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July 13, 2007

Mr. Patrick Fahn
Chief Engineer, Public Utilities Division
North Dakota Public Service Commission
600 East Blvd.
Bismarck, ND 58505-0480



RE: Enbridge Pipelines (North Dakota) LLC
Case No. PU-06-330
Trenton to Beaver Lodge Pipeline

Dear Mr. Fahn;

The purpose of this letter is twofold: 1) to request approval of tree and shrub mitigation specifications, and 2) to request Commission approval of a route deviation at cultural resource site 32WI84 at MP 29.8. Please note in the attached correspondence that the SHPO has concurred with this proposed deviation. Please also note in the attached correspondence that the SHPO has agreed with reducing the exclusion zones from 50 feet to 25 feet at cultural resource sites 32WI968 at MP 40.7 and 32WI957 at MP 42.2. If you have questions or require further information, please contact John Muehlhausen of Merjent, Inc., Enbridge's environmental consultant, at (612) 746-3661, or me at (715) 394-1572. Thank you for your continued assistance on this project.

Sincerely,
Enbridge Pipelines (North Dakota) LLC

A handwritten signature in cursive script that reads 'Kris Benson'.

Kris Benson
Environmental Analyst II, CHMM

cc: Brent Horton, Enbridge Pipelines (North Dakota) LLC
John Muehlhausen, Merjent, Inc.
Brian Bjella, Fleck, Mather & Strutz, Ltd.
Ty France, Rooney Engineering, Inc.

Attachments:
Tree and Shrub Mitigation Specifications
Minor Route Deviation at Milepost 29.8

ENBRIDGE PIPELINES (NORTH DAKOTA) LLC

TRENTON TO BEAVER LODGE LINE LOOP

Tree and Shrub Mitigation Specification

May 22, 2007

Inventory

1. 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.
2. In windbreaks and shelterbelts, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In non-windbreak and non-shelterbelt areas, trees anticipated to be cleared that are 1 inch diameter at breast height ("dbh") or greater shall be inventoried for replacement.
4. In non-windbreak and non-shelterbelt areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In non-windbreak and non-shelterbelt areas outside the permanent right-of-way, 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. Where topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.

Clearing

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

7. The width of clear cuts through woody areas shall be limited to 50 feet or less.
8. If the number of trees or shrubs actually cleared differs from the number inventoried, the difference shall be noted on the inventory.

Replacement

9. 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.
10. 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.
11. 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.
12. Tree and shrub replacement shall not be conducted within 25 feet of the pipeline(s) to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
13. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacement trees/shrubs to be planted at alternative locations.
14. 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.
15. Tree/shrub replacements shall be inspected once a year for three years, on about the anniversary of the plantings, and, 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.

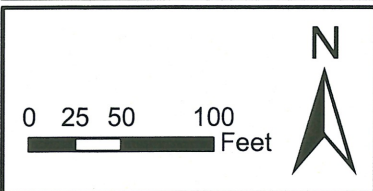
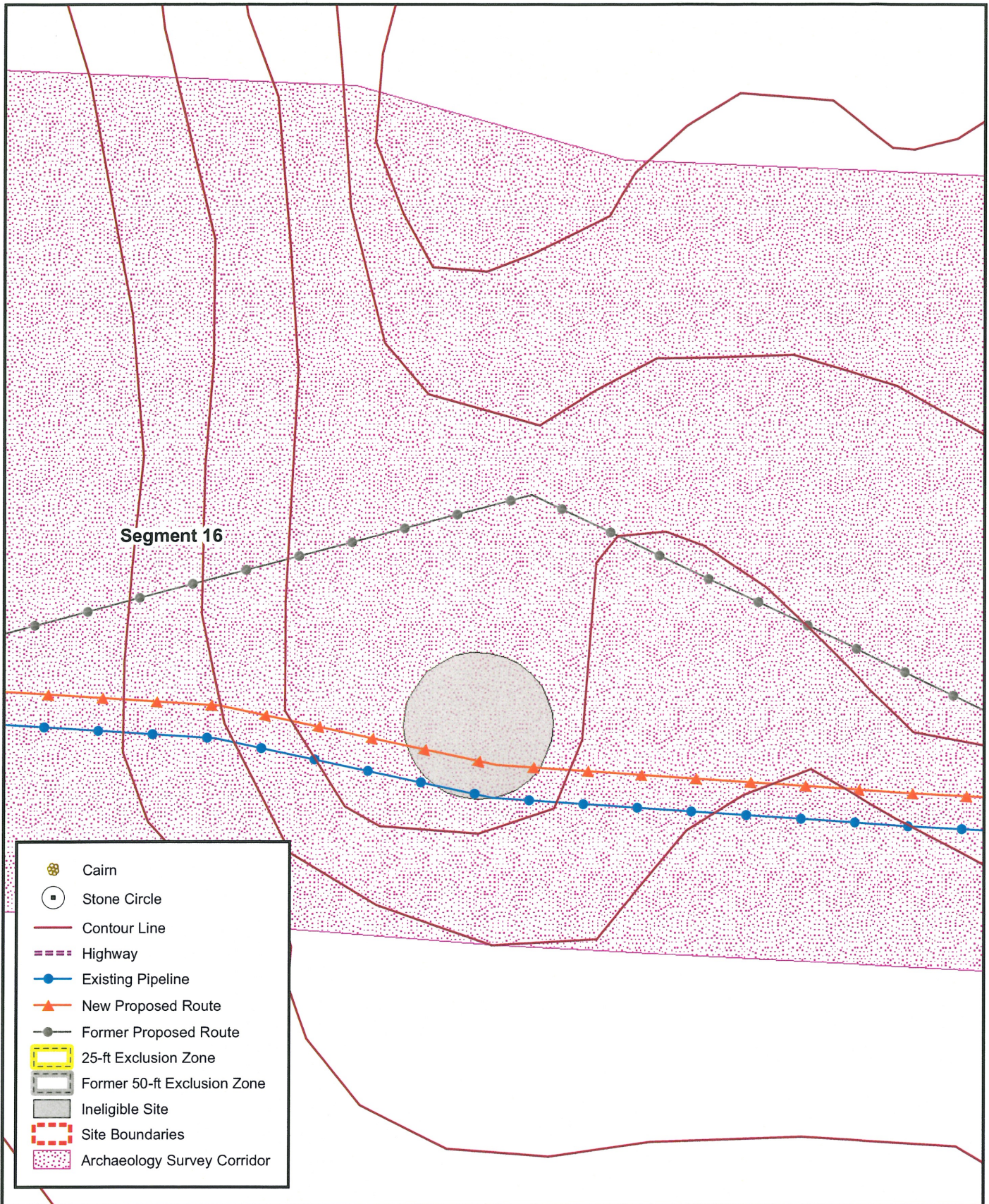
ENBRIDGE PIPELINES (NORTH DAKOTA) LLC

TRENTON TO BEAVER LODGE LINE LOOP

Minor Route Deviation at Mileposts 29.8

July 12, 2007

Enbridge is proposing to realign its pipeline at MP 29.8 from the route on file with the PSC to a route that would be offset 25 feet from the existing pipeline (see attached map). The original route was based on avoiding cultural resource site 32W184. Enbridge recently conducted archaeological fieldwork at this site and obtained concurrence from the North Dakota State Historic Preservation Office (“SHPO”) that the site is not eligible for listing on the National Register of Historic Places (“NRHP”) and does not need to be avoided (see attached correspondence).

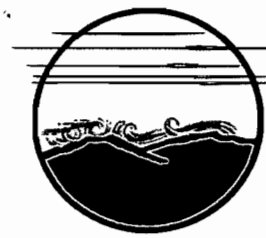


Enbridge Pipelines (North Dakota) L.L.C.
 Trenton to Beaver Lodge Line Loop
 Minor Route Variation Maps
 Site 32W184 Milepost 29.8



Revised: 7/11/2007





EARTHWORKS

ARCHAEOLOGY & ENVIRONMENTAL INVESTIGATIVE SERVICES

June 25, 2007

Mr. Paul Picha, Chief Archaeologist
State Historical Society of North Dakota
612 East Boulevard Ave
Bismarck, North Dakota 58505-0830

RE: NDSHPO Ref.: 06-0776e PSC/COE, Evaluative Testing Plan S-O-W for Site 32WI957
NDSHPO Ref.: 06-0776f PSC/COE, Evaluative Testing Plan S-O-W for Site 32WI84

Dear Mr. Picha,

Evaluative testing was conducted at sites 32WI957 and 32WI84 for the proposed Enbridge's Trenton to Beaver Lodge pipeline project. A single stone circle is located at 32WI957. Site 32WI84 consists of a stone circle and a partial stone arc paralleling the southeastern edge of the circle. Testing followed the evaluative testing plans submitted to, and approved by, the NDSHPO (Harty 2007a; Harty 2007b). In addition, Enbridge is requesting that the avoidance zone for site 32WI968, a single stone cairn, be reduced to a 25' radius around the feature. This will continue to allow placement of the new pipeline without impacts to the site by construction or testing.

The following provides brief discussions of the sites, testing methods, and the recommendations of EARTHWORKS. A formal report on the testing of the two sites and associated requests is being prepared and will be submitted to the NDSHPO at a later date.

Testing on site 32WI957 was completed on May 29, 2007. During testing, nine shovel test probes and one 1 m x 1 m test unit were excavated. Four shovel test probes were excavated outside of the stone circle, and five were excavated within the feature as per the SOW submitted by Harty (2007a). One shovel test probe (STP 7) recovered one utilized flake, and the central shovel test probe (STP 9) contained a small amount of charcoal and soil staining that appeared to be a potential feature.

A 1 m by 1 m test unit was excavated over the area of STP 9. Additional cultural material began to appear below approximately 3 cmbs, and a feature was identified in the lower portion of Level 1 and in Level 2. Bone fragments, charcoal, and lithic debris were observed within the feature. The feature was excavated separately, with all fill being placed into paper bags for further processing in the EARTHWORKS laboratory. While the feature fill has not yet been processed, approximately 30 pieces of highly fragmented unburned, burned, and calcined bone were identified within the feature.

Approximately 50 pieces of lithic debitage were recovered, with approximately 90% being of Swan River chert. Approximately 30% of the debitage appears to represent the early stages of core reduction. No pottery or temporally diagnostic artifacts were recovered during the course of testing at site 32WI957, but datable material from the central feature was recovered.

Following testing of the stone circle, EARTHWORKS personnel walked over the landform again to locate and identify any additional cultural materials. None were observed. EARTHWORKS did, however, note that the landform on which the site lies has been modified. A previous pipeline installation is present approximately 40' from the edge of the stone circle. The area of the landform between the stone circle and the edge of the previous pipeline installation contains heavy gravels with little deposition and a very low potential for additional cultural material. A mounding of sediment is located immediately to the west of the initial pipeline installation (possibly from the previous construction effort). An improved two-track road is present approximately 40' east of the stone circle.

The portion of the landform on which the site lies retains some physical and spatial integrity. The landform between the stone circle and existing pipeline, however, has been previously impacted by pipeline construction and is a poor preservation environment. The site contains a well-defined, intact stone circle that can be directly associated with datable material. Because of the limited number of stone circle sites with datable material and the presence of a central feature EARTHWORKS recommends the site as *eligible* for the National Register of Historic Places under Criterion D. After speaking with Dan Timm, a consultant working for Enbridge Pipelines, it is EARTHWORKS' understanding that the proposed pipeline construction zone will lie 66' from the outer edge of the stone circle. This places the construction zone within the disturbed area of the landform but also in the previously recommended avoidance zone. EARTHWORKS recommends that the avoidance zone be reduced to 25' around the stone circle. This should allow Enbridge to construct the pipeline and avoid the site area.

Testing on site 32WI84 was conducted on June 12, 13, and 14, 2007. The site consists of a single stone circle with a short arc of rocks running along the outer edge of the feature's southeastern side. During testing, 38 shovel test probes and one 1 m by 1 m test excavation unit were excavated. Five shovel test probes were excavated inside the stone circle and four were excavated approximately 1 m outside the stone circle. The remaining 29 shovel test probes were excavated in north-south and east-west lines across the landform as per the SOW submitted by Harty (2007b). No cultural materials were recovered from the shovel test probes.

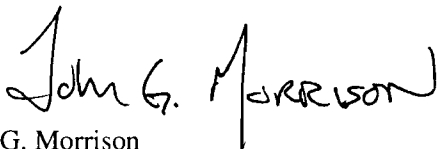
The 1 m by 1 m test unit was placed so that its eastern portion straddled the southeastern wall of the stone circle and extended into the void between the stone circle's wall and the wall of the stone arc. The test unit was excavated in two levels, with bedrock and calcium carbonate-encrusted gravels being exposed throughout the floor and lower 3 to 10 cm of Level 2.

Two Knife River flint flakes were recovered from Level 1 of the test unit. No cultural materials were recovered from level 2 or the 10 liter water screen samples collected from each level of the test unit.

It is the recommendation of EARTHWORKS that site 32WI84 is *not eligible* for the National Register of Historic Places with no further research or avoidance necessary.

EARTHWORKS respectfully requests that the NDSHPO provide comments on the recommendations that site 32WI957 is *eligible* for the National Register of Historic Places, but will be avoided by the proposed pipeline project if the guidelines described in this letter report are followed, and that site 32WI84 is *not eligible* for the National Register of Historic Places and need not be avoided by the proposed undertaking, and that the avoidance zone for 32WI968 may be reduced to a 25' radius around the stone feature at the site for the construction phase of the pipeline project. Provided that sites 32WI957 and 32WI968 are avoided, EARTHWORKS recommends a finding of *No Historic Properties Affected* for the proposed undertaking.

Sincerely,



John G. Morrison
Operating Director/Principal Investigator

References Cited

Harty, Jennifer L.

2007a *Evaluative Testing Plan for Site 32WI957 in Williams County, North Dakota.* NDSHPO Reference No. 06-0776e. Prepared by EARTHWORKS, Inc., Bismarck, North Dakota.

2007b *Evaluative Testing Plan for Site 32WI84 in Williams County, North Dakota.* NDSHPO Reference No. 06-0776e. EARTHWORKS, Inc., Bismarck, North Dakota.



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

June 28, 2007

North Dakota
State Historical Board

Kris H. Benson
Environmental Analyst II
Enbridge Pipelines LLC
119 N 25th Street East
Superior, WI 54880

Marvin L. Kaiser
Williston - President

**NDSHPO REF. : 06-0776g PSC/COE Enbridge/Merjent Pipeline
Letter report of NRHP evaluations and cultural resource recommendations
for Sites 32WI84, 32WI957, and 32WI968**

Albert I. Berger
Grand Forks - Vice President

Chester E. Nelson, Jr.
Bismarck - Secretary

Dear Kris:

Gereld Gerntholz
Valley City

A. Ruric Todd III
Jamestown

We have reviewed project correspondence: "Enbridge Pipelines (North Dakota) LLC, North Dakota Pipeline Expansion Project: Letter report of NRHP evaluations and cultural resource recommendations for Sites 32WI84, 32WI957, and 32WI968, Williams County, North Dakota," prepared by John G. Morrison (Earthworks, June 25, 2007), and find it acceptable. Also, we have previously concurred with scope and scale of the proposed investigations for NRHP evaluations at of the two aforementioned sites, as indicated.

Diane K. Larson
Bismarck

John E. Von Rueden
Bismarck

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director
Parks and Recreation
Department

If consulted by a federal agency, we concur that *site 32WI957 is significant and is eligible* for listing in the National Register of Historic Places. Likewise, if consulted by a federal agency, we concur that *site 32WI84 is not significant and is not NRHP eligible*. Lastly, we concur with a **"No Historic Properties Affected"** determination provided the project is of the nature stated and that recommended stipulations, as outlined in 6/25/07 correspondence, are followed.

Francis Ziegler
Director
Department of
Transportation

Finally, we look forward to reviewing the final report covering the investigations at 32WI84 and 32WI957. Thank you for the opportunity to review the project. If you have questions please contact Paul Picha at (701) 328-3574.

Merlan E. Paaverud, Jr.
Director

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and

Director, State Historical Society of North Dakota
c: Patrick Fahn, ND PSC
✓ c: John G. Morrison, Earthworks

Accredited by the
American Association
of Museums