



- (a) A preconstruction conference shall be held prior to commencement of any construction, which must include an Enbridge representative, its construction supervisor, and a representative of Commission staff to ensure that Enbridge fully understands the conditions set forth in the order;
- (b) Enbridge agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed pipeline, and it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction of the pipeline facilities;
- (c) Enbridge agrees to inform the Commission of its intent to start construction on the pipeline facilities prior to the commencement of construction, and once construction has started, that it will keep the Commission updated on construction activities on a weekly basis;
- (d) Enbridge agrees that any new pipeline shall be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines;
- (e) Enbridge agrees to construct and operate the pipeline facilities in the manner described in its application, as revised at the hearing or in late filed exhibits and supplemental materials, and in accordance with all applicable safety requirements;
- (f) Enbridge agrees to promptly report to the Commission the presence in the permit area of any critical habitat of threatened or endangered species, or of bald or

golden eagles which Enbridge becomes aware of and that were not previously reported to the Commission;

- (g) Enbridge understands that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office (SHPO) for approval prior to the start of any field work and construction activity. Furthermore, Enbridge understands and agrees that if any cultural resource, paleontological, archeological, historical, or grave site is discovered during construction, it must be marked, preserved, and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission;
- (h) Enbridge understands and agrees that all crossings of graded roads shall be bored unless the responsible governing agency specifically permits Enbridge to open cut the road;
- (i) Enbridge understands and agrees that all pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads or working areas during construction must be restored to their original condition;
- (j) Enbridge understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken;

- (k) Enbridge understands and agrees that where available, and except in the station grounds, that at least 12 inches of topsoil or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the topsoil. Any area on which excavated subsoil will be placed, will be stripped of topsoil. After backfilling is completed, excess subsoil will be placed over the excavation area, blending the grade into existing topography. Topsoil will be replaced over areas from which it was stripped only after the subsoil is replaced;
- (l) Enbridge understands and agrees that reclamation and cleanup along the right-of-way must be continuous and coordinated with construction;
- (m) Enbridge understands and agrees that reclamation, fertilization, and reseeding is to be done by Enbridge according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission;
- (n) Enbridge understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the pipeline;
- (o) Enbridge understands and agrees that the width of clear cuts through any wooded areas and shelter belts should be kept at a maximum of 50 feet where possible;
- (p) Enbridge understands and agrees that trees and other woody vegetation must be replaced at the rate of two for every one removed along the right-of-way, and that Enbridge shall contact landowners to determine the preferred locations off of the

right-of-way for replacement plantings, and that trees and woody vegetation must be replaced with saplings that are two or more years old;

- (q) Enbridge understands and agrees that it shall inspect replacement tree plantings once a year for three years and send a report to the Commission on or shortly before October 1 of each year documenting work completion and condition of the woodlands planting. Enbridge understands that the Commission will require that the first report indicate the number and variety of plantings and locations and dates of the plantings;
- (r) Enbridge understands that the Commission will monitor the survival rate of replacement tree plantings, and may order additional plantings if survival rates are less than 75%;
- (s) Enbridge has been provided with a document entitled “Tree and Shrub Mitigation Specifications.” Enbridge has reviewed this document. If the Commission chooses to include all or a portion of the requirements and conditions contained in that document, Enbridge will agree to them;
- (t) Enbridge understands and agrees that it must obtain approval from the Commission or from Commission staff prior to any changes in the pipeline route or structural locations;
- (u) Enbridge agrees to provide the Commission with a hard copy and electronic version of the design specifications for the construction of the Penn Station showing the location of the project facilities as built, and an electronic version of the as-built design specifications that can be imported into ESRI GIS mapping

software, and shall provide this information within three months of completion of the construction;

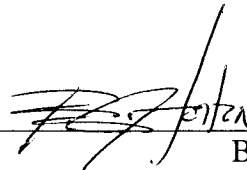
- (v) Enbridge understands and agrees that the authorizations granted by the Corridor Certificate and Route Permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

8. That the undersigned, on behalf of Enbridge, commits Enbridge to full compliance with the foregoing.

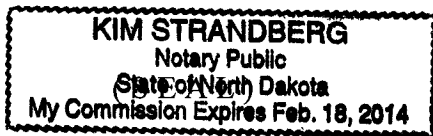
Dated this 17 day of June, 2008.


Respectfully submitted,

ENBRIDGE PIPELINES (NORTH DAKOTA)  
LLC

By   
Brent Horton  
Its \_\_\_\_\_

Subscribed and sworn to before me this 17 day of June, 2008.



  
Notary Public  
Ward County, North Dakota  
My Commission Expires: Feb. 18, 2014

*State of North Dakota*  
*County of Ward*