

C R O W L E Y F L E C K PLLP

John W. Morrison
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
Office: 701.223.6585
Direct: 701.224.7534
jmorrison@crowleyfleck.com

February 11, 2009

RECEIVED

FEB 17 2009

North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

PUBLIC SERVICE COMMISSION

In re: Whiting Oil & Gas Corporation
Case Nos. PU-08-843 and PU-08-844
United States Fish and Wildlife Service

Dear Commissioners:

We are in receipt of a copy of a letter dated February 6, 2009, from the United States Fish and Wildlife Service and addressed to the Commission.

The September 30, 2008, letter referenced in the latest communication is included in Whiting's applications in the captioned matter behind the first blue divider in Appendix A. It is Whiting's intent to fully comply with the conditions in that letter, including the retention of a qualified biologist to conduct field surveys if, as is likely, the oil pipeline is constructed during the breeding season between February 1 and July 15.

While we believe this matter is adequately addressed by Paragraph 5 on page 7 of the proposed orders, which requires Whiting to comply with the rules and regulations of all other agencies having jurisdiction, we would not object to the inclusion of more specific language in the order. In that regard, we would suggest that our proposed orders could be revised by making the following additions:

1. Add the following language at the end of Finding No. 25:

By letter dated February 6, 2009, and received after the hearing in this matter, the Fish and Wildlife Service requested that the measures outlined in the September 30, 2008, letter included in Whiting's application be included as permit conditions.

30 **PU-08-844** Filed: 2/17/2009 Pages: 2
**Letter re. Revising Proposed Order to Address US
Fish & Wildlife Service**

Whiting Oil and Gas Corporation
Crowley,Fleck,PLLP, John Morrison

31 **PU-08-843** Filed: 2/17/2009 Pages: 2
**Letter re. Revising Proposed Order to Address US
Fish & Wildlife Service**

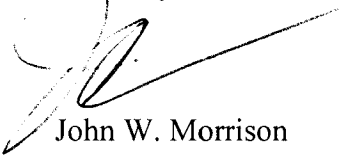
Whiting Oil and Gas Corporation
Crowley,Fleck,PLLP, John Morrison

2. Insert a new paragraph in the ordering provisions on page 7 of the proposed orders to read as follows:

Whiting shall comply with the measures set forth in the September 30, 2008, letter from the U.S. Fish and Wildlife Service, including the conduct of a field survey by a qualified biologist if construction occurs during the February 1 and July 15 breeding season, and shall provide copies of any notifications to the Fish and Wildlife Service to the Commission.

Thank you for your cooperation in this regard. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Morrison", with a long, sweeping horizontal stroke extending to the right.

John W. Morrison

mw

Cc: Brent Miller
Bill Regan