CROWLEY | FLECK PLLP
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SEP 03 2010
PUBLIC SERVICE COMMISSION

September 3, 2010

Hand Delivered

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, ND 58505-0480

In re: Bridger Pipeline LLC
Case No. PU-09-750

Dear Mr. Nitschke:

Enclosed please find enclosed for filing in the captioned matter the original plus ten (10) copies of the following:

1. Permit Status Spreadsheet with copies of relevant correspondence and approvals attached.

2. Suppemental Figures
   a. 4.B.1a and 4.B.1b
   b. 4.B.3a and 4.B.3b
   c. 4.B.4a and 4.B.4b
   d. 4.B.8a and 4.B.8b
   e. 4.B.16a and 4.B.16b

I am also enclosing 1 CD containing digital images of the revised figures.

Each set of figures includes an aerial photograph (a) and a topographic map (b) depictions. The revisions in Figures 1, 3, 4 and 8 are a result of some minor modifications to the route resulting

from requests by the surface owner (who, in each case, was the North Dakota State Land Department). The revision to Figure 16 is to correct the range designation to correctly refer to Range 97. The original filing incorrectly referred to Range 98. Each of the revised figures contains a "September 2010" annotation in the lower right hand corner.

Thank you for your assistance. If you have any questions, please let me know.

Sincerely,

John W. Morrison

cc: Kathye Spillman (w/oenclosures)
Debra Bell (w/o enclosures)

Task Item	Application Submitted	Status	Permit Issued?
Consolidated PSC Application	7.23.10	Accepted at PSC hearing 8.4.10. Public hearing 9.9.10.	No
US ACE Nationwide 12 Permit	8.12.10	Permit application mailed. 30 day waiting period up on 9.11.10	Not required if bored
Billings County Road/Section Permit	7.22.10	On Agenda Sept 7 for Approval	No
Dunn County Road/Section Permit	7.22.10	On Agenda Sept 4 for Approval	No
McKenzie County Road/Section Permit	7.22.10	Application Approved By County Engineer - On Agenda Sept 8 for Approval	No
ND DOT Hwy 23 (Williston District)	7.23.10	Permit Approved. Original forwarded to Bridger.	Yes
ND DOT Hwy 200 (Dickinson District)	7.23.10	Permit Approved. Original forwarded to Bridger.	Yes
ND DOT Hwy 73 (Williston District)	7.23.10	Permit Approved. Original forwarded to Bridger.	Yes
Stormwater Construction Permit	TBD	Revised Application returned to Bridger for Signatures & Submission	No
Organized Township Notifications	8.23.10	Notification Letters sent to Blue Buttes and Keene Townships	Not Applicable

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

August 11, 2010

North Dakota Regulatory Office

[NWO-2010-1774-BIS]

KEITU Engineers & Consultants, Inc.
Attn: Kathleen Spilman, PE
2610 Old Red Trail, STE. C
Mandan, North Dakota 58554-1447

Dear Ms. Spilman:

We have reviewed your request of August 6, 2010 on behalf of Bridger Pipeline, LLC., for Department of the Army (DA) review and authorization under Section 404 0f the Clean Water Act to directionally drill and construct a 12 Inch diameter crude oil pipeline under the Little Missouri River, located in the vicinity of the center section of Section 26, Township 148 North, Range 96 West, Dunn County, North Dakota.

If the Little Missouri River crossing (**individual segment of the Bridger 12-inch Crude Oil Project)** is constructed as proposed, no DA permit is required.

The fact that a DA permit is not required does not relieve you of the obligation to obtain required approvals from other Federal, State or local agencies that may have jurisdiction over the project.

Customer Survey. The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to your customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://per2.nwp.usace.army.mil/survey.html. If you do not have Internet access, you can call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding this determination, please contact this office by letter or telephone me or Mr. Bud Kuhn of my staff at 255-0015, and reference Project Number **NWO-2010-1774-BIS**.

Sincerely

Daniel E. Cimarosti

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

AUG 2 4 2010

Ms. Heather Jandt, Biology Consultant
Keitu Engineers & Consultants, Inc.
2610 Old Red Trail Ste. C
Mandan North Dakota 58554-1447

Re: Four Bears Pipeline, Bridger Pipeline LLC, Billings, Dunn, McKenzie Counties, North Dakota

Dear Ms. Jandt:

This is in response to your letter dated June 13, 2010, received in our office on July 14, 2010, regarding the proposed construction of a pipeline in Billings, Dunn and McKenzie Counties, North Dakota. The proposed Four Bears Pipeline would be constructed by Bridger Pipeline LLC (Bridger) and would be approximately 73 miles long.

We offer the following comments under the authority of and in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA) and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).

Threatened and Endangered Species

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the ESA. This list remains valid for 90 days.

There is designated critical habitat for the piping plover in Dunn and McKenzie Counties. Piping plovers and their critical habitat are protected wherever they occur, regardless of land ownership. In North Dakota, piping plovers begin arriving on their breeding grounds in early to mid-April and are typically gone by September 1. Disturbance from construction activities during this timeframe is possible depending on proximity to birds. The Service recommends that construction activities in these areas take place from September 1 – April 1. Be advised that this timeframe may not coincide with recommended construction timeframes for migratory birds (see below), and both ESA and MBTA construction windows should be considered during project planning. We can provide shapefiles for designated critical habitat for piping plover; however, there are

also other suitable wetlands in the project area where plovers may be nesting. Piping plovers nesting on one wetland could be feeding on another. The alkali soils on the wetlands are soft and tracks are easily left behind. Piping plover chicks have been documented to be trapped and/or drowned in depressions as shallow as a few inches. Compaction of soil in dry or frozen conditions has the potential to impact piping plovers for many years after the activity. In order to avoid disturbing these birds and their habitat, we recommend the following precautions when working in potential or known piping plover habitat:

- Total avoidance of the documented and potential nesting wetlands from April 1 – September 1;

- On wetlands with potential or documented plover nesting, use a one-half mile no entry buffer on all shorelines throughout the year;

- All vehicle use should be avoided on any wetland or lake shoreline in the project area.

If you are unable to positively identify piping plover nesting areas, or to maintain a one-half mile no-entry buffer on all nesting wetlands, we recommend that you retain the services of a qualified biologist to survey your project area for these resources. If there is no Federal funding or permit involved in the project, the project proponent is still required to ensure that their activities do not result in take of piping plovers, their eggs or chicks, and do not adversely modify or destroy designated critical habitat.

The Aransas Wood Buffalo Population (AWBP) of endangered whooping cranes is the only self-sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations. They make numerous stops along their migration route to feed and roost before moving on.

Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations. The proposed project lies within a corridor that includes approximately 95 percent of all reported whooping crane sightings in the State (enclosure). The presence of suitable roosting and feeding habitat for whooping cranes document the potential for whooping crane presence in the proposed project area. Whooping cranes are unlikely to spend more than a few days in any one spot during migration. The Service recommends that if a whooping crane is sighted within one mile of a pipeline or associated facilities while it is under construction, that all work cease within one mile of that part of the project and the Service be contacted immediately. In coordination with the Service, work may resume after the bird(s) leave the area.

Potential habitat for the Dakota skipper exists throughout the project area. In 1995, the Dakota skipper was determined to be a candidate species under the ESA. No legal

requirement exists to protect candidate species; however, it is within the spirit of the ESA to consider these species as having significant value and worth protecting. The Dakota skipper is a small to medium-sized hesperiine butterfly associated with high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. The first type of habitat is relatively flat and moist native bluestem prairie. Three species of wildflowers are usually present: wood lily (*Lilium philadelphicum*), harebell (*Campanula rotundifolia*), and smooth camas (*Zygadenus elegans*). The second habitat type is upland (dry) prairie that is often on ridges and hillsides. Bluestem grasses and needlegrasses dominate these habitats. On this habitat type, three wildflowers are typically present in high quality sites that are suitable for Dakota skipper: pale purple (*Echinacea pallida*) and upright (*E. angustifolia*) coneflowers and blanketflower (*Gaillardia sp.*). Because of the difficulty of surveying for Dakota skippers and a short survey window, we recommend that the project avoid any impacts to potential Dakota skipper habitat. If Dakota skipper habitat is present near the proposed project, and you intend to take precautions to avoid impacts to skipper habitat, please notify the Service for further direction.

Migratory Birds

The Migratory Bird Treaty Act prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the USFWS realizes that some birds may be killed during construction even if all known reasonable and effective measures to protect birds are used. The USFWS Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Companies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to

an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Bald and/or golden eagles are known to use the project area where the pipeline will be located. Golden eagles inhabit a wide variety of habitat types, including open grassland areas. They are known to nest on cliffs, in trees, manmade structures, and on the ground (Kochert et al. 2002). While the bald eagle tends to be more closely associated with forested areas near water (Buehler 2000), they have been found nesting in single trees several miles from the nearest water body. Therefore, there may also be potential habitat for the bald eagle at the proposed project site. Especially early in the nesting season, eagles can be very sensitive to disturbance near the nest site and may abandon their nest as a result of low disturbance levels, even from foot traffic. A buffer of at least 0.5 mile should be maintained for golden and bald eagle nests. A permit is required for any take of bald or golden eagles or their nests. Permits to take golden eagles or their nests are available only for legitimate emergencies and as part of a program to protect golden eagles.

The Service recommends that aerial eagle nest surveys be conducted prior to any on-the-ground activities. The Service recommends that an aerial nest survey (preferably by helicopter) be conducted within the one-mile-wide evaluation corridor to identify occupied and unoccupied eagle nest sites near the proposed well pad and associated facilities. The aerial surveys should include surveys for proposed new roads. Aerial surveys should be conducted between March 1 and May 15, before leaf-out so that nests are visible.

Aerial surveys should include the following:

1. Due to the ability to hover and facilitate observations of the ground, helicopters are preferred over fixed-wing aircraft, although small aircraft may also be used for the raptor surveys. Whenever possible, two observers should be used to conduct the surveys. Even experienced observers only find approximately 50 percent of nests on a flight, so we recommend that two flights be performed prior to any on-the-ground work, including other biological surveys or other work.

2. Observations of any eagles and nest sites should be recorded using GPS. The date, location, nest condition, activity status, raptor species, and habitat should be recorded for each sighting.

3. We request that you share the qualifications of the biologist(s) conducting the survey, method of survey, and results of the survey with the Service.

To the extent practicable, schedule construction for late summer or fall/early winter so as not to disrupt waterfowl or other wildlife during the breeding season (February 1 to July 15). If work is proposed to take place during the breeding season or at any other time which may result in the take of bald or golden eagles or other migratory birds, their eggs, or active nests, the Service recommends that the project proponent implement all practicable measures to avoid all take, such as suspending construction where necessary and/or maintaining adequate buffers to protect the birds until the young have fledged. The Service further recommends that if you choose to conduct field surveys for nesting birds, including eagles, with the intent of avoiding take, that you maintain any documentation of the presence of eagles or other migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the survey(s), and any avoidance measures implemented at the project site. Should surveys or other available information indicate a potential for take of eagles or other migratory birds, their eggs, or active nests, the Service requests that you contact this office for further coordination on the extent of the impact and the long-term implications of the intended use of the project on eagles or other migratory bird populations.

High Value Habitat Avoidance

According to the Service's National Wetland Inventory maps, the corridor and the study area intersect several wetlands. Wetlands are important for water quality as well as for a variety of wildlife species. The Service suggests that Bridger include a detailed plan to avoid or mitigate for unavoidable impacts to wetlands. This will also avoid impacts to threatened and endangered species as discussed above. If your project will result in unavoidable impacts to wetlands, we request to review a mitigation plan to compensate for all wetland losses. If a 404 permit is required, the Service will provide recommendations on this project to the Corps.

Construction activities should be conducted in a manner that will avoid/minimize impacts to the existing habitat in the project area. The following recommendations are intended to reduce construction related impacts:

- Make no stream channel alterations or changes in drainage patterns.

- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.

- Reseed disturbed areas with a mixture of native grass and forb species immediately after construction to reduce erosion. Parts of the proposed project area appear to be grassland habitat. If trenching is performed in these areas, post-construction reseeding of native prairie grasses, forbs and legumes should be completed. The Service suggests that Bridger consider planting a diverse mix of native species to reclaim the grassland areas. Recent research indicates that a

diverse native species mix, including numerous forb species, is not only ecologically beneficial, but is also more weed resistant. A diverse planting of native grasses and forbs allows for less intensive management and chemical use. The more species included in a mixture, the higher the probability of providing competition to resist invasion by non-native plants.

Thank you for the opportunity to comment on this project. If you require further information or the project plans change, please contact me or Heidi Kuska of my staff at (701) 250-4481 or at the letterhead address.

Sincerely,

Jeffrey K. Towner

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

cc: Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)
ND Game & Fish Department, Bismarck

FEDERAL THREATENED, ENDANGERED, AND CANDIDATE SPECIES
AND DESIGNATED CRITICAL HABITAT FOUND IN
BILLINGS, DUNN AND MCKENZIE COUNTIES, NORTH DAKOTA

ENDANGERED SPECIES

Birds

Interior least tern (Sterna antillarum): Nests along midstream sandbars of the Missouri and Yellowstone Rivers.

Whooping crane (Grus Americana): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

Fish

Pallid sturgeon (Scaphirhynchus albus): Known only from the Missouri and Yellowstone Rivers. No reproduction has been documented in 15 years.

Mammals

Black-footed ferret (Mustela nigripes): Exclusively associated with prairie dog towns. No records of occurrence in recent years, although there is potential for reintroduction in the future.

Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

Piping plover (Charadrius melodus): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.

CANDIDATE SPECIES

Invertebrates

Dakota skipper (Hesperia dacotae): Found in native prairie containing a high diversity of wildflowers and grasses. Habitat includes two prairie types: 1) low (wet) prairie dominated by bluestem grasses, wood lily, harebell, and smooth camas; 2) upland (dry) prairie on ridges and hillsides dominated by bluestem grasses, needlegrass, pale purple and upright coneflowers and blanketflower.

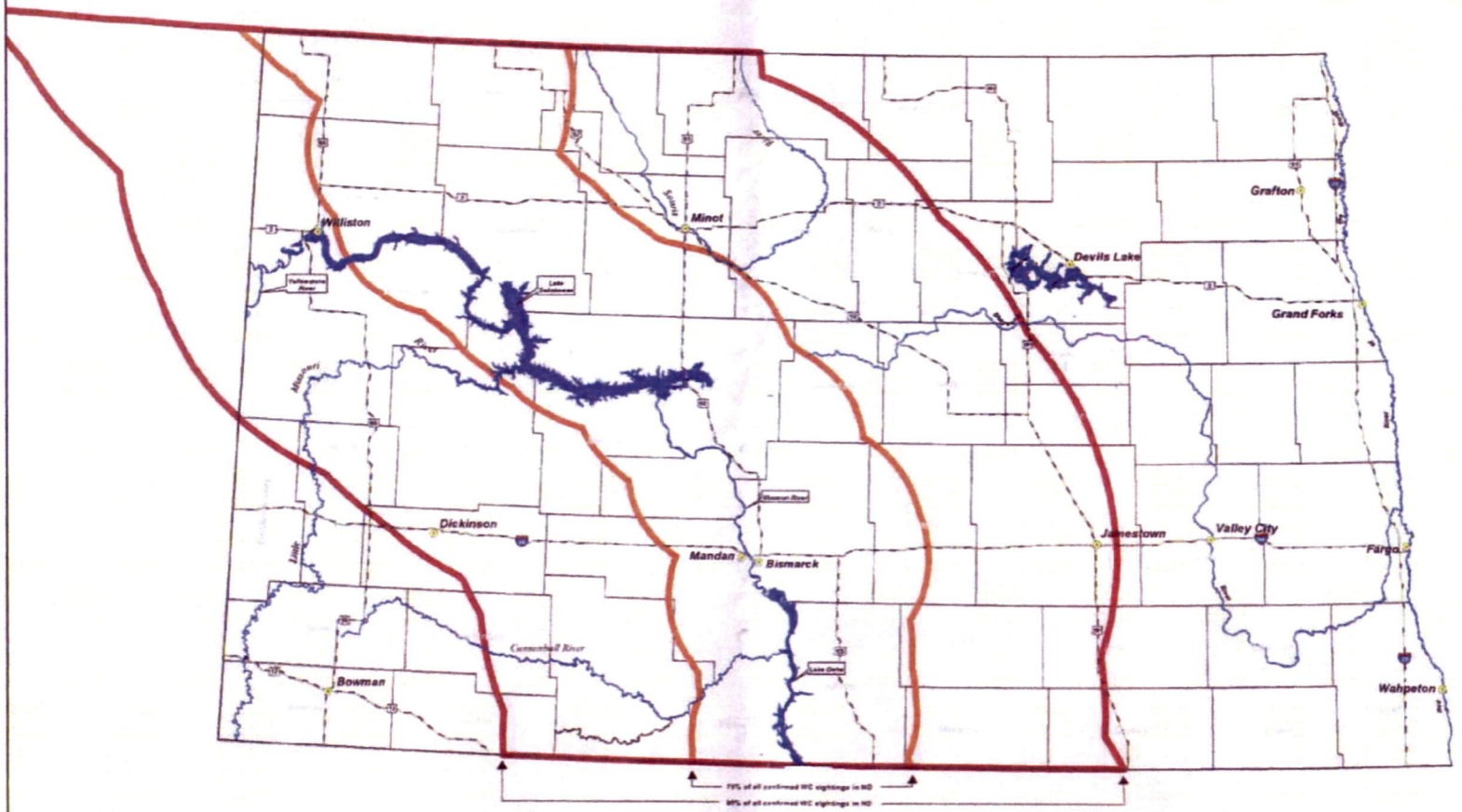
DESIGNATED CRITICAL HABITAT

Birds

Piping Plover - Alkali Lakes and Wetlands - Critical habitat includes: (1) shallow, seasonally to permanently flooded, mixosaline to hypersaline wetlands with sandy to gravelly, sparsely vegetated beaches, salt-encrusted mud flats, and/or gravelly salt flats; (2) springs and fens along edges of alkali lakes and wetlands; and (3) adjacent uplands 200 feet (61 meters) above the high water mark of the alkali lake or wetland.

Piping Plover - Lake Sakakawea and Oahe - Critical habitat includes sparsely vegetated shoreline beaches, peninsulas, islands composed of sand, gravel, or shale, and their interface with the water bodies.

North Dakota
Whooping Crane Migration Corridor



DISCLAIMER:

The USFWS makes no claim as to the accuracy or completeness of the displayed information. Species occurrence and habitat information is provided for illustrative purposes only. Federal action agencies and project proponents should contact the USFWS North Dakota Field Office for more detailed species information and technical assistance in evaluating potential project impacts to fish and wildlife resources.

Map produced 04/21/2010 by USFWS Ecological Services, Bismarck, ND.

75% Whooping Crane Migration Corridor

95% Whooping Crane Migration Corridor

0 12.5 25 50 75 100
Miles

"VARIETY IN HUNTING AND FISHING"
NORTH DAKOTA GAME AND FISH DEPARTMENT
100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

August 13, 2010

Heather M. Jandt
Biology Consultant
Keitu Engineers & Consultants, Inc.
2610 Old Red Trail Suite C
Mandan, ND 58554-1447

Dear Ms. Jandt:

RE: Proposed Bridger Project – Four Bears Pipeline

Bridger Pipeline LLC is proposing to construct a 73-mile long petroleum pipeline that will span through Billings, Dunn and McKenzie Counties in North Dakota. The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

Our primary concern is the possible disturbance of native prairie and wooded draws associated with construction of the pipeline and access roads. We ask that work within these areas be avoided to the extent possible, every effort be made to prevent destruction of woody vegetation, and disturbed areas be reclaimed to pre-project conditions.

The pipeline route will cross the Little Missouri and Green Rivers, both Class I fisheries. We recommend that these streams be crossed by directional boring if possible. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation.

The National Wetland Inventory indicates various wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas.

In regard to the established prairie falcon nest in T142N R97W, we recommend construction not take place within ¼-mile of the nest site between approximately March 15 and August 15 to minimize disturbance during the breeding and nesting seasons.

Sincerely,

(for) Michael G. McKenna
Chief
Conservation & Communication Division

js

NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov

August 12, 2010

Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Re: Case No. PU-09-750, Bridger Pipeline LLC
77 Miles of 12-inch Crude Oil Pipeline in
McKenzie, Dunn and Billings Counties

Dear Commissioners:

This department has reviewed the information concerning the above-referenced project submitted under date of August 4, 2010, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.

2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.

3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is

equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.

NORTH DAKOTA
DEPARTMENT *of* HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.