

ENBRIDGE PIPELINES (NORTH DAKOTA) LLC

TRENTON TO BEAVER LODGE LINE LOOP

Tree and Shrub Inventory & Replanting Specification

April 26, 2007

1. Trees and shrubs anticipated to be cut, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), will be inventoried before cutting.

2. Only trees and shrubs actually cut will be replaced. If the number of trees or shrubs actually cut differs from the number inventoried, the difference will be noted on the inventory.

3. Enbridge shall limit the width of clear cuts through woody areas to 50 feet or less.

4. During construction Enbridge will selectively cut and remove trees and shrubs within the construction work area, leaving mature trees and shrubs intact where practical.

5. Where trees or shrubs are cleared in windbreaks and shelterbelts, Enbridge will record the location, number, and species of trees and shrubs cut, regardless of size.

6. Where trees are cleared in non-windbreak and non-shelterbelt areas, Enbridge will record the location, number, and species of trees cut that are 1 inch diameter at breast height ("dbh") or greater. 7. Where shrubs are cleared in non-windbreak and non-shelterbelt areas, Enbridge will cut shrubs flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil will be preserved and replaced after construction. Shrubs will be allowed to regenerate naturally where native topsoil is preserved and replaced. Where topsoil is not preserved and replaced, Enbridge will record the location, number, and species of shrubs cut.

8. After construction, Enbridge will replace cut trees on a 2 to 1 basis with 2-year-old saplings and will replace cut shrubs on a 2 to 1 basis with stem cuttings. Trees and

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Deleted: 6. . Trees and shrubs that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*) will not be inventoried or replaced unless they are part of a windbreak or shelterbelt. Where they are part of a windbreak or shelterbelt, they will be inventoried and replaced as specified in paragraph 3 above.¶

shrubs will be replaced by the same species or similar species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

9. Tree and shrub replanting will not be conducted within 25 feet of the pipelines so that Enbridge can conduct on-going visual inspections of its right-of-way in accordance with U.S. Department of Transportation safety regulations.

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10. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing Enbridge to plant the replacement trees/shrubs at alternative locations.

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11. Prior to replacement tree/shrub planting, Enbridge will file for PSC approval, documentation identifying the number and variety of trees removed as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings.

12. At the conclusion of the project, Enbridge will file with the PSC documentation identifying the number, variety, type, location and date of the actual replacement plantings.

13. Enbridge shall inspect tree/~~shrub~~ replacements once a year for three years, on the anniversary of the plantings, and send a report on or shortly before October 1 of each year to the PSC documenting ~~the~~ condition of woodlands planting ~~and any~~ woodlands work completed.

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Deleted: 11. . At the conclusion of the project, Enbridge will file with the PSC documentation identifying the number and variety of trees removed, as well as the number, type, location and date of the replacement plantings.¶
12. . Enbridge understands that the Commission may order additional plantings if survival rates are less than 75%. However, the North Dakota Game and Fish Department recommended a 2 to 1 replanting basis in order to achieve no net loss of woody habitat while allowing for up to 50 percent sapling mortality. Enbridge respectfully requests a variance from the Commissions Order such that Commission may order additional plantings additional plantings if survival rates are less than 50%. A 50% survival rate would result in no net loss of woody habitat and would be consistent with the intent of the North Dakota Game and Fish Department recommendation.