

Scope and Responsibilities of Third-Party Monitoring Program

Dakota Access Pipeline Project

South Dakota Public Utilities Commission Order HP14-002

The focus of the third-party monitoring program is to ensure compliance with the various permit conditions of the South Dakota Public Utilities Commission (Commission) Order in HP14-002. The monitor will provide an effective means of communication between the various public and private stakeholders affected by the project. The monitor will communicate compliance issues to the stakeholders, listen to issues, and work with the company and contractor to ensure compliance with the predetermined various construction plans or work with the stakeholders to identify alternate solutions to mitigate the various potential concerns along the right-of-way. The program shall focus on the following priority areas which include, but are not limited to:

- a. Crossings of ecological/biological sensitive areas
- b. Work with stakeholders to ensure compliance with and tracking of Agricultural Impact Mitigation, Storm Water Pollution Prevention, and Spill Prevention, Containment, and Countermeasures Plans for critical components such as:
- c. Top soil segregation
- d. Noxious weed control
- e. Permanent and temporary erosion control devices
- f. Temporary and permanent drain tile repair
- g. Returning disturbed areas to pre-construction contours
- h. Soil decompaction and restoration
- i. Trench and hydrostatic test dewatering
- j. Neck-down of right-of-way and set-back of workspaces relative to wetland and water body crossings
- k. Appropriate dust control
- l. Placement of spoil piles relative to sensitive resources
- m. Horizontal directional drill monitoring and compliance observations in the event of a frac out
- n. Monitoring for maintenance and housekeeping along right-of-way
- o. Coordination and monitoring of any adverse weather land protection plans
- p. Monitoring of right-of-way restoration, reseeding and revegetation

In the event of a compliance concern by the public, landowners or a government agency, the compliance monitor will work with the company and contractor to develop corrective or mitigative measures and report the effectiveness of those measures to the Commission and Staff. As required by Condition 31 of HP14-002, and at least 30 days prior to construction, Dakota Access will file with the Commission a plan developed jointly with the third-party monitor which outlines the specific terms and conditions of the monitoring program.