

Tree and Shrub Mitigation Specifications

Inventory

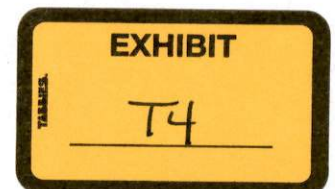
1. Trees and shrubs as described in item 2 will be inventoried utilizing the following plot sample method:

- a) Aerial photographs along the project route will be utilized to identify windbreak/shelterbelt, woodlot and riparian area locations for random field plot sampling.
- b) Ten to twenty percent (10% - 20%) of the locations for each category (windbreak/shelterbelt, woodlot, riparian) area will be randomly selected for field plot sampling.
- c) At each selected sampling location, two sample plots will be established. Within each sample plot, all trees and shrubs will be identified, measured and recorded.
- d) The data from the sample plots for each category will be extrapolated to the total acreage of the windbreak/shelterbelt, woodlot or riparian areas to be cleared to determine the types and quantity of trees and shrubs to be replaced.
- e) At narrow windbreak/shelterbelt sample locations (30 feet or less in width), trees and shrubs will be counted.

2. Trees and shrubs anticipated to be cleared, 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*), shall be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.

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Exhibit T4 TransCanada Draft of Tree and Shrub
Mitigation Agreement

TransCanada Keystone Pipeline, LP



3. In windbreaks and shelterbelts, trees or shrubs that are 1 inch diameter at breast height ("dbh") or greater and anticipated to be cleared shall be inventoried for replacement.

4. In non-windbreak and non-shelterbelt areas, trees anticipated to be cleared that are 3 1/4 inch diameter at breast height ("dbh") or greater shall be inventoried for replacement.

5. In non-windbreak and non-shelterbelt areas, shrubs anticipated to be cleared in that portion of the permanent right-of-way where shrubs will not be allowed to re-grow (maintained corridor) shall be inventoried for replacement.

6. In all non-windbreak and non-shelterbelt areas outside the permanent right-of-way maintained corridor, shrubs shall be cut 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 shall be preserved and replaced after construction. Shrubs shall be allowed to regenerate naturally where native topsoil is preserved and replaced. In the event that ~~Where~~ topsoil is disturbed and not preserved and replaced, shrubs anticipated to be cleared in those areas shall be inventoried for replacement.

Clearing

7. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.

8. The width of construction right of way clear cuts through woody areas shall be limited to 85 50 feet or less where practical.

9. If trees or shrubs are cleared from areas outside of the inventory areas, the number of trees or shrubs actually cleared differs from the number inventoried, the difference those areas shall be noted on the inventory.

Replacement

10. Prior to tree/shrub replacement, 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 shall be filed with the North Dakota Public Service Commission (NSPSC) for approval.

11. Tree replacement shall be on a 2 to 1 basis with 2-year-old saplings. Shrub replacement shall be on a 2 to 1 basis with stem cuttings.

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

13. Tree and shrub replacement shall not be conducted within 20 to 30 25 feet of the pipeline(s) permanent maintained corridor to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.

14. Keystone will advise each landowner in writing of their right to elect to have replacement trees/shrubs planted off the ROW on the landowner's property, in accordance with this Tree and Shrub Mitigation Specifications document. Landowners will be provided with 60 days to elect to exercise this right by advising Keystone in writing of that election. If a landowner does not so exercise his or her right within 60 days, the landowner shall be deemed to have waived the right. Landowners shall be given the option of having replacement trees/shrubs plant off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacements trees/shrubs to be planted at alternative locations.

15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings shall be filed with the NDPSC.

16. Tree/shrub replacements planted by Keystone shall be inspected once a year for three years, on about the anniversary of the plantings and, on. On or

shortly before October 1 of each year, a report shall be submitted to the NDPSC documenting the condition of replacement planting and any woodlands work completed. If after 3 years the survival rate is less than 75 %, the commission may order a one time additional planting.