

Appendix D – Special Use Permit Conditions

Special Use Permit Conditions for the Eastern North Dakota Alternate Water Supply Construction, Maintenance and Decommissioning through US Fish and Wildlife Service Easement Wetlands

1. Issuance of a permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.
2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. Garrison Conservancy District (GDCD) or designee have agreed to follow wetland construction procedures for all easement wetland area temporary impacts. (See Technical Memorandum ENDAWS Preliminary Design TO5280 ENDAWS Segment 1 and USFWS Easements TM3021, January 31, 2023 & ENDAWS Preliminary Design TO5280 Proposed ENDAWS Segment Reroutes TM302, April 17, 2023.)
4. The Service will have personnel available work with GDCD or designee during the marking, construction, and final reclamation phase of pipeline construction. A one week in advance scheduling is requested.
5. Prior to construction, easement wetland areas will be marked in the field. FWS representative will be available for onsite identification of protected wetland areas.
6. A pre-construction topographic survey on portions of easement wetlands within the temporary construction ROW is required. A post-construction topographic survey will be completed to confirm pre-project grades have been restored. Restored surface tolerances for temporarily impacted wetland areas shall be within +/- 0.1 feet of pre-construction profiles.
7. Silt barriers will be installed on all easement wetland areas (wet or dry) within the temporary construction ROW. Additionally, easement wetland areas immediately outside the temporary construction ROW that have the high likelihood of sedimentation due to topography, ground cover and distance to construction activity will require silt barriers. Locations for silt barriers will be made jointly by GDCD or designee and Service personnel.
8. When easement wetland areas or trenches that are dewatered GDCD or designee will utilize filter and tanks such that surface water removed is free of sediments prior to discharging to adjacent wetlands or low areas. No sediment laden water will be discharged to easement wetlands areas.

9. When GDCD or designee is actively working during a temporary impact of an easement wetland area, a project Professional Soil Scientist will be onsite to observe the Suitable Plant Growth Material (SPGM) being removed from the easement wetland area and the subsoil from the trench. The Professional Soil Scientist will make recommendations during the replacement of the subsoil to mimic the pre-construction hydrologic conditions. Topsoil and subsoil will be segregated such that the SPGM material will be replaced into the wetland area trench as originally removed. If these measures do not restore the original ponding and hydrologic function of the impacted easement wetland area GDCD will be required to exchange the non-functioning wetland area with an equivalent size and type wetland area under permanent protection.
10. SPGM or Subsoil will not be temporarily stockpiled in easement wetland areas during the construction phase.
11. Water stops will be installed in the pipe-zone on each side of all temporary impacts to easement wetland areas. The trench water stops will consist of control density fill, compacted cohesive clay material excavated from the trench zone, or bentonite amended other soils.
12. Disposal of excess excavated material from the construction project will not be placed in easement wetland basins. Any remaining material in the wetland basin after trench backfill operations will be removed.
13. No infrastructure including pumping stations or other support machinery, or buildings will be placed in easement wetlands.
14. Spill/leak response and clean up in easement wetlands will follow GDCD or designees Spill Pollution Prevention and Countermeasure Plan.
15. Within one year from the completion of construction reclamation the Service will notify GDCD, or designee of any additional fill removal needs or trench settling in wetlands where material may have to be added.
16. The permit measures agreed to that ensure easement wetland areas will not be drained, leveled, or filled during the installation and construction will be in effect during any future maintenance or de-commissioning efforts for this pipeline.