

RECEIVED

MAY 20 2008

NORTH DAKOTA PUBLIC SERVICE COMMISSION
INFORMAL HEARING
May 21, 2008

PUBLIC SERVICE COMMISSION

TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent
Counties
Siting Application

Case No. PU-06-421

**TREE AND SHRUB SAMPLING PLAN, STREAM CROSSING METHODS, and EXTRA
WORKSPACE IN FORESTED AREAS:**

On April 7, 2008 TransCanada filed for approval of a tree and shrub sampling plan, approval of route construction methods at stream crossings, and approval of extra workspace in certain forested locations. (docket #400). At its May 1, 2008 Informal Hearing the Commission discussed these matters and requested that TransCanada (1) add language to the tree and shrub sampling plan that will ensure the samples taken will properly representative of the trees and shrubs along the route (docket #464), (2) provide a copy of the correspondence showing the U.S. Forest Service has concurred with TransCanada's tree and shrub sampling plan (docket #438), and (3) revise its requests for additional temporary workspace at stream crossings so that spoil is not placed on stream banks with 12 percent or greater slope (docket #___). At the Commission's May 13, 2008 Informal Hearing, TransCanada indicated it would file an amended steam crossing/work space proposal for the stream crossing where landowner Johansen has requested a route change; and would file an amended steam crossing/work space proposal for the stream crossing where landowner Sundvor has requested a route change (also in docket #___).

TransCanada has incorporated in its tree and shrub sampling plan the language suggested by Commission Reclamation Division staff to ensure the samples taken will properly representative of the trees and shrubs along the route. The Commission's February 21, 2008 order states that the sampling plan is to be filed with the Commission and approved **prior to the start of construction**. TransCanada's language states that the sampling plan would be filed with the Commission for approval **prior to the implementation of the sampling methodology**. Also note the difference between "filed with the Commission **for approval** prior to" and "filed with the Commission **and approved** prior to." Also note that use of the word "**will**" in the proposed plan has been changed in all instances to "**would**."

TransCanada indicates that a waiver of the 500' avoidance rule regarding a residence will need to be obtained from a landowner at the south end of the refined route for Belanus.

STAFF RECOMMENDATION: The Commission has not received TransCanada's responses for item (3) or the amended routes filings for Johansen and Sundvor.

49 ROUTE REFINEMENTS:

On April 7, 2008 TransCanada filed for approval of 49 route refinements (docket #399). The Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing on April 16, 2008. As of the May 19 deadline, no comments or requests for hearing were received. 5 of the changes are related to clearance from residences, 5 of the changes are related to the location of a pump station, 9 of the changes are related to the location of a valve, 12 of the changes are related to stream crossings, 2 of the changes are related to cultural sites, 7 of the changes are related to landowner requests, 6 of the changes are related to wetland easements, 2 of the changes are related to various obstacles along the route, 1 of the changes is related to pipeline design.

STAFF RECOMMENDATION: Staff recommends approval.

PJF