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PIPELINE CONSTRUCTION STANDARDS AND POLICIES

for the Rockies Express Pipeline - East Project

JAN 12 2007

DOCKETING DIVISION
Public Utilities Commission of Ohio

The below prescribed construction standards and policies are applicable to construction activities occurring partially or wholly on privately owned agricultural land. With the exception of Item No. 3, they are not intended to apply to construction activities occurring entirely on public right-of-way, railroad right-of-way, publicly owned land, or privately owned land that is not agricultural land. The following pipeline construction standards and policies were developed by Rockies Express Pipeline LLC (Rockies Express) with the cooperation of agricultural agencies, farm bureau organizations, landowners, tenants, drainage contractors, and other pipeline companies.

Conditions

The mitigative actions specified in the construction standards and policies set forth below will be implemented in accordance with the conditions listed below:

- A. All mitigative actions are subject to modification through negotiation by landowners and a representative of Rockies Express, provided such changes are negotiated in advance of any construction, maintenance, or repairs.
- B. Rockies Express may negotiate with landowners to carry out the mitigative actions that landowners wish to perform themselves.
- C. All mitigative actions employed by Rockies Express, unless otherwise specified in these construction standards and policies or in an easement negotiated with an individual landowner, will be implemented within 45 days of completion of the pipeline facilities on any affected property, weather and landowner permitting. Temporary repairs will be made by Rockies Express during the construction process as needed to minimize the risk of additional property damage that may result from an extended construction time period. If weather delays the completion of any mitigative action beyond the 45 day period, Rockies Express will provide the affected landowner(s) with a written estimate of the time needed for completion of the mitigative action.
- D. All mitigative actions will extend to associated future construction, maintenance, and repairs by Rockies Express.
- E. Every effort will be made by Rockies Express to determine all affected tenants along the route of the pipeline. Rockies Express will endeavor to keep the tenants informed of the project's status, meetings, and other factors that may have an impact upon their farming operations.
- F. Rockies Express agrees to include a statement its adherence to the construction standards and policies in any environmental assessment and/or environmental impact statement that may be prepared on the project.
- G. Rockies Express will implement all mitigative actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by Rockies Express for the project.

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H. If any mitigative action(s) is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the mitigative actions shall be interpreted as if they did not contain the unenforceable provision.

Definitions

Agricultural land - Land used for cropland, hayland, pasture land, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government set-aside programs.

Company - Pipeline company, utility company, and any contractor or sub-contractor in the employ of Rockies Express for the purpose of completing the pipeline or any mitigative actions contained herein.

Cropland - Land used for growing row crops, small grains, or hay; includes land which was formerly used as cropland, but is currently in a government set-aside program and pastureland comprised of prime farmland.

Pipeline - Includes the pipeline and its related appurtenances.

Landowner - Person(s) holding legal title to property on the pipeline route from whom Rockies Express is seeking, or has obtained, a temporary or permanent easement, or any person(s) legally authorized by a landowner to make decisions regarding the mitigation or restoration of agricultural impacts to such landowner's property.

Prime farmland - Agricultural land comprised of soils that are defined by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service as being "prime" soils (generally considered the most productive soils with the least input of nutrients and management).

Right-of-way - Includes the permanent and temporary easements that Rockies Express acquires for the purpose of constructing and operating the pipeline.

Topsoil - The uppermost layer of the soil that has the darkest color or the highest content of organic matter, more specifically defined as the "A" horizon.

Construction Standards and Policies

1. Pipeline depth

- A. Except for aboveground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will typically be buried with:
 - 1. a minimum of 3 feet of top cover where it crosses cropland;
 - 2. a minimum of 3 feet of top cover where it crosses pasture land or other agricultural land comprised of soils that are classified by the USDA as being prime soils;
 - 3. as required to maintain 1 foot separation from existing underground utilities (drain tiles, foreign pipelines, cables, etc.) and maintain a minimum of 3 feet of top cover;
 - 4. a minimum of 3 feet of top cover where it crosses pasture land and other agricultural land not comprised of prime soils;
 - 5. a minimum of 3 feet of top cover where it crosses wooded/brushy land; and/or
 - 6. substantially the same top cover as an existing parallel pipeline, but not less than 3 feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.
- B. Notwithstanding the foregoing, in those areas where (i) rock in its natural formation and/or (ii) a continuous strata of gravel exceeding 200 feet in length are encountered, the minimum top cover will be 24 inches.
- C. When the pipeline requires weights to keep it from floating, the pipeline will be buried deep enough to maintain the depth of top cover above the weights as specified in 1.A. above.
- D. On agricultural land subject to erosion, Rockies Express will patrol the pipeline right-of-way with reasonable frequency to detect areas of erosion of the top cover. In no instance will Rockies Express knowingly allow the amount of top cover to be less than 36 inches as a result of natural erosion, except as stated in 1.B. above.

2. Topsoil Replacement

- A. The topsoil to be segregated shall be monitored by a properly qualified, environmental inspector, soil scientist or soil technician who will identify during initial grading activities along the right-of-way the depth of topsoil to be removed.
- B. The actual depth of the topsoil, not to exceed 12 inches, will first be stripped from the area to be excavated above the pipeline and from the adjacent subsoil storage area. The topsoil will be stored in such a manner that it will not become intermixed with subsoil materials.

- C. All subsoil material that is removed from the trench will be placed in a windrow parallel to the pipeline trench that is separate from the topsoil.
- D. In backfilling the trench, the stockpiled subsoil material will be placed back into the trench before replacing the topsoil.
- E. Refer to Items No. 5.A. and 5.B. for procedures pertaining to rock removal from the subsoil and topsoil.
- F. Refer to Items No. 7.A. through 7.C. for procedures pertaining to the alleviation of compaction of the topsoil.
- G. The topsoil must be replaced so that after settling occurs, the topsoil's original depth and contour will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be used for any other purpose.

3. Repair of Damaged Tile Lines

If underground drainage tile is damaged by the pipeline's construction, it will be repaired in a manner that assures the tile line's proper operation at the point of repair. The following standards and policies shall apply to the tile line repair:

- A. Rockies Express will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. Rockies Express will contact affected landowners/tenants for their knowledge of tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
- B. All tile lines that are damaged, cut, or removed shall be staked or flagged with the stakes or flags placed in such a manner they will remain visible until the permanent repairs are completed. Alternatively the location of damaged tile lines may be recorded using Global Positioning System technology.
- C. If water is flowing through any damaged tile line, the tile line will be immediately and temporarily repaired as necessary to ensure continuous flow until such time that permanent repairs can be made. If the tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made within 14 days of the time damage occurred; however, the exposed tile lines will be screened or otherwise protected to prevent the entry of foreign materials, small mammals, etc. into the tile lines.
- D. Where tile lines are severed by the pipeline trench, repairs shall be made using Standard Drawing IL-ENG-150, dated 12/98, by the USDA Natural Resources Conservation Service (attached) or as agreed upon by the landowner and Rockies Express.
- E. There will be a minimum of one foot of separation between the tile line and the pipeline whether the pipeline passes over or under the tile line.

- F. The original tile line alignment and gradient shall be maintained or modified in written agreement with the landowner.
- G. Before completing permanent tile repairs, all tile lines will be probed or examined by other suitable means on both sides of the trench for their entire length within any work areas to check for tile that might have been damaged by vehicular traffic or construction equipment. If tile lines are found to be damaged, they must be repaired so they operate as well after construction as before the construction began.
- H. All permanent tile line repairs must be made within 14 days of the pipeline being laid in the trench on the landowner's property, weather and soil conditions permitting.
- I. Following completion of the pipeline, Rockies Express will be responsible for correcting all tile line repairs that fail due to pipeline construction, provided those repairs were made by Rockies Express. Rockies Express will not be responsible for tile line repairs that Rockies Express pays the landowner to perform.

4. Rock Removal

- A. Before replacing any topsoil, all rocks greater than 3 inches in any dimension will be removed from the surface of all exposed subsoil and from all subsoil that is replaced back in the trench. Unless it can be shown that this rock is naturally occurring in the adjacent subsoil and if so, no segregation will be necessary.
- B. As the topsoil is replaced, all rocks greater than 3 inches in any dimension will be removed from the topsoil.
- C. If trenching, blasting, or boring operations are required through rocky terrain, suitable precautions will be taken to minimize the potential for oversized rocks to become interspersed with adjacent soil material.
- D. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, will be returned to the pre-existing contours, hauled off the landowner's premises or disposed of on the landowner's premises at a location that is mutually acceptable to the landowner and Rockies Express and in accordance with any applicable laws or regulations.

5. Removal of Construction Debris

All construction-related debris and material that are not an integral part of the pipeline will be removed from the landowner's property. Such material to be removed would include litter generated by the construction crews which should be removed on a daily basis.

6. Compaction, Rutting, Fertilization, Liming

- A. After the topsoil has been replaced, all areas that were traversed by vehicles and construction equipment will be ripped actual topsoil depth or at least 18 inches deep to prevent inadvertent mixing of subsoil and topsoil. All pasture and woodland will be ripped at least 12 inches deep or actual topsoil depth so as to

prevent inadvertent mixing of subsoil and topsoil. The existence of stumps, tile lines or underground utilities may necessitate less depth. The entire right-of-way will then be disked.

- B. Three passes will be made across any agricultural land that is ripped.
- C. All ripping and disking will be done at a time when the soil is dry enough for normal tillage operations to occur on undisturbed farmland adjacent to the areas to be ripped.
- D. Rockies Express will restore all compacted or rutted land to its original condition.
- E. The cost of applying fertilizer, manure, and/or lime will be included in the damages paid to the landowner, thereby allowing the landowner to apply the appropriate type and amounts of fertilizer, manure, and/or lime as needed depending on the crops contemplated and the construction schedule.
- F. If there is any dispute between the landowner and Rockies Express as to what areas need to be ripped, the depth at which compacted areas should be ripped, or the necessity or rates of lime and fertilizer application, the appropriate county Soil and Water Conservation District's opinion shall be considered by Rockies Express and the landowner.

7. Land Leveling

- A. Following the completion of the pipeline, Rockies Express will restore any right-of-way to its original pre-construction elevation and contour should uneven settling occur or surface drainage problems develop as a result of pipeline construction.
- B. Rockies Express will provide the landowners with a telephone number and address that may be used to alert Rockies Express of the need to perform additional land leveling services.
- C. If, in the future, uneven settling occurs or surface drainage problems develop as a result of the pipeline construction, Rockies Express will provide such land leveling services within 45 days of a landowner's written notice, weather and soil conditions permitting.
- D. If there is any dispute between the landowner and Rockies Express as to what areas need additional land leveling beyond that which is done at the time of construction, it shall be Rockies Express's responsibility to disprove the landowner's claim that additional land leveling is warranted.

8. Prevention of Soil Erosion

- A. Rockies Express will work with landowners to prevent excessive erosion on right-of-way that has been disturbed by construction. Reasonable methods will be implemented to control erosion. This is not a requirement, however, if the land across which the pipeline is constructed is bare cropland that the landowner intends to leave bare until the next crop is planted.

- B. If the landowner and Company cannot agree upon a reasonable method to control erosion on the landowner's right-of-way, the recommendations of the appropriate county Soil and Water Conservation District shall be considered by Rockies Express and the landowner.

9. Repair of Damaged Soil Conservation Practices

All soil conservation practices (such as terraces, grassed waterways, etc.), which are damaged by the pipeline's construction, will be restored to their pre-construction condition.

10. Damages to Private Property

Rockies Express will reasonably compensate landowners for any construction-related damages caused by Rockies Express that occur on or off of the established pipeline right-of-way.

11. Clearing of Trees and Brush from the Easement

- A. If trees are to be removed from the right-of-way, Rockies Express will consult with the landowner to determine if there are trees of commercial or other value to the landowner.
- B. If there are trees of commercial or other value to the landowner, Rockies Express will compensate the landowner at a fair market value for the trees as well as allow the landowner the right to retain ownership of the trees with the disposition of the trees to be negotiated prior to the commencement of land clearing. If the landowner has failed to remove the trees prior to commencement of land clearing Rockies Express will assume said landowner has forgiven rights to the trees and Rockies Express may dispose of the trees in a manner it deems appropriate, notwithstanding other laws, requirements, or landowner easement restrictions.
- C. Unless otherwise restricted by federal, state or local regulations, Rockies Express will follow the landowner's desires regarding the removal and disposal of trees, brush, and stumps of no value to the landowner by burning, burial, etc., or complete removal from any affected property.

12. Interference with Irrigation Systems

- A. If the pipeline and/or temporary work areas intersect an operational (or soon to be operational) spray irrigation system, Rockies Express will establish with the landowner an acceptable amount of time the irrigation system may be out of service.
- B. If it is feasible and mutually acceptable to Rockies Express and the landowner, temporary measures will be implemented to allow an irrigation system to continue to operate across land on which the pipeline is also being constructed.

13. Ingress and Egress Routes

Prior to the pipeline's installation, Rockies Express and the landowner will reach a mutually acceptable agreement on the route that will be utilized for entering and leaving the pipeline right-of-way should access to the right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way; from public highway or railroad right-of-way or from other suitable public access.

14. Temporary Roads

- A. The location of temporary roads to be used for construction purposes will be negotiated with the landowner.
- B. The temporary roads will be designed to not impede surface drainage and will be built to minimize soil erosion on or near the temporary roads.
- C. Upon abandonment, temporary roads may be left intact through mutual agreement of the landowner and Rockies Express unless otherwise restricted by federal, state, or local regulations.
- D. If the temporary roads are to be removed, the rights-of-way upon which the temporary roads are constructed will be returned to their previous use(s) and restored to equivalent condition(s) as existed prior to their construction. All temporary access roads that are removed shall be ripped to actual topsoil depth or not to exceed 18 inches to prevent inadvertent mixing of subsoil and topsoil. All ripping will be done consistent with Items 6.A. through 6.C.

15. Weed Control

- A. On any right-of-way over which Rockies Express has jurisdiction as to its surface use, (i.e., valve sites, metering stations, compression stations, etc.), Rockies Express will provide for weed control in a manner that prevents the spread of weeds onto adjacent lands used for agricultural purposes. Spraying will be done by a pesticide applicator who is appropriately licensed for doing such work in the appropriate state spraying is required..
- B. Rockies Express will be responsible for reimbursing all reasonable costs incurred by owners of land adjacent to surface facilities when the landowners must control weeds on their land which can be determined to have spread from land accommodating pipeline surface facilities, should Rockies Express fail to do so after being given written notice and a 45-day opportunity to respond.

16. Pumping of Water from Open Trenches

- A. In the event it becomes necessary to pump water from open trenches, Rockies Express will pump the water in a manner that will avoid damaging adjacent agricultural land, crops, and/or pasture. Such damages include, but are not limited to: inundation of crops for more than 24 hours, deposition of sediment in ditches and other water courses, and the deposition of subsoil sediment and gravel in fields and pastures.

- B. If it is impossible to avoid water-related damages as described in Item 16.A. above, Rockies Express will reasonably compensate the landowners for the damages or will correct the damages so as to restore the land, crops, pasture, water courses, etc. to their pre-construction condition.
- C. All pumping of water shall comply with existing drainage laws, local ordinances relating to such activities, and provisions of the Clean Water Act.

17. Aboveground Facilities

Locations for aboveground facilities shall be selected in a manner so as to be as unobtrusive as reasonably possible to on-going agricultural activities occurring on the land adjacent to the facilities. If this is not feasible, such facilities shall be located so as to incur the least hindrance to the adjacent cropping operations (i.e., located in field corners or areas where at least one side is not used for cropping purposes).

18. Advance Notice of Access to Private Property

- A. Rockies Express will provide the landowner or tenant with a minimum of 24 hours prior notice before accessing his/her property for the purpose of constructing the pipeline.
- B. Prior notice shall first consist of a personal contact or a telephone contact, whereby the landowner or tenant is informed of Rockies Express's intent to access the land. If the landowner or tenant cannot be reached in person or by telephone, Rockies Express will mail or hand deliver to the landowner or tenant's home a dated, written notice of Rockies Express's intent. The landowner or tenant need not acknowledge receipt of the written notice before Rockies Express can enter the landowner's property.

19. Reporting of Inferior Agricultural Impact Mitigation Work

No later than 45 days prior to the commencement of the pipeline construction across a landowner's property, Rockies Express will provide the landowner with a toll-free number the landowner can call to alert Rockies Express should the landowners observe inferior agricultural impact mitigation work which is being done or has been carried out on his/her property.