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PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
Darrell Nitschke
Executive Secretary
600 E. Boulevard Avenue Dept. 408
Bismarck, ND 58505-0489

Re: Case No. PU-07-600 Contract No. PU-599-10

Dear Mr. Nitschke,

The State of North Dakota, acting through its North Dakota Public Service Commission (NDPSC), Division of Public Utilities, has engaged Keitu Engineers & Consultants, Inc. to perform consulting services for post-construction siting inspections. A final report was sent to you electronically via email. Enclosed is an original and copy of the final report for the post-construction inspection of Case No. PU-07-600.

The Executive Summary identifies items that still need attention by the Commission staff and siting applicant to ensure that the facilities for the project have been constructed in compliance with items identified by the ND Public Service Commission. Once these items are addressed, the Commission can act on final closeout of the construction phase of the project.

Should Commission staff or the NDPSC have any questions, please contact me for assistance.

Sincerely,

Timothy Spilman
Project Manager

Enclosures

Enbridge Pipelines (North Dakota) LLC 8-Inch Crude Petroleum Pipeline Reroute- Williams County, ND

Prepared by Timothy Spilman, Project Manager, Keitu Engineering & Consultants, Inc.
Final Report

Executive Summary

On August 9, 2007 Enbridge Pipelines (North Dakota) LLC (Enbridge) filed a consolidated letter of intent, an application for waiver of procedures and time schedules, and an application to amend an existing route permit. Enbridge replaced approximately 1600 feet of existing 8-inch crude petroleum products pipeline with approximately 2100 feet of new pipeline rerouted to go outside the school yard of Garden Valley Elementary School in the S1/2 of Section 36, Township 156 North, Range 101 West, Williams County, North Dakota. This post construction report is to help the Commission with verification that Order's set for by them are completed by Enbridge. This post construction report addressed the Orders in case file PU-07-600.

On August 6, 2007, Merjent, Inc. of behalf of Enbridge sent an e-mail (Docket #01 to Ms. Illona Jeffcoat-Sacco of the PSC). This letter was also part of the Consolidated Letter of Intent and Application of Enbridge Pipelines (North Dakota) LLC (docket #2). On page 3, under Human Health and Safety, Enbridge was to meet with school administrators to inform them of the project and associated potential hazards; install a temporary fence and warning signs between the school and the work area during construction should Enbridge not complete the pipeline construction during the summer before the school started. They were also to implement a safety watch on school days during active construction and control dust by watering the construction work area near the school where dust is creating a nuisance. Enbridge started construction on the week of October 15, 2007 and constructed the pipeline reroute while school was in session. Review of the case file found no records that any of the Human Health and Safety issues were followed or occurred as described in the email letter. Verification that Health and Safety issues were followed while construction occurred should be provided for part of completion of Order #5.

The project was constructed on State Management Areas of the ND Lands Department. An easement to construct the reroute had to be part of the project and should have been obtained prior to construction. No record of the land easement was found in case file PU-07-600. Enbridge should provide the Commission a copy of the easement as part of completion of Order #5.

The reroute occurred on the Board of University and School Lands of the State of North Dakota. The only residence, school, or place of business within 500 feet was the Garden Valley Elementary School. In the Letter of Intent/Application for Waiver of Procedures & Time Schedules & Amended (Docket #02) on page 6/13 in the first paragraph last sentence under Justification; Enbridge was in the process of obtaining an agreement from the school board of the



PU-07-600 Post-Construction Report
Enbridge Pipeline (North Dakota) LLC
8-inch Crude Petroleum Pipeline Reroute
June 10, 2011

New Public School District #8 approving this reroute and reconstruction of this eight-inch pipeline. No record of a written waiver from the school board was found in the case file PU-07-600. Enbridge should provide the Commission a copy of the waiver to complete Order # 6.

No record was found in the case file as to when the pipeline was placed back in service. Enbridge should provide the Commission with the date the pipeline reroute was placed back in service as part of completion of Order #8.

The pipeline was hydro tested upon completion to establish a Maximum Operating Pressure based on the weekly construction progress report of November 12th, 2007. Passing the pressure test insures that no irreparable damage occurred on the pipeline during construction. A written record of the hydro test should be requested from Enbridge by the Commission to complete Order #13.

On September 21, 2006 the State Historic Preservation Office authored a letter (Docket #16) to Enbridge Pipelines (North Dakota) LLC concurring that a "No Historic Properties Affected" determination for the Trenton to Beaver Lodge Loop Line PU-06-330 line. This line parallels the PU-07-600 reroute around the school. Both pipelines are within the same corridor and 100 feet route right of way (ROW). Brian Bjella of Fleck, Mather & Strutz, LTD representing Enbridge submitted the SHPO letter to Pat Fahn on September 19, 2007 as evidence of SHPO Clearance via email (Docket #16). No documentation that clearance to proceed with Case No. PU-07-600 was found in the case file. However, evidence of a paralleling pipeline within the construction ROW from case file PU-06-330 does provide evidence for Order #14 that "No Historical Properties Affected" due to construction of this pipeline reroute.

On February 29, 2008 Ty France, project manager-Rooney Engineering, Inc., on behalf of Enbridge sent as-built drawings (docket #30) of the reroute around Garden Valley School in Williams County, ND. Construction was complete the week of November 12, 2007 according to the weekly construction progress reports. The pipeline location as built information was not provided within 3 months of the completion of construction as required in Order #21.

During the PSC inspection of June 8, 2011, four marker posts labeled "WARNING High Pressure Petroleum Pipeline" were located within the school grounds. These posts were still remaining after the retirement of the original pipeline through the school yard. Enbridge should remove these four posts as the pipeline on the school yards are now retired in place. Once written verification that the posts are removed, Order # 22 would be completed.

Enbridge Pipelines (North Dakota) LLC has complied with all other Order requests of the Commission.



Preliminary Statement

On August 9, 2007 Enbridge Pipelines (North Dakota) LLC (Enbridge) filed a consolidated letter of intent, an application for waiver of procedures and time schedules, and an application to amend an existing route permit. Enbridge replaced approximately 1600 feet of existing 8-inch crude petroleum products pipeline with approximately 2100 feet of new pipeline rerouted to go outside the school yard of Garden Valley Elementary School in the S1/2 of Section 36, Township 156 North, Range 101 West, Williams County, North Dakota. The existing line was constructed by Portal Pipe Line Company under Corridor Certificate No. 40 and Route Permit No. 49 granted by the Commission's October 11, 1983 order in Case No. 10,472. Enbridge has succeeded to the interest of Portal Pipe Line Company.

The State of North Dakota, acting through its North Dakota Public Service Commission (NDPSC), Division of Public Utilities, has engaged Keitu Engineers & Consultants, Inc. to perform consulting services for post-construction siting inspections. This report addresses the Orders established by the NDPSC and issues established in case file PU-07-600.

The Commission orders:

- 1. Enbridge Pipelines (North Dakota) LLC's application for a waiver of procedures and time schedules is granted.**

Enbridge Pipelines (North Dakota) LLC ("Enbridge") notified the Commission of its request for deviation from pipeline route (Docket #1). This request for deviation constituted Enbridge's request for relocation of the 8" crude oil pipeline. In the Enbridge's letter of Intent/ Applications and Time Schedules for an amended Certificate of Corridor Compatibility/Route Permit to the Commission on 08-09-07 (Docket #2), they spelled out 6 request items. Enbridge requested: 1) Waive the separate filing of the Letter of Intent and the 1 year time period, 2) Waive separate filings of such applications, hearings on such applications and certain time schedules as set forth in statutes and rules, 3) Not hold a public hearing on this application. Publish a notice of opportunity for hearing, 4) Find proposed facility is of such length, design, location and purpose, 5) Provide notice for hearing that request for hearing be made in not more than 10 days, 6) Designate and approve amended route and issue amended route permit. On August 23, 2007, the Commission acknowledged Enbridge Pipeline (ND) LLC letter of intent and waived the waiting period for a filing siting application (Docket #11). The Commission granted waiver of all items with the issuing of the Second Amended Certificate of Corridor Compatibility (Docket #19) and the Second Amended Route Permit (Docket #18) on September 19, 2007. Order #1 is completed.



- 2. Enbridge Pipelines (North Dakota) LLC is issued Second Amended Certificate of Corridor Compatibility Number 40 and Second Amended Route Permit Number 49 to construct a pipeline to go outside of the schoolyard of the Garden Valley Elementary School in the S1/2 of Section 36, Township 156 North, Range 101 West, Williams County, North Dakota.**

The Commission issued a Second Amended Certificate of Corridor Compatibility (Docket #19) and the Second Amended Route Permit (Docket #18) on September 19, 2007. Order #2 is completed.

- 3. Enbridge shall obtain approval from the Commission or Commission Staff prior to any changes or deviations to the pipeline reroute.**

Based on review of the proposed route (Exhibit A of the application-Docket #02 Page 13) and the as-built drawings (Docket #30), no changes or deviations were made to the pipeline route. Order #3 is completed.

- 4. Second Amended Certificate of Corridor Compatibility Number 40 and Second Amended Route Permit Number 49 are effective for the life of the pipeline but are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.**

The original Corridor Certificate #40 and Route Permit #49 were issued on October 13, 1998. The first amended Certificate of Corridor Compatibility and first amended Route Permit were issued on July 28, 2005 (PU-05-274). This order gives the Commission future ability to additional modification if deemed necessary to protect the public or the environment. Case file PU-07-600 does not contain any information that the Commission should deemed necessary to modify the second amended Certificate of Corridor Compatibility (Number #40) and second amended Route Permit (Number #49) of September 19, 2007. Order #4 at current time does not require modification.

- 5. Enbridge shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed project, and shall obtain all other necessary licenses and permits, and shall provide copies to the Commission prior to any construction.**

This project was less than 5 acres of land surface. Some agencies do not comment or implement rules and regulations for projects of this small of size.

On August 6, 2007, Merjent, Inc. of behalf of Enbridge sent an e-mail (Docket #01 to Ms. Illona Jeffcoat-Sacco of the PSC). This letter was also part of the Consolidated Letter of Intent and Application of Enbridge Pipelines (North Dakota) LLC (docket #2). On page 3, under Human



Health and Safety, Enbridge was to meet with school administrators to inform them of the project and associated potential hazards; install a temporary fence and warning signs between the school and the work area during construction should Enbridge not complete the pipeline construction during the summer before the school started. They were also to implement a safety watch on school days during active construction and control dust by watering the construction work area near the school where dust is creating a nuisance. Enbridge started construction on the week of October 15, 2007 and constructed the pipeline reroute while school was in session. Review of the case file found no records that any of the Human Health and Safety issues were followed or occurred as described in the email letter. Verification that Health and Safety issues were followed while construction occurred should be provided for part of completion of Order #5.

Application for corridor certificate and route permit for a pipeline or pipeline reroute usually identify correspondence and conditional approvals of agencies such as the US Army Corp of Engineers (COE), US Fish and Wildlife Service (USFWS), ND Natural Conservation Service, NDSHPO, ND Game and Fish Department, ND Parks and Recreation Department, ND lands Department, and ND Health Department. The only agency documentation that was part of the case file PU-07-600 was the NDSHPO. Order #14 discusses SHPO concerns.

Dennis Froemke of the Natural Resource Conservation Service (NRCS) was contacted about weeds and replanting issues by the environmental inspector. Recommendation for revegetation about weeds and replanting were given (docket #32).

No water or wetland crossings were required on this project. The COE usually has involvement when a water crossing or wetlands are involved in the route of the pipeline. COE correspondence is not required.

The US Fish and Wildlife Service (USFWS) usually assesses that the project will not affect federally-listed species. The USFWS correspondence would have informed Enbridge of Whooping Crain migration in the fall. If the Whooping Crain would stop over and habitat on the ROW during migration, construction is to pull off the area until the bird or birds moves on. The USFWS will also evaluate waterfowl production lands that are crossed by an oil pipeline. This project did not have any waterfowl production lands. It is unlikely that the Whooping Crain would stop over and habitat on the ROW since it is a public school playground and surrounding area.

The North Dakota Game and Fish Department usually reviewed this project for wildlife concerns and issued a letter stating that it did not believe this project would have any significant adverse effects on wildlife or wildlife habitat, including rare or priority species, provided best management practices were implemented. They would also consider the reroute to make sure no alterations should be made to existing drainage patterns. It is unlikely that wildlife concerns would occur on the ROW since it is a public school playground and surrounding area.

The North Dakota Parks & Recreation usually reviews a project proposal. Their agency scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities. They normally issue a letter of comment on a proposed project stating that the project does not affect state park lands that we they manage or Land and Water



Conservation Fund recreation projects that they coordinate. Part of their letter recommends that any impacted areas be revegetated with species native to the project area. It is unlikely that rare species and ecological communities would occur on the ROW since it is a public school playground and surrounding area.

The project was constructed on State Management Areas of the ND Lands Department. An easement to construct the reroute had to be part of the project and should have been obtained prior to construction. No record of the land easement was found in case file PU-07-600. Enbridge should provide the Commission a copy of the easement as part of completion of Order #5.

The ND Health Department usually reviews the project concerning respect to possible environmental impacts. They normally consider:

- a. Reduction of dust emissions. The August 6, 2007 (docket #1, page 6/10) from the environmental firm representing Enbridge mentioned dust control would be done by watering the construction area.
- b. Care is to be taken during construction activity near any water of the State to minimize adverse effects on the water. Water crossing or stream beds and banks are to the north of the reroute. The pipeline reroute decreases 14 feet in elevation from the west side of the reroute to the east side. Natural runoff would be toward the east away from the stream beds to the north of the area.
- c. Mitigation measures that should be followed to minimize impacts on wetlands. No wetlands were crossed on this project. Runoff flow of the pipeline ROW is to the east not toward existing wetlands to the north.
- d. Records of spills of oil and grease. No documentation of oil or grease spills was found in case file No. PU-07-600 documentation.
- e. Project was less than 5 acres (4.8 acres) of surface.
- f. Noise sensitive land issues during construction and after construction. Noise issues and mitigation measures were spelled out for the project in the environmental consultant's letter of August 6, 2007 to the Executive Secretary of the Commission (Docket #1 and in #2). Levels were acceptable.

The ND Health Department would also evaluate that the project is designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants from the site. The project was considered a small project and took 5 weeks to construct. The project was constructed in the fall of the year. Loss or disturbances of soil, vegetative cover, and pollutants from the site were minimum based on the post construction field inspection and aerial images on Google Earth.

Exclusion areas included national and state parks; national and state historic sites; nature preserves; and recreational areas. The August 6, 2007 letter of environmental consultant Merjent, Inc. (docket #1) stated that a review of the project did not identify any exclusion areas with the study corridor or along the proposed route.



- 6. Enbridge shall obtain written waivers from affected landowners for location of the pipeline within 500 feet of a residence, school, or place of business prior to any construction in those areas.**

The reroute occurred on the Board of University and School Lands of the State of North Dakota. The only residence, school, or place of business within 500 feet was the Garden Valley Elementary School. In the Letter of Intent/Application for Waiver of Procedures & Time Schedules & Amended (Docket #02) on page 6/13 in the first paragraph last sentence under Justification; Enbridge was in the process of obtaining an agreement from the school board of the New Public School District #8 approving this reroute and reconstruction of this eight-inch pipeline. No record of a written waiver from the school board was found in the case file PU-07-600. Enbridge should provide the Commission a copy of the waiver to complete Order # 6.

- 7. Enbridge shall conduct a preconstruction conference to be held prior to the commencement of any construction. The conference must include an Enbridge representative, Enbridge's construction supervisor, and Commission staff, to ensure that Enbridge fully understands the conditions set forth in this order.**

On October 12, 2007 a pre-construction conference (Docket #22) was held (by conference call). In attendance were Keith Voigt (Construction Coordinator of Enbridge), Ty France (Rooney Engineering, Inc. – Project Manager), Nancy Opdahl (Pro Source Technologies, Inc. – Right of Way agent), John Muehlhausen (Merjent, Inc. – Permitting Specialist), and Eric Hansen (Merjent, Inc. – Environmental Inspector), and Pat Fahn (ND PSC).

The conference included a review of the Order's ordering clauses, the penalty provisions NDCC 49-22-21, and a question and answer period. Order #7 is completed.

- 8. Enbridge shall inform the Commission of the date construction will start just prior to the commencement of construction; report to the Commission on the date construction is started; and, once construction has started, shall keep the Commission updated on construction activities on a weekly basis.**

On Friday October 12th, 2007, Ty France (Rooney Engineering, Inc. – Project Manager) informed Pat Fahn with the Commission via email (Docket #23) that Enbridge will commence construction activities 10/15/07 on the 8" reroute around the Garden Valley School and that Enbridge would provided weekly updates starting the week of October 15th.

Weekly Construction Progress Reports (Docket #24-29) were provided to the Commission on a regular weekly basis. No record was found in the case file PU-07-600 as to when the pipeline was placed back in service. The Commission should request the date the pipeline reroute was placed back in service as part of completion of Order #8.



- 9. The pipeline must be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in rangeland, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.**

The pipeline was to be constructed in rangeland land area. Depths of a minimum of 48 inches are required to the top of the pipe. During the post construction inspection, Keitu Engineering & Consultants verified minimum pipe depth rangeland. Order #9 is completed.

- 10. All crossings of graded roads must be bored unless the responsible governing agency specifically permits Enbridge to open cut the road.**

The 2,100 feet reroute does not cross any roads. Therefore, no road crossing permits were required or boring of the roads. The reroute is located north of County Road No. 8 and east of ND Highway No. 2 & 85. Order #10 has been completed.

- 11. The width of the clear cuts through any wooded areas and shelterbelts must be kept at a maximum of 50 feet unless otherwise approved by the Commission.**

The 2,100 feet reroute avoided all trees and wooded areas. Therefore, no trees cuts were made. Order #11 has been completed.

- 12. Enbridge shall promptly report to the Commission the presence in the reroute of any critical habitat of threatened or endangered species, or of bald or golden eagles that Enbridge becomes aware of and that were not previously reported to the Commission.**

In the Merjent, Inc. environmental analysis letter (docket #01 Exhibit B), the Consultants determined that endangered species are not known to frequent the area. In the affidavit of application support, Brent Horton (Docket #14) of Enbridge Pipelines (North Dakota) LLC, item 5 (g) Enbridge understood and agreed that it shall promptly report to the Commission the presence in the permit area of any critical habitat of threatened or endangered species, or of bald or golden eagles that Enbridge becomes aware of during construction. A review of the weekly construction progress reports (docket #25-29) did not note any critical habitat in the area during construction. No report of any critical habitat of threatened or endangered species, or of bald or golden eagle's notification to the Commission was found in case file PU-07-600. Therefore, Order # 12 is completed.

- 13. Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.**

The Enbridge reroute was constructed in October and November of 2007. Construction began on October 15th, 2007 with final clean up being completed the week of November 12th, 2007.



Weekly Construction Reports (Docket #24-29) had no documentation of construction suspended due to weather conditions. Weather conditions did not require the construction to be suspended on this project. The pipeline was hydro tested upon completion to establish a Maximum Operating Pressure based on the weekly construction progress report of November 12th, 2007. Passing the pressure test insures that no irreparable damage occurred on the pipeline during construction. A written record of the hydro test should be requested from Enbridge by the Commission to complete Order #13. A letter can be submitted with a summary of description what was tested, actual pressure, length of time tests occurred, final pressure, and dates. The letter should state that all new materials and equipment was tested and has proper pressure rating.

- 14. All cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office (SHPO) and approved by the SHPO prior to the start of any fieldwork or construction activity. If any cultural resource, paleontological resource, archeological resource, historical resource, or gravesite is discovered during construction of the facility, earth disturbing activities in the immediate vicinity of the discovery must be halted. The resource must be marked, preserved and protected from any further disturbance until a professional examination can be made in consultation with the SHPO. A report of such examination must be filed with the SHPO and the Commission. Clearance to proceed must be given by the SHPO and the Commission.**

In the Request for Deviation from Pipeline Route (docket #1), paragraph 6 mentions that the location of the 8 inch pipeline through the school yard was discussed in detail by the Commission at the hearing held August 28, 2006, in Williston, North Dakota, in Case No. PU-06-330. In paragraph 8 it discusses that Enbridge's Environmental Consultant testified at the hearing in Case No. PU-06-330. He testified and authored in his report that there are no exclusion areas and that the only relevant avoidance area is the school itself. He further noted that there are no cultural resource sites identified in the area of relocation of the proposed pipeline. He further noted that as the 8 inch pipeline is proposed to be placed adjacent to the new 10-inch pipeline currently being constructed, that the area of the pipeline construction has been thoroughly studied for cultural resources and none were found.

On September 21, 2006 the State Historic Preservation Office authored a letter (Docket #16) to Enbridge Pipelines (North Dakota) LLC concurring that a "No Historic Properties Affected" determination for the Trenton to Beaver Lodge Loop Line PU-06-330 line. This line parallels the PU-07-600 reroute around the school. Both pipelines are within the same Corridor and 100 feet route Right of Way. Brian Bjella of Fleck, Mather & Strutz, LTD representing Enbridge submitted the SHPO letter to Pat Fahn on September 19, 2007 as evidence of SHPO Clearance via email (Docket #16). Docket #16 is sufficient evidence that the cultural resources inventory in the area of the pipeline were submitted to the North Dakota State Historic Preservation Office. No documentation that clearance to proceed with Case No. PU-07-600 was found in the case file. However, evidence of a paralleling pipeline within the construction ROW from Case No. PU-06-330 does provide evidence for Order #14 that "No Historical Properties Affected" due to construction of this pipeline reroute.



- 15. During construction, at least 12 inches of topsoil, where available (or topsoil to the depth of cultivation, whichever is greater), over and along trench areas where cuts will be made, must be stripped and segregated from subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must then be replaced over areas from which it was stripped only after the subsoil is replaced.**

In the affidavit of application support, Brent Horton (Docket #14) of Enbridge Pipelines (North Dakota) LLC, item 5 (i) Enbridge understood and agreed that at least 12 inches of topsoil, where available, will be stripped and segregated from subsoil. Any area on which excavated subsoil will be placed must first be stripped of topsoil. After backfilling with subsoil, any excess subsoil will be placed over the excavation area, blending the grade into existing topography. This method was also discussed in the pre construction conference as the conference included a review of the order's ordering clauses, the penalty provisions NDCC 49-22-21, and a question and answer period.

Using Google Earth 2011 with an image of 6/22/2009, the right of way is clearly evident that topsoil must have been pulled off to the edges. A grader is normally used to blade the topsoil to the edges. In weekly construction progress report for October 15, 2007 (Docket #25), the description identified grading/stripping as 100% complete. The excavated subsoil is placed 18 inches to the side or sides of the pipeline trench. Should topsoil be more than 12", the ditch line topsoil was kept separate than the subsoil. In the weekly construction progress report of October 15, 2007 (Docket #25), the description identified ditch 90% complete. After pipe installation, the subsoil is placed back in the hole with proper compaction occurring using a track hole or a grader. A grader is used to pull the top soil off the ROW edges and ditch line piles and spread it back across the construction ROW to the existing topography. In the weekly construction progress report of November 12, 2007 (Docket #29), the description identified backfilling and ROW cleanup 100% complete. A site inspection verified that the top soil was spread to the topography. Order #15 is completed.

- 16. Reclamation and clean-up along the right-of-way must be continuous and coordinated with ongoing construction.**

Construction began the week of October 15, 2007 and was finished the week of November 12, 2007. Weekly construction progress reports showed 50% of the right of way (ROW) cleanup completed the week of November 5th, 2007. ROW Cleanup was 100% complete the week of November 12th, 2007. This short reroute was a 5 week construction project. Two weeks were used to complete cleanup after backfill of the trench occurred. This is acceptable as being continuous and coordinated with ongoing construction. Order #16 is completed.



- 17. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads during construction must be restored to their original condition.**

Enbridge used existing public roads to access the construction right-of-way and did not need to modify roads or create new access roads. No temporary roads were required. Original roads looked the same as prior to construction using Google Earth aerial images. Order #17 is completed.

- 18. Reclamation, fertilization and reseeded must be done by Enbridge according to the Natural Resource Conservation Service unless otherwise specified by the landowner and approved by the Commission.**

ROW cleanup was completed the week of November 12th, 2007 (Docket #29). Final reseeded started on 4-28-08 and finished on 5-6-08 (Docket #31). On October 22, 2008 Merjent, Inc. sent a letter with a report on route restoration and revegetation status (Docket #32) to Pat Fahn (ND PSC) on behalf of Enbridge. On August 16-19, 2008 an environmental inspector did a revegetation assessment on the pipeline right of way. He had judged the road/borrow ditches acceptable. Tract 43 of land had the reroute ROW in it. The inspector determined a 90 to 100 % grass growth rate with grass height of 15" and good vigor. In the comments section, a few small thin spots were mentioned. No weed control or re-seeding was recommended. Fertilization was mentioned to have occurred.

Dennis Froemke of the Natural Resource Conservation Service (NRCS) was contacted about weeds and replanting issues by the environmental inspector. Recommendation for revegetation about weeds and replanting were given.

A Google Earth aerial image review of the site latitude 48° 17' 8.58" N longitude 103° 37' 9.21" W on 7-29-2005 was compared to an aerial image of June 22, 2009. The ROW of the pipeline reroute was very evident in the 2009 photo as grass was absent and the ROW grass lacked green vigor compared to the grass outside the ROW. Moisture levels were less than normal. A post construction field inspection on June 8, 2011 identified grass growing satisfactory. Based on the environmental inspector's recommendation that no weed control or re-seeding was required and the field inspection, Order # 18 is completed.



- 19. Trees or other woody vegetation must be replaced with saplings that are two or more years old at a rate of two for every one removed. 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 Enbridge to plant the replacement trees/shrubs elsewhere. All effected trees and shrubs must be quantified before construction activity. Enbridge shall record, and file with the Commission, the number and variety of replacement tree and shrub plantings, the specific planting area(s) and the dates of the plantings. Enbridge shall inspect tree replacements once a year for three years, on the anniversary of the plantings, and send a report on or shortly before October 1 of each year to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75%.**

The 2,100 feet reroute avoided all trees and wooded areas. Therefore, no trees or wooded vegetation was required to be replaced. Order # 19 is therefore completed.

- 20. Enbridge shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed transmission facility.**

On June 30, 2008 Pat Fahn of the ND PSC received an email about final seeding progress report (docket #31) from Ty France, project manager-Rooney Engineering, Inc., on behalf of Enbridge. The letter stated that fencing started on 4-28-08 and was finished 5-6-08. The PSC inspected the fences and gates on June 8th, 2011 and found them satisfactory. Order #20 is completed.

- 21. Enbridge shall provide the Commission with a copy of the design specifications for construction of the pipeline showing the location of the pipeline as built, and shall provide this information within 3 months of the completion of the construction.**

On February 29, 2008 Ty France, project manager-Rooney Engineering, Inc., on behalf of Enbridge sent as-built drawings (docket #30) of the reroute around Garden Valley School in Williams County, ND. Construction was complete the week of November 12, 2007 according to the weekly construction progress reports. The pipeline location as built information was not provided within 3 months of the completion of construction as required in Order #21.

- 22. Enbridge's obligation for reclamation and maintenance of the right-of-way shall continue throughout the life of the pipeline.**

A PSC field inspection on June 8th, 2011 determined that reclamation grass was satisfactory for this project. A wet spring helped promote the grass to a green vigor compared to the grass outside the ROW. During the PSC inspection of June 8, 2011, four marker posts labeled "WARNING High Pressure Petroleum Pipeline" were located within the school grounds. These posts were still remaining after the retirement of the original pipeline through the school yard. Enbridge should remove these four posts as the pipeline on the school yards are now retired in place. Once written verification that the posts are removed, Order # 22 would be completed.