.3. regarding agency consultations on wildlife and livestock, standardize a best management practice and staff expectation. A draft revision to Procedure section VI.D.3. modifies the wetland revegetation success criteria used for monitoring and reporting. Such revisions do not

³ 5 CFR 1320.

⁴ 44 U.S.C. 3507(d).

constitute entirely new information collections; however, the proposed revisions could increase reporting burden by adjusting the existing ways to comply with any previously applicable instructions and requirements; training personnel to respond to a modified collection of information; and completing and reviewing such collections.

Draft revisions would reduce reporting burden on jurisdictional natural gas companies by providing guidance that is frequently requested during report preparations; directions to provide information that frequently results in data requests; and improved flexibility to reduce variance requests for construction practices the staff has determined are acceptable. For example, frequently requested guidance on beneficial reuse of construction materials is provided in revised Plan sections II.B.17. and III.E. Identification of baseline expectations for residential construction practices is provided in revised Plan section III.G. Variance requests would be reduced via revisions to Procedures section V.B.3.g. that address construction through waterbodies that are dry or frozen, and VI.B.2.f. that address burning of woody debris in wetlands. Additionally, proposed revisions to Procedure sections V.B.2.b. and VI.B.1.b. would reduce reporting burden on jurisdictional entities, permitting detailed justifications for reduced setbacks at waterbodies and wetlands.

Revised terminology is proposed in order to be inclusive of prior notice, advanced notice, and automatic authorization projects to address the wider net of project types subject to Plan and Procedure requirements. The revisions clarify applicability for projects constructed under the Commission's blanket certificate program (18 CFR 157, Subpart F) and construction of facilities for transportation services under the NGPA section 311 (18 CFR 284, Subpart A). These clarifications would improve the efficiency of the environmental review process, and reduce labor hours required of jurisdictional natural gas companies to prepare complete reports.

Entirely new information collection requirements are limited. A new record retention requirement is proposed regarding drainage system repairs or improvements (see draft revised Plan section VII.B.1.e.). In addition, a new annual report is proposed for affected wetlands that do not successfully revegetate within three years after construction (see draft revised Procedure section VI.D.4.). We expect this revision to result in a minor increase in reporting burden due to the low incidence of wetland revegetation failure; we estimate less than 10 percent of affected wetlands on an annual basis. In addition, our experience indicates that the cause of failure in many cases is anthropogenic activities that would negate the need for further monitoring and remediation by the project sponsors.

Additional filings for blanket certificate prior notice projects would also be required (see revised "Applicability" discussions in sections I. of the Plan and Procedures). Such filings include winter construction plans noted in revised Plan section III.I., and the pre-construction filings noted in section II. of the Procedures (i.e., hydrostatic testing information, waterbody crossing schedules, spill prevention and

response procedures, plans for major waterbody crossings, horizontal directional drill crossings, and justifications for any alternative measures). This would not reflect an entirely new reporting burden however, as this information is typically requested by staff during review of these projects to ensure compliance with blanket certificate standard conditions in 18 CFR 157.206.

Overall, in consideration of the proposed revisions to reporting requirements and the increased efficiency that would be realized during the environmental review process, we expect the net effect of the proposed Plan and Procedure revisions to constitute a minor increase in information collection burden.

Burden Estimate:

The estimate below is based on workload completion data prepared by FERC's Division of Gas – Environment and Engineering for fiscal year 2011. Respondents include companies that filed project applications under NGA Section 7, blanket certificate prior notice filings and annual reports, and NGPA 311 advanced notification filings and annual reports.

Proposed Modification to FERC-537, OMB Control No. 1902-0060	Average No. of Respondents Annually	Average No. of Filings Per Year⁵ (a)	Average Change in Burden Hrs. per Filing (rounded) (b)	Total Annual Change in Burden Hrs. for all Filings Types (a x b)
Upland Plan	81 Natural Gas Companies	113	6.1	681
Wetland and Waterbody Procedures	81 Natural Gas Companies	113	-3.8	-428
Grand Total				253

⁵ NGA 7, Blanket Certificate, and NGPA 311 filings. Filings were excluded if they qualified as categorical exclusions under the National Environmental Policy Act or were otherwise categorized as “environment not involved.” These types of projects would not be subject to the environmental requirements of the Plan and Procedures and thus would not be affected by changes to information collections.

Information Collection Costs: The Commission staff seeks comments on the costs to comply with the proposed revisions to the Plan and Procedures. The total estimated annual cost burden to prepare new or modified information collections based on the proposed Plan and Procedure revisions is \$17,459.43 (253 hours/2,080 hours⁶ per year, times \$143,540⁷).

We expect the estimated burden would reduce in subsequent years, as companies adjust to the modified information collections and have trained their personnel to collect information per the revised Plan and Procedures.

Interested persons may obtain additional information on the OMB process and information collection statement by contacting Ellen Brown, Office of the Executive Director, via e-mail at DataClearance@ferc.gov; by phone (202) 502-8663, or facsimile (202) 273-0973.

Kimberly D. Bose,
Secretary.

⁶ Estimated number of hours an employee works each year.

⁷ Estimated average annual cost (salary plus benefits) per employee.

ATTACHMENT A

**DRAFT REVISIONS TO THE UPLAND EROSION CONTROL,
REVEGETATION, AND MAINTENANCE PLAN**

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN

TABLE OF CONTENTS

I. <u>APPLICABILITY</u>	1
II. <u>SUPERVISION AND INSPECTION</u>	2
A. ENVIRONMENTAL INSPECTION	2
B. RESPONSIBILITIES OF ENVIRONMENTAL INSPECTORS	2
III. <u>PRECONSTRUCTION PLANNING</u>	4
A. CONSTRUCTION WORK AREAS	4
B. DRAIN TILE AND IRRIGATION SYSTEMS.....	4
C. GRAZING DEFERMENT.....	4
D. ROAD CROSSINGS AND ACCESS POINTS.....	4
E. DISPOSAL PLANNING	5
F. AGENCY COORDINATION	5
G. STORMWATER POLLUTION PREVENTION PLAN	
G. <u>RESIDENTIAL CONSTRUCTION</u>	5
H. <u>BLASTING PLANS</u>	6
I. <u>WINTER CONSTRUCTION PLANS</u>	6
IV. <u>INSTALLATION</u>	6
A. APPROVED AREAS OF DISTURBANCE.....	6
B. TOPSOIL SEGREGATION	7
C. DRAIN TILES	8
D. IRRIGATION.....	8
E. ROAD CROSSINGS AND ACCESS POINTS.....	8
F. TEMPORARY EROSION CONTROL	9
1. Temporary Slope Breakers.....	9
2. <u>Temporary Trench Plugs</u>	9
3. Sediment Barriers	10
4. Mulch.....	10
V. <u>RESTORATION</u>	11
A. CLEANUP.....	11
B. PERMANENT EROSION CONTROL DEVICES	12
1. Trench Breakers	12
2. Permanent Slope Breakers	13
C. SOIL COMPACTION MITIGATION.....	13
D. REVEGETATION	14
1. General.....	14
2. Soil Additives	14
3. Seeding Requirements.....	14
VI. <u>OFF-ROAD VEHICLE CONTROL</u>	15
VII. <u>POST-CONSTRUCTION ACTIVITIES</u>	15
A. MONITORING AND MAINTENANCE	15
B. REPORTING.....	16

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN (PLAN)

I. APPLICABILITY

- A. The intent of this Plan is to assist ~~applicants~~ project sponsors by identifying baseline mitigation measures for minimizing erosion and enhancing revegetation. Project sponsors should specify in their applications for a FERC Certificate (Certificate) and in prior notice and advance notice filings, 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. ~~Applicants~~ Project sponsors 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 applicant's approved plan) are considered variances. ~~will be approved by~~ The Director of the Office of Energy Projects (Director) will consider approval of variances; upon the ~~applicant's~~ project sponsor's written request, if the Director agrees that ~~an alternative measure~~ a variance:

1. provides equal or better environmental protection;
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~~ constructed under automatic authorization. This exemption does not apply to requests for alternative measures. Sponsors of projects planned for construction under automatic authorization must receive written approval for any alternative measures in advance of construction.

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, stipulations of other permits or approvals~~state and Federal environmental permit conditions~~, or landowner requirement~~seasement agreements~~; and to order appropriate corrective action.

B. RESPONSIBILITIES OF ENVIRONMENTAL INSPECTORS

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

1. Inspecting construction activities for~~Ensuring~~ compliance with the requirements of this Plan, the Procedures, the environmental conditions of the Certificate authorization, the mitigation measures proposed by the applicant (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-visibly 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-design of ~~dewatering structures and~~ slope breakers will not cause erosion or direct water into sensitive environmental resource areas, including known~~cultural resource sites, waterbodies, or locations of~~ and sensitive species~~biological habitats~~;

7. Verifying that ~~trench~~ dewatering activities are properly monitored and do not result in the deposition of sand, silt, and/or sediment ~~near the point of discharge~~ into sensitive environmental areas, including wetlands, waterbodies, cultural resource sites, and sensitive biological habitats; stopping dewatering activities if such deposition is occurring and ensuring, the dewatering activity shall be stopped and the design of the discharge ~~shall be is~~ changed to prevent reoccurrence; and verifying that dewatering structures are removed after completion of dewatering activities;
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 or frozen soils) make it advisable to restrict or delay construction activities to avoid ~~excessive rutting~~ topsoil mixing, excessive compaction, or ineffective restoration practices;
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~~ Ensuring that erosion controls devices are properly installed, ~~as necessary~~ to prevent sediment flow into wetlands, waterbodies, sensitive areas, and onto roads, and determining the need for additional erosion control devices;
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, or as soon as conditions allow;
15. Keeping records of compliance with the environmental conditions of the FERC certificate, and the mitigation measures proposed by the project sponsor 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; and-
17. Verifying that all activities associated with providing excess construction materials for beneficial reuse will not result in adverse environmental impact or a violation of any permit or law.

III. PRECONSTRUCTION PLANNING

The project sponsor shall 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. The project sponsor must ensure that appropriate cultural resources and biological surveys have been conducted.
2. Project sponsors are encouraged to consider expanding 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.

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 regular collection, containment, and disposal of excess construction materials and debris (e.g., timber, slash, mats, garbage, drill cuttings and fluids, excess rock, etc) throughout the construction process. Off-site disposal in other than commercially operated disposal locations of materials for beneficial reuse must not result in adverse environmental impact and is subject to compliance with all applicable survey, landowner permission or land management agency approval, and mitigation permit requirements.

F. AGENCY COORDINATION

The project sponsor must 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 specifications.
2. Develop specific procedures in coordination with the appropriate agency to prevent the introduction or spread of undesirable exotic species, noxious weeds, and soil pests resulting from construction and restoration activities.
3. Develop specific procedures in coordination with the appropriate agencies and landowners to allow for livestock and wildlife movement and protection during construction.

~~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.~~

G. RESIDENTIAL CONSTRUCTION

For all residences located within 50 feet of construction work areas, project sponsors shall: not remove mature trees and landscaping within the construction work area unless necessary for safe operation of construction equipment; fence the edge of the construction work area for a distance of 100 feet on either side of the residence; ensure that construction equipment and materials, including the spoil pile, remain within the construction work area; and restore all lawn areas and landscaping within the construction work area, consistent with this Plan, immediately after backfilling the trench.

H. BLASTING PLANS

Develop specific procedures to conduct pre- and post-blast inspections, provide advanced public notification of blasting, and mitigation procedures for building foundations, groundwater wells, and springs. Use appropriate methods (e.g. blasting mats) to prevent damage to nearby structures and to prevent debris from entering sensitive resources.

I. WINTER CONSTRUCTION PLANS

If construction is planned for the winter season, file a project-specific winter construction plan with the Secretary for the review and written approval of the Director. This requirement does not apply to projects constructed under automatic authorization.

The plan shall address winter construction procedures (e.g. snow handling and removal, access road construction and maintenance, soil handling under saturated or frozen conditions, and topsoil stripping), stabilization and monitoring procedures if ground conditions will delay restoration until the following spring (e.g. mulching and erosion controls, inspection and reporting, stormwater control during spring thaw conditions), and final restoration procedures (e.g. subsidence and compaction repair, topsoil replacement, and seeding).

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 will require prior Director approval. This requirement does not apply to, except those activities needed to comply with the Plan and Procedures (e.g., slope breakers, energy-dissipating devices, dewatering structures, drain tile system repairs, remediation of erosion) or minor field realignments and workspace shifts per landowner needs and requirements that do not affect other landowners or sensitive environmental areas ~~will require prior Director approval~~. All construction or restoration activities outside of the Certificated areas are subject to all applicable survey and ~~mitigation permit~~ requirements, and landowner easement agreements.
2. The construction right-of-way width for a project shall not exceed 75 feet or that described in the FERC application unless otherwise modified by a Certificate condition. However, in limited, non-wetland areas, this construction right-of-way width may be expanded by up to 25 feet without Director approval to accommodate full construction right-of-way topsoil segregation and to ensure safe construction where topographic conditions (such as side-slopes) or soil limitations require it. Twenty-five feet of extra

construction right-of-way width may also be used in limited, non-wetland or non-forested areas for truck turn-arounds where no reasonable alternative access exists.

Project use of these additional limited areas is subject to landowner and land management agency approval and compliance with all applicable survey and mitigation requirements. When such additional areas are used, each one should be identified and the need explained in the weekly or biweekly construction reports to the FERC, if required. The following material should be included in the reports:

- a. the location of each additional area by station number and reference to a previously filed alignment sheet, or updated alignment sheets showing the additional areas;
- b. identification of where the Commission's records contain evidence that the additional areas were previously surveyed; and
- c. a statement that landowner approval has been obtained and is available in project files.

Prior written approval of the Director is required when the Certificated construction right-of-way width would be expanded by more than 25 feet.

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 managed pastures ;
 - b. residential areas;
 - c. hayfields; and
 - 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. Where topsoil segregation is required:
 - a. in deep soils (more than 12 inches of topsoil), segregate at least 12 inches of topsoil; and

b.– 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~~ Maintain separation of salvaged topsoil and subsoil throughout all construction activities.
5. Segregated topsoil may not be used for padding the pipe, constructing temporary slope breakers or trench plugs, improving or maintaining roads, or as a fill material.
6. Stabilize topsoil piles and minimize loss due to wind and water erosion with use of sediment barriers, mulch, tackifiers or functional equivalents, where necessary.

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 synthetic fabric to facilitate removal.
3. Minimize the use of tracked equipment on public roadways. Remove any soil or gravel spilled or tracked onto roadways daily. Repair any damages to roadway surfaces, shoulders, and bar ditches.

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, or sand bags.
- b. Install temporary slope breakers on all disturbed areas, as necessary to avoid excessive erosion. Temporary slope breakers must be installed on slopes greater than 5 percent where the base of the slope is less than 50 feet from waterbody, wetland, and 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. Temporary Trench Plugs

Temporary trench plugs are intended to segment a continuous open trench prior to pipeline installation.

- a. Temporary trench plugs may be constructed of compacted subsoil, sandbags, or unexcavated portions of the trench.
- b. Position temporary trench plugs, as necessary, to reduce trenchline erosion and minimize the volume and velocity of trench water flow at the base of slopes.

3. Sediment Barriers

Sediment barriers are intended to stop the flow of sediments and to prevent the deposition of sediments beyond approved workspaces or into sensitive resources.

- a. They Sediment barriers 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 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.

4. 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 all disturbed upland areas (except actively cultivated cropland) 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, except where the product is certified environmentally non-toxic by the appropriate state or federal agency or independent standards-setting organization.
- h. Do not use mesh or netted erosion control materials in sensitive wildlife habitat where entanglement is a concern, unless the product is specifically designed to minimize harm to wildlife. ~~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.

~~The project sponsor should file with the Secretary for the review and written approval of the Director, a winterization plan if construction will unexpectedly continue into the winter season when conditions could delay successful decompaction, topsoil replacement, or seeding until the following spring, file a winter construction plan (as specified in section III.I).~~

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 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 or land management agency 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 leaving materials onsite for beneficial reuse, stabilization, or habitat restoration.
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 at wetland/waterbody boundaries, as specified in the Procedures. Do not install trench breakers within a 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, stone, or some functional equivalent.
- b. Construct and maintain permanent slope breakers in all areas, except cultivated areas and lawns, unless requested by the landowner, 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.

~~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. The project sponsor 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 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~~ practicable 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. Dormant seeding or temporary seeding of annual species may also be used if necessary to establish cover, as approved by the Environmental Inspector. 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 as per landowner easement agreements or if upon visual survey, if crop growth and vigoryields are similar to adjacent undisturbed portions of the same field.

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 approved by the land owner or land managing agency per section V.A.6), revegetation is successful, and proper drainage has been restored.
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-~~ mowing or clearing occur during the migratory bird nesting season between April 15 and August 1 of any year unless specifically approved in writing by the responsible land management agency.
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. The project sponsor shall 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. the location of any subsurface drainage repairs or improvements made during restoration; and

- f. any problem areas and how they were addressed.
2. The project sponsor shall file with the Secretary quarterly activity reports documenting the results of follow-up inspections required by section VII.A.1; any problems areas, including those identified by the landowner; and corrective actions taken for at least 2 years following construction.

The requirement to file quarterly activity reports with the Secretary applies only to projects Certificated under Section 7 of the Natural Gas Act.

ATTACHMENT B

**DRAFT REVISIONS TO THE WETLAND AND WATERBODY CONTRUCTION
AND MITATION PROCEDURES**

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

TABLE OF CONTENTS

I.	<u>APPLICABILITY</u>	1
II.	<u>PRECONSTRUCTION FILING</u>	2
III.	<u>ENVIRONMENTAL INSPECTORS</u>	3
IV.	<u>PRECONSTRUCTION PLANNING</u>	3
V.	<u>WATERBODY CROSSINGS</u>	5
	A. NOTIFICATION PROCEDURES AND PERMITS.....	5
	B. INSTALLATION.....	5
	1. Time Window for Construction.....	5
	2. Extra Work Areas.....	5
	3. General Crossing Procedures.....	6
	4. Spoil Pile Placement and Control	7
	5. Equipment Bridges.....	7
	6. Dry-Ditch Crossing Methods.....	8
	7. Crossings of Minor Waterbodies	9
	8. Crossings of Intermediate Waterbodies.....	10
	9. Crossings of Major Waterbodies	10
	10. Temporary Erosion and Sediment Control.....	10
	11. Trench Dewatering.....	11
	C. RESTORATION	11
	D. POST-CONSTRUCTION MAINTENANCE	12
VI.	<u>WETLAND CROSSINGS</u>	12
	A. GENERAL	12
	B. INSTALLATION.....	14
	1. Extra Work Areas and Access Roads	14
	2. Crossing Procedures.....	15
	3. Temporary Sediment Control	16
	4. Trench Dewatering.....	17
	C. RESTORATION	17
	D. POST-CONSTRUCTION MAINTENANCE <u>AND REPORTING</u>	18
VII.	<u>HYDROSTATIC TESTING</u>	19
	A. NOTIFICATION PROCEDURES AND PERMITS.....	19
	B. GENERAL	19
	C. INTAKE SOURCE AND RATE	19
	D. DISCHARGE LOCATION, METHOD, AND RATE	20

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES (PROCEDURES)

I. APPLICABILITY

- A. The intent of these Procedures is to assist ~~applicants~~ project sponsors by identifying baseline mitigation measures for minimizing the extent and duration of project-related disturbance on wetlands and waterbodies. Project sponsors should specify in their applications for a FERC Certificate (Certificate) and in prior notice and advance notice filings, 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~~ Project sponsors 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) are considered variances. ~~will be approved by t~~The Director of the Office of Energy Projects (Director); will consider approval of variances upon the ~~applicant's~~ project sponsor's written request, if the Director agrees that ~~an alternative measure a~~ variance:

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 constructed under automatic authorization. ~~undertaken under the provisions of the blanket certificate program~~. This exemption does not apply to requests for alternative measures. Sponsors of projects planned for construction under automatic authorization must receive written approval for any alternative measures in advance of construction.

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 construction;
 - 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 construction; and
 - c. “major waterbody” includes all waterbodies greater than 100 feet wide at the water’s edge at the time of construction.
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

The following information must be filed with the Secretary prior to the beginning of construction. These filing requirements do not apply to projects constructed under automatic authorization:

- A. the hydrostatic testing information specified in section VII.B.3. and a wetland delineation report as described in section VI.A.1., if applicable;
- B. a schedule identifying when trenching or blasting will occur within each waterbody greater than 10 feet wide, -within any designated coldwater fishery, and within any waterbody identified as habitat for federally-listed threatened or endangered species. The project sponsor will 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;
- C. Spill Prevention and Response Procedures specified section IV.A; and
- D. ~~The the~~ following site-specific construction plans and justifications, ~~required by these Procedures must be filed with the Secretary~~ for the review and written approval by the Director:
 1. ~~plans justifications~~ 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 greater than 75 feet wide in wetlands; and
4. plans for horizontal directional drills (HDD) under wetlands or waterbodies.

III. ENVIRONMENTAL INSPECTORS

- A. At least one Environmental Inspector having knowledge of the wetland and waterbody conditions in the project area is required for each construction spread. 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.
- B. The Environmental Inspector's responsibilities are outlined in the Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

IV. PRECONSTRUCTION PLANNING

- A. The project sponsor shall develop project-specific Spill Prevention and Response Procedures that meet applicable requirements of state and federal agencies. A copy must be filed with the Secretary and made available in the field on each construction spread.~~A copy of the Stormwater Pollution Prevention Plan (SWPPP) prepared for compliance with the U.S. Environmental Protection Agency's (EPA) 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 Environmental Inspector determines that there is 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;
 - 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. These activities can occur closer only if the Environmental Inspector determines that there is 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;
 - g. pumps operating within 100 feet of a waterbody or wetland boundary utilize appropriate secondary containment systems to prevent spills; and
 - h. bulk storage of hazardous materials, including chemicals, fuels, and lubricating oils have appropriate secondary containment systems to prevent spills.
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 and unanticipated discoveries of contamination;
 - b. ensure that each construction crew has on hand sufficient tools and material 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 U.S. Army Corps of Engineers (COE), 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 1 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-applicable](#) permits.

B. INSTALLATION

1. Time Window for Construction

Unless expressly permitted or further restricted by the appropriate [federal or](#) state agency in writing on a site-specific basis, instream 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 (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, site-specific ~~construction plan~~justification 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~~ The justification must specify the conditions that will not permit a 50-foot setback and measures to ensure the waterbody is adequately protected. This requirement does not apply to projects constructed under automatic authorization.

~~c. Limit clearing of vegetation between extra work areas and the edge of the waterbody to the certificated construction right-of-way.~~

c. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.

3. General Crossing Procedures

a. Comply with the COE, 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. Where pipelines parallel a waterbody, ~~attempt to~~ maintain at least 15 feet of undisturbed vegetation between the waterbody (and any adjacent wetland) and the construction right-of-way.

d. Where waterbodies meander or have multiple channels, route the pipeline to minimize the number of waterbody crossings.

e. Maintain adequate waterbody 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.~~ Crossing of waterbodies when they are dry or frozen to the bottom may proceed using standard upland techniques and the staff's Plan, provided that Environmental Inspector verifies that water is unlikely to flow between initial disturbance and final stabilization of the feature. In the event of perceptible flow, the project sponsor must comply with all applicable Procedure requirements for "waterbodies" as defined in section I.B.1.

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 right-of-way at least 10 feet from the 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 culverts;
 - (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-practicable~~ after permanent seeding. Obtain any necessary approval from ~~unless~~ the COE, or ~~its delegated the appropriate state~~ agency, ~~authorizes it as a~~ for permanent bridges.
- f. If there will be more than 1 month between final cleanup and the beginning of permanent seeding and reasonable alternative access to

the right-of-way is available, remove equipment bridges as soon as ~~possible~~practicable after final cleanup.

6. Dry-Ditch Crossing Methods

a. Unless approved otherwise by the appropriate federal or 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, or federally-designated as critical habitat.

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 to minimize entrainment of fish;
 - (iv) prevent streambed scour at pump discharge; and
 - (v) continuously 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 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 not also 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; ~~and~~
- (3) a contingency plan for crossing the waterbody or wetland in the event the HDD is unsuccessful and how the abandoned drill hole would be sealed, if necessary; ~~and~~
- (4) identification of and justification for any planned ground disturbance or clearing between HDD entry and exits during construction.

The requirement to file HDD plans does not apply to projects constructed under automatic authorization.

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). However, if an equipment bridge is used 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 requirement to file major waterbody crossing plans does not apply to projects constructed under automatic authorization.](#)

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

10. 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 right-of-way at all waterbody crossings, where necessary to prevent the flow of sediments into the waterbody. Removable sediment barriers (or driveable berms) must be installed across the travel lane. These 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 waterbodies are adjacent to the construction right-of-way and the right-of-way slopes toward the waterbody, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil ~~and sediment~~ within the construction right-of-way; and minimize the potential for sediment flow into the waterbody; 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.

11. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) 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~~ practicable after the completion of dewatering activities.

C. RESTORATION

1. Use 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 instream 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 Environmental Inspector.
4. 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.
5. Application of riprap for bank stabilization must comply with COE, or its delegated agency, permit terms and conditions.

6. 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.
7. Revegetate disturbed riparian areas with native species of conservation grasses, ~~and legumes, or native plant species, preferably and~~ woody species, similar in density to adjacent undisturbed lands.
8. Install a permanent slope breaker across the construction right-of-way 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 Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the waterbody.
9. 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 routine vegetation ~~maintenance-mowing or clearing~~ 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 right-of-way. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in a herbaceous state. In addition, trees that are located within 15 feet of the pipeline that are greater than 15 feet in height may be cut and removed from the permanent right-of-way.
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 CROSSINGS

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 right-of-way, route the new pipeline in a manner that minimizes disturbance to wetlands. Where looping an existing pipeline, overlap the existing pipeline right-of-way with the new construction right-of-way. 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 right-of-way to 75 feet or less. Prior written approval of the Director is required where topographic conditions or soil limitations require that the construction right-of-way 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 excessively wide trenches could occur and/or where spoil piles could be difficult to maintain because existing soils lack adequate unconfined compressive strength ~~that would result in excessively wide ditches and/or difficult to contain spoil piles.~~
- 4. 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 U.S. Department of Transportation 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, site-specific ~~construction plan~~justification 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. The justification must specify the and a site-specific explanation of the conditions that will not permit a 50-foot setback and measures to ensure the wetland is adequately protected. This requirement does not apply to projects constructed under automatic authorization.
- ~~c. Limit clearing of vegetation between extra work areas and the edge of the wetland to the certificated construction right-of-way.~~
- c. The construction right-of-way may be used for access when the wetland soil is firm enough to avoid rutting or the construction right-of-way 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 right-of-way.

- d. The only access roads, other than the construction right-of-way, that can be used in wetlands ~~without Director approval~~, are those existing roads that can be used with no modifications or improvements, other than routine repair, and no impact on the wetland.

2. Crossing Procedures

- a. Comply with COE, 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 (i.e., trench the wetland immediately prior to lowering in the pipeline).
- e. Limit construction equipment operating in wetland areas to that needed to clear the construction right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the construction right-of-way.
- f. Cut vegetation just aboveground level, leaving existing root systems in place, and remove it from the wetland for disposal.

The project sponsor can burn woody debris in wetlands, if approved by the COE and in accordance with state and local regulations, ensuring that all remaining debris, including ash, is removed 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 right-of-way in wetlands unless the Chief Inspector and Environmental Inspector determine that safety-related construction constraints require grading or the removal of tree stumps from under the working side of the construction right-of-way.
- 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 right-of-way.

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 right-of-way.~~

k. Remove all project-related material used to support equipment on the construction right-of-way 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 right-of-way immediately upslope of the wetland boundary at all wetland crossings where necessary to prevent sediment flow into the wetland.

b. Where wetlands are adjacent to the construction right-of-way and the right-of-way slopes toward the wetland, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil within the construction right-of-way and minimize the potential for prevent sediment flow into the wetland.

c. Install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way through wetlands. Remove these sediment barriers during right-of-way cleanup.

4. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) 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~~ practicable after the completion of dewatering activities.

C. RESTORATION

1. Where the pipeline trench may drain a wetland, construct trench breakers at the wetland boundaries 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 right-of-way at the base of a 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 Environmental Inspector, 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 federal, state, or land management ~~or state~~ agency.
4. Consult with the appropriate ~~land management~~ federal 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 right-of-way with annual ryegrass at a rate of 40 pounds/acre (unless standing water is present).
6. Ensure that all disturbed areas successfully revegetate with wetland herbaceous and/or woody plant species.
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 AND REPORTING

1. Do not conduct routine vegetation ~~maintenance-mowing or clearing~~ over the full width of the permanent right-of-way in wetlands. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in a herbaceous state. In addition, trees within 15 feet of the pipeline with roots that could compromise the integrity of pipeline coating that are greater than 15 feet in height may be selectively cut and removed from the permanent right-of-way. Do not conduct any routine vegetation mowing or clearing in wetlands that overlie HDD segments.
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~~ Within 3 years after construction, file a report with the Secretary identifying the status of the wetland revegetation efforts, documenting success as defined in section VI.D.4, below. ~~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.~~

The requirement to file wetland restoration reports with the Secretary applies only to Certificated projects under Section 7 of the Natural Gas Act.
4. Wetland revegetation shall be considered successful if all of the following criteria are satisfied:
 - a. the affected wetland satisfies the current federal definition for a wetland (e.g., soils, hydrology, and vegetation);
 - b. vegetation the cover of herbaceous and/or woody species is at least 80 percent of either the cover documented for the wetland prior to construction, or at least 80 percent of the cover type, density, and distribution of the vegetation in adjacent wetland areas that were not disturbed by construction.
 - c. if natural rather than active revegetation was used, the plant species composition is consistent with early successional wetland plant communities in the affected ecoregion; and
 - d. undesirable exotic species are absent, unless they are abundant in adjacent areas that were not disturbed by construction.

If For any wetland where revegetation is not successful at the end of 3 years after construction, develop and implement (in consultation with a

professional wetland ecologist) a remedial revegetation plan to actively revegetate ~~the~~ wetlands. Continue revegetation efforts and file a report annually documenting progress in these wetlands 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 100 percent radiographic inspection 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, address secondary containment~~the operation~~ and refueling of these pumps in the project's Spill Prevention and Response Procedures.
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 minimize the potential for~~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 Ffederal, 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 sediments, 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.