Enclosure 31

Ohio Department of Agriculture Letter

ROVER PIPELINE
An ENERGY TRANSFER Company

December 2, 2016

Mr. Justin Reinhart
Ohio Department of Agriculture
Division of Soil and Water Conservation
8995 East Main Street
Reynoldsburg, Ohio 43068

Subject: Rover Pipeline Project
Agricultural Impact Mitigation Plan

Dear Mr. Reinhart:

The Ohio Department of Agriculture (ODA) submitted comments to the Federal Energy Regulatory Commission (FERC) on April 4, 2016 regarding the Draft Environmental Impact Statement (EIS) for the Rover Pipeline LLC (Rover) Rover Pipeline Project (Project). The letter included a copy of the Ohio Pipeline Standard and Construction Specifications (Pipeline Standards) as updated on December 28, 2015.

Rover originally created an Agricultural Impact Mitigation Plan (AIMP) based on a previous version of the Pipeline Standards in 2014 and submitted it to FERC, the agencies, and the public in January 2015. The ODA letter to FERC noted that the Pipeline Standards had been updated. Rover has subsequently compared the AIMP to the updated Pipeline Standards.

The Pipeline Standards is a very thorough document that addresses many aspects of pipeline construction, restoration, and maintenance. The AIMP is a more specific document; however, all items addressed in the Pipeline Standards (e.g. blasting, fences, water supply, road crossings, etc.) are addressed in other Project documents, such as construction plans, the Final EIS, alignment sheets, landowner easement agreements, and agency requirements. As a prime example, the project-specific Upland Erosion Control, Revegetation and Maintenance Plan (Rover Plan) and the Wetland and Waterbody Construction and Mitigation Procedures (Rover Procedures), which are based on the FERC versions with a few minor variances that Rover requested and FERC approved in the Final EIS, are FERC's construction and restoration guidelines. The specifications in these two documents, as well as Rover's company specifications, meet or exceed the vast majority of those items included in the Pipeline Standards. However, a few items may warrant discussion.

Section IIID3 of the Pipeline Standards states that topsoil will be stripped to the actual depth of the topsoil, not to exceed 16 inches. The AIMP states "no less than" 12 inches of topsoil will be segregated, unless the actual depth of topsoil is less than 12 inches. The Rover Plan has a similar statement that "at least" 12 inches of topsoil will be segregated, unless the actual depth of topsoil is less than 12 inches. Rover has committed to having Agricultural Inspectors (AIs) onsite during construction in agricultural areas to monitor such activities. In addition, Rover has contracted Land Stewards LLC to assist with agricultural-related matters. Topsoil depths will be determined by the AIs or specific landowner requirements. Rover has not stated a maximum depth of topsoil removal, but if conditions warrant, 16 inches is certainly agreeable.

Section IIIE1a of the Pipeline Standards states that the pipeline will be installed with a minimum of 60 inches of cover in agricultural land. The AIMP states that the pipeline will be installed with a minimum of 4 feet of cover in agricultural and pasture land, and 5 feet where it crosses drainage, ditches, or streams. The Rover Plan and Procedures does not address cover, but Rover has committed to the same depth of cover as the AIMP in the Project information supplied to FERC, and it is included in the Final EIS. In addition, Rover intends to have 5 feet of cover at public and private roads and established or proposed farm equipment crossings, which is also included in the Final EIS. While these are minimum requirements, there are also site-specific requirements. Rover intends to maintain a minimum of 2 feet of separation between the drain tile and the pipeline, which will often result in a depth exceeding 4 feet of cover for the pipeline. In addition, Rover is accommodating for proposed future drain tile as planned by the landowner, which will also frequently require more than 4 feet of cover. Therefore, while Rover is not committing to be 60 inches in all agricultural areas, it is willing to do so in site-specific areas as necessary.

Lastly, the Pipeline Standards states in IIIF1 and F2 that rock greater than 3 inches in any dimension will be removed from the exposed subsoil and topsoil unless undisturbed areas adjacent to the right-of-way can be shown to contain similar concentration and size. The AIMP contains similar specifications, but addresses rock up to 4 inches in diameter. The Rover Plan, which is based on the FERC version, is not as stringent, and requires rock to be removed in at least the top 12 inches of soil to the point that the size, density, and distribution of rock on the construction work area shall be similar to adjacent areas not disturbed by construction. In the AIMP, Rover has volunteered to exceed the FERC requirements regarding rock and will also adhere to special conditions in landowner easements that require more stringent rock removal.

Following construction, Rover will monitor the areas affected by construction until recovery is documented. Rover has committed to a 5-year monitoring program on agricultural land per FERC's request, but will continue to address any issues throughout operation of the pipeline if they arise.

Attached, please find the most recent versions of the AIMP and the Rover Plan, which are the documents most similar to the Pipeline Standards. Rover is greatly concerned with reducing impacts to agricultural land along the Project and has appreciated the ODA's involvement in the Project. If you have any questions, please contact me at 713-989-2844 or by email at buffy.thomason@energytransfer.com.

Sincerely,

Buffy Thomason
Senior Project Manager – Environmental
Rover Pipeline LLC

Enclosures

ROVER PIPELINE
An ENERGY TRANSFER Company

ROVER PIPELINE LLC

Rover Pipeline Project

PROJECT SPECIFIC

UPLAND EROSION CONTROL, REVEGETATION AND MAINTENANCE PLAN

February 2015

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NOTE: Text boxes have been inserted into this document to identify specific areas where Rover Pipeline LLC (Rover) is proposing modifications to the Federal Energy Regulatory Commission (FERC) Upland Erosion Control, Revegetation and Maintenance Plan, May 2013 (Plan) due to site-specific conditions in the Rover Pipeline Project area.

I. APPLICABILITY

A. The intent of this Plan is to assist project sponsors by identifying baseline mitigation measures for minimizing erosion and enhancing revegetation. Project sponsors shall specify in their applications for a new FERC authorization and in prior notice and advance notice filings, any individual measures in this Plan they consider unnecessary, technically infeasible, or unsuitable due to local conitions and fully describe any alternative measures they would use. Project sponsors shall also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is authorized, project sponsors can request further changes as variances to the measures in this Plan (or the applicant's approved plan). The Director of the Office of Energy Projects (Director) will consider approval of variances upon the project sponsor's written request, if the Director agrees that 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.

Sponsors of projects planned for construction under the automatic authorization provisions in the FERC's regulations must receive written approval for any variances 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 shall 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 FERC's Orders, stipulations of other environmental permits or approvals, or landowner easement 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 compliance with the requirements of this Plan, the Procedures, the environmental conditions of the FERC's Orders, the mitigation measures proposed by the project sponsor (as approved and/or modified by the Order), 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 visibly marked before clearing, and maintained throughout construction;

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 design of slope breakers will not cause erosion or direct water into sensitive environmental resource areas, including cultural resource sites, wetlands, waterbodies, and sensitive species habitats;

7. Verifying that dewatering activities are properly monitored and do not result in the deposition of sand, silt, and/or sediment into sensitive environmental resource areas, including wetlands, waterbodies, cultural resource sites, and sensitive species habitats; stopping dewatering activities if such deposition is occurring and ensuring the design of the discharge 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 environmental conditions (such as wet weather or frozen soils) make it advisable to restrict or delay construction activities to avoid topsoil mixing or excessive compaction;

10. Ensuring restoration of contours and topsoil;

11. Verifying that the soils imported for agricultural or residential use are certified as free of noxious weeds and soil pests, unless otherwise approved by the landowner;

12. Ensuring that erosion control devices are properly installed to prevent sediment flow into sensitive environmental resource areas (e.g., wetlands, waterbodies, cultural resource sites, and sensitive species habitats) 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 if compliance with this time frame would result in greater environmental impacts;

15. Keeping records of compliance with the environmental conditions of the FERC's Orders, 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;

16. Identifying areas that should be given special attention to ensure stabilization and restoration after the construction phase; and

17. Verifying that locations for any disposal of excess construction materials for beneficial reuse comply with section III.E.

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) that would be needed for safe construction. The project sponsor must ensure that appropriate cultural resources and biological surveys are conducted, as determined necessary by the appropriate federal and state agencies.

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 authorized work areas.

3 Plan construction sequencing to limit the amount and duration of open trench sections, as necessary, to prevent excessive erosion or sediment flow into sensitive environmental resource 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) throughout the construction process. Disposal of materials for beneficial reuse must not result in adverse environmental impact and is subject to compliance with all applicable survey, landowner or land management agency approval, and permit requirements.

F. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and federal agencies as outlined in this Plan and/or required by the FERC's Orders.

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 agencies to prevent the introduction or spread of invasive species, noxious weeds, and soil pests resulting from construction and restoration activities.

3. Develop specific procedures in coordination with the appropriate agencies and landowners, as necessary, to allow for livestock and wildlife movement and protection during construction.

4. Develop specific blasting procedures in coordination with the appropriate agencies that address pre-and post-blast inspections; advanced public notification; and mitigation measures 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 environmental resource areas.

G. SPILL PREVENTION AND RESPONSE PROCEDURES

The project sponsor shall develop project-specific Spill Prevention and Response Procedures, as specified in section IV of the staff's Procedures. A copy must be filed with the Secretary of the FERC (Secretary) prior to construction and made available in the field on each construction spread. The filing requirement does not apply to projects constructed under the automatic authorization provisions in the FERC's regulations.

H. RESIDENTIAL CONSTRUCTION

For all properties with residences located within 50 feet of construction work areas, project sponsors shall: avoid removal of mature trees and landscaping within the construction work area unless necessary for safe operation of construction equipment, or as specified in landowner agreements; fence the edge of the construction work area for a distance of 100 feet on either side of the residence; and restore all lawn areas and landscaping immediately following clean up operations, or as specified in landowner agreements. If seasonal or other weather conditions prevent compliance with these time frames, maintain and monitor temporary erosion controls (sediment barriers and mulch) until conditions allow completion of restoration.

I. WINTER CONSTRUCTION PLANS

If construction is planned to occur during winter weather conditions, project sponsors shall develop and file a project-specific winter construction plan with the FERC application. This filing requirement does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

The plan shall address:

1. winter construction procedures (e.g., snow handling and removal, access road construction and maintenance, soil handling under saturated or frozen conditions, topsoil stripping);

2. 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

3. final restoration procedures (e.g., subsidence and compaction repair, topsoil replacement, 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 FERC's Orders. Any project-related ground disturbing activities outside these areas will require prior Director approval. This requirement does not apply to activities needed to comply with the Plan and Procedures (i.e., slope breakers, energy-dissipating devices, dewatering structures, drain tile system repairs) or minor field realignments and workspace shifts per landowner needs and requirements that do not affect other landowners or sensitive environmental resource areas. All construction or restoration activities outside of authorized areas are subject to all applicable survey and 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 FERC Order. However, in limited, non-wetland areas, this construction right-ofway 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 (e.g., 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 or land management agency approval and compliance with all applicable survey and permit requirements. When additional areas are used, each one shall be identified and the need explained in the weekly or biweekly construction reports to the FERC, if required. The following material shall be included in the reports:

   a. the location of each additional area by station number and reference to previously filed alignment sheets, or updated alignment sheets showing the additional areas;
   b. identification of the filing at FERC containing 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 authorized 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. 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, the project sponsor must:

   a. segregate at least 12 inches of topsoil in deep soils (more than 12 inches of topsoil); and
   b. make every effort to segregate the entire topsoil layer in soils with less than 12 inches of topsoil.

4. 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, temporary seeding, 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 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 or more frequent as necessary to maintain safe road conditions. 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 shall be used if necessary):

Slope (%)	Spacing (feet)
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 environmental resource areas.

2. Temporary Trench Plugs

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

   a. Temporary trench plugs may consist of unexcavated portions of the trench, compacted subsoil, sandbags, or some functional equivalent.
   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. 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 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 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 synthetic monofilament mesh/netted erosion control materials in areas designated as sensitive wildlife habitat, unless the product is specifically designed to minimize harm to wildlife. Anchor 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 (i.e., temporary slope breakers, sediment barriers, and mulch) until conditions allow completion of cleanup. If construction or restoration unexpectedly continues into the winter season when conditions could delay successful decompaction, topsoil replacement, or seeding until the following spring, file with the Secretary for the review and written approval of the Director, a winter construction plan (as specified in section III.I). This filing requirement does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

In areas where dual pipelines will be installed, Rover will complete final grading, topsoil replacement, and installation of permanent erosion control structures within 20 days after backfilling the second pipeline trench (10 days in residential areas).

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 shall 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 cultivated or rotated cropland, managed 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 shall 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 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 where needed to avoid draining a waterbody or wetland. Install trench breakers at wetland boundaries, as specified in the Procedures. Do not install trench breakers within a 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, 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:

Slope (%)	Spacing (feet)
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. 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 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 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 through V.D.3.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 AND REPORTING

A. MONITORING AND MAINTENANCE

1. Conduct follow-up inspections of all disturbed areas, as necessary, to determine the success of revegetation and address landowner concerns. At a minimum, conduct inspections after the first and second growing seasons.

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 when upon visual survey, crop growth and vigor are similar to adjacent undisturbed portions of the same field, unless the easement agreement specifies otherwise. Continue revegetation efforts until revegetation is successful.

3. Monitor and correct problems with drainage and irrigation systems resulting from pipeline construction in 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 otherwise approved by the landowner or land managing agency per section V.A.6), revegetation is successful, and proper drainage has been restored.

5. Routine vegetation mowing or clearing over the full width of the permanent right-of-way in uplands shall not be done more frequently than every 3 years. However, to facilitate periodic corrosion/leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In no case shall routine vegetation 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 or the U.S. Fish and Wildlife Service.

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 permanent access roads 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;
   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 problem 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 does not apply to projects constructed under the automatic authorization, prior notice, or

advanced notice provisions in the FERC's regulations.

ROVER PIPELINE
An ENERGY TRANSFER Company

ROVER PIPELINE LLC

Rover Pipeline Project

AGRICULTURAL IMPACT MITIGATION PLAN

OHIO

April 2015

AGRICULTURAL IMPACT MITIGATION PLAN
ROVER PIPELINE PROJECT

Rover Pipeline (Rover) is proposing to implement and execute the following measures as it constructs the Rover Pipeline Project (Project) across agricultural land in Noble, Monroe, Belmont, Jefferson, Harrison, Carroll, Tuscarawas, Stark, Wayne, Ashland, Richland, Crawford, Seneca, Hancock, Wood, Henry, Defiance and Fulton counties, Ohio as described in Rover's application to the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity (Certificate) authorizing the construction and operation of the new pipeline system. The natural gas pipeline system subject to this Plan consists of segments of the following pipelines located in the State of Ohio:

Mainlines:

- Mainline - dual 42-inch diameter pipelines
- Market Segment - one 42-inch diameter pipeline

Supply Laterals:

- Sherwood Lateral - one 36-inch diameter pipeline
- Seneca Lateral - one 42-inch diameter pipeline
- Clarington Lateral - one 42-inch diameter pipeline
- Majorsville Lateral - one 24-inch diameter pipeline
- Burgettstown Lateral - one 36-inch diameter pipeline
- Berne Lateral – one 24-inch diameter pipeline
- CGT Lateral – one 24-inch diameter pipeline
- Cadiz Lateral – one 30-inch diameter pipeline

The mitigative actions and measures outlined in this Plan will serve to minimize the negative impacts that may occur due to pipeline construction. The construction standards described below apply to construction activities proposed to occur on agriculture land in active crop production and pasture land.

Introduction

Rover will retain qualified professionals on each work phase of the Project. The qualified professionals may be engineers, soil scientists, agronomists and/or construction and environmental inspectors as appropriate during each phase of the Project. This shall include initial Plan development, construction, initial restoration, and post-construction monitoring and follow-up restoration. The qualified professionals shall act to ensure that the provisions set forth in this Plan will be adhered to in good faith by Rover and by the pipeline installation contractor(s), and that all Plans protect the resources of both the Landowner and Rover.

The qualified professionals shall assist with the collection and analyzing of site-specific agricultural information gathered for the Plan development by Rover. This information will be obtained through field review as well as direct contact with affected Landowners and farm operators, local county Soil and Water Conservation Commission offices, Agricultural Extension Agents, Farm Bureau, and others.

Rover shall also retain Inspectors that will work with the appropriate contractors throughout the construction phase and through other phases as needed. The Inspector will also maintain contact with the affected Landowners and farm Tenants in conjunction with Rover right-of-way agents, as well as local or county resource specialists concerning farm resources and management matters pertinent to the agricultural operations and the site-specific implementation of this Plan.

Rover will employ Inspectors that are at a minimum thoroughly familiar with the following:

- This Plan,
- Rover Plans and Procedures,
- Pipeline Construction Sequences and Processes,
- All aspects of soil and water conservation, and
- Ohio and/or local farming operations.

The Inspector will possess:

Good oral and written communication skills and the ability to work closely with the Landowners, Tenants and Project sponsor.

Rover will employ a minimum of one Inspector per construction (installation) spread.

When permitted by law and contract, Rover shall encourage its pipeline contractor(s) to use, where and if available, local land improvement and drainage tile contractors to redesign, reconstruct, and/or repair any subsurface drain tile lines and U.S. Department of Agriculture (USDA), Ohio Department of Agriculture (ODA), and Soil and Water Conservation Commission office (SWCs) approved and installed conservation practices that are affected by the pipeline installation. Often, the local contractors have installed the Landowner's drain tile system and can have valuable knowledge as to the location, depth of cover, appurtenances, and any other factors affecting the tile operation. The drain tile contractor(s) shall follow the attached construction specifications.

Unless the easement or other Plan between the Landowner and Rover provides to the contrary, the actions specified in the pipeline standards and construction specifications contained in this Plan will be implemented in accordance with the conditions listed below.

Conditions of the Plan

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 Rover, provided such changes are negotiated in advance of any construction, maintenance, or repairs.

B. Rover may negotiate with Landowners to carry out the mitigative actions that Landowners wish to perform themselves.

C. All mitigative actions employed by Rover, unless otherwise specified in these construction standards and policies or in an easement negotiated with an individual Landowner, will be implemented within 120 days of completion of the pipeline facilities on any affected property, weather and landowner permitting. Temporary repairs will be made by Rover 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 120 day period, Rover 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 Rover.

E. Every effort will be made by Rover to determine all affected Tenants along the route of the pipeline. Rover 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.

Rover recognizes the time and potential years of investment tenants have in enhancing and maintaining the productive capacity of the land they rent. Their input, advice and cooperation concerning repair and remediation carries due consideration along with input gathered from the property's absentee landowner.

F. Prior to the construction of the pipeline, Rover shall provide each Landowner or Landowner's Designate and Tenant with a telephone number and address which can be used to contact Rover, both during and following the completion of construction, regarding the work that was performed on their property or any other construction-related matter. Rover shall respond promptly to Landowner's or Landowner's Designate and Tenant's telephone calls and correspondence.

G. Rover agrees to include this Plan as part of its submissions to the FERC.

H. Rover agrees to include a statement for its adherence to the construction standards and policies in any environmental assessment and/or environmental impact statement that may be prepared on the Project.

I. Rover will implement all mitigative actions contained in this Plan to the extent that they do not conflict with the requirements of applicable federal, state and local rules and regulations and other permits and approvals that are obtained by Rover for the Project.

J. Each mitigative action contained in this Plan will be implemented to the extent that such mitigative action is not determined to be unenforceable by reason of the mitigative actions approved by, or other requirements of, the FERC Certificate issued for the Project.

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.

Best Management Practice (BMP) - Any structural, vegetative or managerial practice used to prevent, minimize or treat soil erosion.

Conservation Practice - Any installation or measure used to protect or improve natural resources and environmental quality, for which standards and specifications for installation, operation, or maintenance have been developed.

Cropland - Land used for growing row crops, small grains, hay, much crops, vegetables, fruits, vineyards, orchards, nuts, nursery stock, and Christmas trees; includes land which was formerly used as cropland, but is currently in a government set-aside program and pastureland comprised of prime farmland.

Drainage Tile - Artificial subsurface drainage system including, but not limited to, clay and concrete tile, vitrified sewer tile, corrugated plastic tubing, and stone drains.

Rover - Rover and any contractor or sub-contractor in the employ of Rover for the purpose of completing construction of the pipeline or any mitigative actions covered by this Plan.

Landowner - Person(s) holding legal title to property on the pipeline route from whom Rover 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.

Landowner’s Designate - Any person(s) legally authorized by a Landowner to make decisions regarding the mitigation or restoration of agricultural impacts to such Landowner's property.

Pipeline - The natural gas pipelines and related appurtenances located in Noble, Monroe, Belmont, Jefferson, Harrison, Carroll, Tuscarawas, Stark, Wayne, Ashland, Richland, Crawford, Seneca, Hancock, Wood, Henry, Defiance and Fulton counties, Ohio, as described in Rover’s application to the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing the construction and operation of the new pipeline system.

Prime farmland - Agricultural land comprised of soils that are defined by the 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 - The permanent and temporary easements that Rover acquires for the purpose of constructing and operating the pipeline.

Surface Drains - Any surface drainage system such as shallow surface field drains, grassed waterways, open ditches, or any conservation practice installed as part of a USDA, ODA, or SWC office soil and water conservation plan.

Tenant - Any person lawfully residing on or leasing/renting of the land.

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. The surface layer of the soil that has the darkest color or the highest content of organic matter (as defined in the USDA County Soil Survey and verified with samples as stipulated under 2.A below).

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 be buried with:

1. a minimum of 4 feet of top cover where it crosses agricultural land.

2. a minimum of ~~4~~ feet of top cover where it crosses pasture land.

3. a minimum of 3 feet of top cover where it crosses wooded/brushy land.

4. a minimum of 5 feet of cover where it crosses surface drains, diversions, grassed waterways, open ditches and streams.

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 is encountered, the minimum top cover will be 30 inches.C. When the pipeline requires weights to keep it from floating, the pipeline and weight will be buried deep enough to maintain the depth of top cover as specified in 1.A. above.

2. Topsoil Replacement

A. In agricultural land, the topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes or flags every 200 feet along the right-of-way identifying the depth of topsoil to be removed. As an alternative, Rover may depict topsoil depths on alignment sheets or table based on published county-level soil survey information.

B. The actual depth of the topsoil, no less than 12 inches or in accordance with site-specific agreements with the landowner, or in instances where there is less than 12-inch of topsoil, the full depth of topsoil 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 a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials. Topsoil may be stored at either edge of the right-of-way, but not intermixed with subsoil materials.

C. Where topsoil cannot be stripped off a parallel pipeline easement an organic physical barrier (such as straw) or an approved geotextile material will be placed on the surface of the undisturbed topsoil prior to placement of the subsoil.

D. In certain circumstances, topsoil may be stripped from the full width of the construction easement (including the working side or travel lane) to prevent equipment traffic from mixing topsoil with the subsoil. An additional 25 feet of construction easement may be required for the additional topsoil storage.

E. 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 windrow(s).

F. In circumstances where the subsoil has significant productivity characteristics when compared to the underlying parent material, a triple-lift method will be used to segregate and stockpile these layers to maintain productivity.

G. In backfilling the trench, the stockpiled subsoil material will be placed back into the trench before replacing the topsoil.

H. Refer to Items No. 5.A. and 5.B. for procedures pertaining to rock removal from the subsoil and topsoil.

I. Refer to Items No. 7.A. through 7.C. for procedures pertaining to the alleviation of compaction of the topsoil.

J. 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. Tile Lines

A. Rover 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. Rover will contact affected Landowners/Tenants for their knowledge of tile line locations prior to the pipeline's installation. If the location of tile lines is known precisely, those tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs. If previously unidentified, tile lines that are encountered and cut during grading or trenching activities will be flagged at that time.

B. 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.

C. 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. In addition, the location of damaged tile lines will be recorded using Global Positioning Systems technology.

D. The tile line will be immediately and temporarily repaired until such a time that permanent repairs can be made. The exposed tile lines will be screened or otherwise protected to prevent the entry of vegetation, sediment, small animals and/or other foreign materials into the tile line.

E. Where tile lines are severed by the pipeline trench, repairs shall be made using the attached Rover Pipeline Typical Drain Tile Header System drawings.

F. Rover will do its best to maintain a minimum of two feet of separation between the tile line and the pipeline whether the pipeline passes over or under the tile line. In cases where the two-feet of separation cannot be maintained, Rover will inform the Landowner. In all instances, Rover will attempt to place the pipeline below the tile drain and will only place the pipeline above the tile with specific land owner permission.

G. Rover will install with landowner consent parallel tile drains along the proposed right-of-way in advance of pipeline construction to maintain the drainage of the field tile drain system. After construction, the parallel tile drains will be connected across the pipeline right-of-way to facilitate a re-united overall tile drain system in the agricultural field.

H. 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.

I. Permanent tile line repairs will be made within 45 days of the pipeline being laid in the trench on the Landowner's property, weather and soil conditions permitting.

J. Following completion of the pipeline, Rover will be responsible for correcting all tile line repairs that fail due to pipeline construction, provided those repairs were made by Rover. Rover will not be responsible for tile line repairs that Rover pays the Landowner to perform.

4. Installation of Additional Tile Lines

A. Rover shall be responsible for returning the property to reflect pre-construction conditions. Rover shall be responsible for installing such additional drainage tile and other drainage measures as are necessary to properly drain wet areas on the permanent and temporary easements to the extent caused by the construction and/or existence of the pipeline.

B. Where the pipeline's route parallels an existing pipeline within a 200-foot perpendicular offset, Rover shall be responsible for installing tile and/or other drainage measures, as necessary, to properly drain the area between the two pipelines to the extent the wet areas between the pipelines are caused by the construction and/or existence of the pipeline.

C. It is presumed that any wet areas located in permanent and temporary easements and/or between the two parallel pipelines are caused by the construction and/or existence of the new pipeline unless Rover can prove that the construction and/or existence of the new pipeline is not the cause of the wet areas.

5. Rock Removal

The following rock removal procedures only pertain to rocks found in the uppermost 36 inches of soil, the common freeze zone in Ohio.

A. Before replacing any topsoil, all rocks greater than 4 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, to the extent that the rock content of the topsoil after the replacement will be substantially similar to that of the topsoil in the area immediately adjacent to the right-of-way.

B. After the topsoil is replaced, all rocks greater than 4 inches in any dimension will be removed from the topsoil until similar conditions on the right-of-way as compared to the adjacent off right-of-way are achieved.

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 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 Rover.

6. 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. Litter generated by construction crews shall be removed daily.

7. Compaction, Rutting, Fertilization, Liming

A. Before the topsoil has been replaced, all areas that were traversed by vehicles and construction equipment will be ripped at least 18 inches deep in agricultural land and all pasture and woodland will be ripped at least 12 inches deep unless the presence of stumps and large quantities of roots within 12 inches precludes

ripping, if approved by the Landowner. Ripping will occur through the topsoil at a deeper depth if field conditions necessitate topsoil restoration prior to ripping the subsoil. The existence of tile lines or underground utilities may necessitate less depth.

B. Three passes will be made across any agricultural land that is ripped.

C. All ripping and chiseling 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. Rover will restore rutted land within the easement to reflect its original condition.

E. The cost of 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.

8. Land Leveling

A. Following the completion of the pipeline, Rover 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. Rover will provide the Landowners with a telephone number and address that may be used to alert Rover 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, Rover will provide such land leveling services within 120 days of a Landowner's written notice, weather and soil conditions permitting or at a time agreed upon by the landowner and Rover.

D. If there is any dispute between the landowner and Rover as to what areas need additional land leveling beyond that which is done at the time of construction, it shall be Rover's responsibility to disprove the Landowner's claim that additional land leveling is warranted.

9. Backfill Profile and Trench Crowning

A. In all agricultural land areas, trench crowning shall not occur unless specifically approved by the landowner.

B. Surface drainage should not be permanently blocked or hindered in any way. If excess spoil is encountered, it will be removed offsite to prevent ridging. Adding additional spoil to a prep-approved crown over the trench in excess of that required for settlement will not be permitted. In areas where minor trench settling occurs after topsoil spreading, land leveling or imported topsoil shall be used to fill each depression. In areas where major trench settling occurs after topsoil spreading, and land leveling cannot be utilized; imported topsoil shall be used to

fill each depression of significant depth. Topsoil from the adjacent agricultural land outside of the right-of-way shall not be used to fill the depressions.

C. In agricultural areas where the materials excavated during trenching are insufficient in quantity to meet backfill requirements, the soil of any agricultural land adjacent to the trench and construction zone shall not be used as either backfill or surface cover material. Under no circumstances shall any topsoil materials be used for pipe padding material or trench backfill. In situations where imported soil materials are employed for backfill on agricultural lands, such material shall be of similar texture and quality to the existing soils on site. Imported soils should be free from noxious weeds and other pests to the extent possible.

10. Prevention of Soil Erosion

Rover 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. Rover may elect to plant a temporary cover crop on active cropland, if approved by the landowner.

11. 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.

12. Construction During Wet Weather

The Chief Inspector, Environmental Inspector and Agricultural Inspector will determine, as a group when construction should not proceed in a given area due to wet weather conditions. The following are the factors to be considered in determining whether construction will be allowed to continue due to wet weather conditions:

A. Work will not be allowed in areas where rutting is mixing subsoil with topsoil. The depth of the allowable rutting is dependent on the depth of topsoil in a given location.

B. In areas where rutting will result in topsoil/subsoil mixing, alternatives such as utilizing mats, low ground weight equipment, and/or flat bottom sleds pulled by low ground weight equipment, disking the right-of-way to increase evaporation and dewatering the area with portable pumps may also be acceptable.

C. Wet weather restrictions only apply to those areas necessary and may not require cessation of work in areas not affected by wet weather.

13. Damages to Private Property

A. Rover will compensate Landowners for construction-related damages caused by Rover that occur on or off of the established pipeline right-of-way.

B. Compensation for damages to private property caused by Rover shall extend beyond the initial construction of the pipeline, to include those damages caused by Rover during future construction, operation, maintenance, and repairs relating to the pipeline.

14. Clearing of Trees and Brush from the Easement

A. If trees are to be removed from the right-of-way, Rover 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, Rover will 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.

C. Rover will identify “black cherry trees” located on the right-of-way near active livestock use areas during the construction plan development phase. Black cherry tree vegetation is toxic to livestock when wilted, and shall not be stockpiled in areas accessible to livestock during the clearing phase, and will be disposed of in a manner that prevents contact with livestock.

15. Interference with Irrigation Systems

A. If the pipeline and/or temporary work areas intersect an operational (or soon to be operational) spray and/or subsurface irrigation system, Rover will establish with the landowner an acceptable amount of time the irrigation system may be out of service.

B. If, as a result of pipeline construction activities, an irrigation system interruption results in crop damages, either on the pipeline right-of-way or off the right-of-way, the Landowner will be compensated for such crop damages that are attributed to the system interruption.

C. If it is feasible and mutually acceptable to Rover 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.

16. Ingress and Egress Routes

Prior to the pipeline's installation, Rover 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 or from public highway or (if available to Rover) railroad right-of-way.

17. 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 Rover 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 a depth of 18 inches. All ripping will be done consistent with Items 7 above.

18. Weed Control

A. On any right-of-way over which Rover has jurisdiction as to its surface use, (i.e., valve sites, metering stations, compression stations, etc.), Rover 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 that is appropriately licensed for doing such work in the state of Ohio.

B. Should Rover fail to control weeds after being given written notice and a 45-day opportunity to respond, Rover will be responsible for reimbursing all reasonable costs for weed control incurred by owners of land adjacent to surface facilities when the land accommodating the pipeline surface facility is determined to be the weed source.

19. Pumping of Water from Open Trenches

A. In the event it becomes necessary to pump water from open trenches, Rover 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 19.A. above, Rover will 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.

20. Aboveground Facilities

Locations for aboveground facilities shall be selected in a manner so as to be as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land adjacent to the facilities. First priority shall be made to locating aboveground facilities on right-of-way that is not used as cropland. 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).

21. Advance Notice of Access to Private Property

Except in the event of an emergency, Rover will provide the Landowner or Tenant with reasonable prior notice before accessing his/her property for the purpose of constructing the pipeline.

22. 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, Rover will provide the Landowner with a toll-free number the Landowner can call to alert Rover should the Landowners observe inferior agricultural impact mitigation work which is being done or has been carried out on his/her property.

23. General Monitoring and Remediation

The Plan establishes construction and restoration guidelines to limit adverse effects to agricultural resources and to return the affected lands to productive agricultural use with a level of production consistent with that of the lands immediately adjacent to the Right-of-Way. Post construction and restoration situations may occur as a result of the pipeline construction which requires further restoration of corrective activities. These areas potentially requiring further restoration or corrective activities will be brought to Rover's attention through Landowner or Tenant contacts with Rover right-of-way staff or as a result of Rover's monitoring of the pipeline right-of-way.