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June 30, 2009

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**PUBLIC SERVICE COMMISSION**

**Hand Delivered**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue  
Dept. 408  
Bismarck, ND 58505-0480

In re: Whiting Oil and Gas Corporation  
Robinson Lake Oil Pipeline  
Case No. PU-08-844  
Mountrail County, North Dakota  
Our File No. 95-574-037

Dear Mr. Nitschke:

Whiting Oil and Gas Corporation (Whiting) received a Certificate of Corridor Compatibility (Number 109) and Route Permit (Number 119) from the Public Service Commission (Commission) on February 25, 2009, for construction of a 17.8 mile, eight-inch crude oil pipeline from its Robinson Lake Processing Plant to an existing Enbridge Pipeline (North Dakota) LLC (Enbridge) facility southeast of the town of Stanley, North Dakota. As required by Order condition number 7 of the Route Permit, Whiting conducted a preconstruction conference call with Commission staff on June 23, 2009. During this call, Whiting advised Commission staff of its intended start date for construction, minor facility changes that were incorporated into the final design, and the status of environmental consultations.

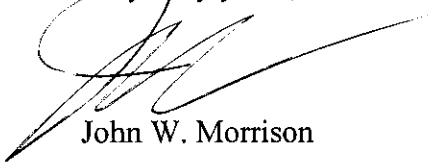
This filing serves to add Whiting's final preconstruction information into the project record and request Commission approval to begin construction on July 7, 2009. A detailed description of Whiting's preconstruction information is provided below, and in the enclosed supporting documentation.

1. Proposed start date. Whiting's proposed start date to begin construction is July 7, 2009, and the estimated finished date of construction is September 7, 2009. Whiting will inform the Commission of its actual start date, as well as weekly construction update reports via e-mail from Steve Meagher, Whiting's Construction Superintendent, to Patrick Fahn, Commission staff, Director-Compliance and Competitive Markets.
2. Route and Facility Changes: Whiting has made several minor route and facility changes to the project design when preparing the final engineering documents for construction. Modifications were made for a variety of engineering, constructability and environmental reasons. Enclosed with this filing is a revised pipeline route map plotted on USGS topographic map background (see Topo Sheet 1 through 11). Changes that have been made to the project design since Whiting filed its application are listed below.
  - a. Route alignment shift on the first 0.3 mile. The pipeline alignment was shifted slightly to the east at the beginning of the route to correspond to the final design location of the oil exit position from Whiting's Processing Plant. This portion of the route was previously evaluated for environmental considerations in Whiting's Route Permit application; none were noted at this location. This area of the route is shown on Topo Sheet 1 of the enclosed route maps.
  - b. Route alignment shift on the last 0.7 mile. The pipeline alignment was shifted slightly to the south at the end of the route to re-position the pipeline approaches at the Little Knife River to create a more perpendicular horizontal directional drill (HDD) crossing of the river, and to more closely align the pipeline with the receiving facilities at the Enbridge Stanley Station. This area of the route was included in the environmental review discussed in Whiting's Route Permit application, which included the results of an archaeological survey of the route in September and October 2008. As one archaeological site (32MN461) from the 2008 surveys was identified in the area south of the pipeline, Whiting marked the location of the new alignment in the field in May 2009 with the assistance of archaeologists from Metcalf Archaeological Consultants (Metcalf), the company who completed the 2008 survey work. Metcalf guided the placement of the new alignment to maintain a 100-foot buffer between the pipeline and the archaeological site. Whiting has received concurrence from the North Dakota State Historic Preservation Office (NDSHPO) that the location of the new alignment will avoid impacts to the site. A copy of Whiting's documentation with the NDSHPO is enclosed. This area of the route is shown on Topo Sheet 11 of the enclosed route maps.
  - c. Block Valve location changes.
    - i. Whiting will install one new Block Valve assembly at approximate MP 16.8 (shown on Topo Sheet 11 of the enclosed route maps). This valve occurs directly over the pipeline where the route was previously evaluated

- for environmental considerations in Whiting's Route Permit application; none were noted at this location.
- ii. Whiting will install two new Block Valves, one at the very beginning and one at the very end of the pipeline (at MP 0.0 and 17.8 respectively). These locations occur entirely within the property boundaries of the existing Whiting Processing Plant and the Enbridge Stanley Pumping Station. These locations were previously evaluated for environmental considerations in Whiting's Route Permit application; none were noted at this location.
  - iii. Whiting will not install Block Valves at MPs 6.2 and 11.4 as initially proposed. Upon further engineering review, block valves at these locations were determined to be unnecessary.
- d. Archaeological re-route at MP 12.5, and site avoidance at MP 5.0. As indicated in Whiting's Route Permit application, an archaeological site was discovered on the proposed route at MP 12.5 during the 2008 field surveys. Whiting proposed a re-reroute at this location to avoid the site, and the NDSHPO concurred with this approach. Whiting has implemented this re-route which is shown on Topo Sheet 8 of the enclosed route maps.
- The 2008 archaeological survey of the pipeline construction corridor also identified two archaeological sites that were located within the corridor, but far enough from the centerline so that they could be avoided during construction of the pipeline. These two sites (32MN762, 32MN763), both near milepost 5.0 – 5.1, were marked with a minimum 50-foot buffer by Metcalf during their pre-construction visit in May. Whiting's construction survey crew installed fencing along the edge of the construction right-of-way to assure avoidance. NDSHPO concurred with this action; see enclosed correspondence.
- e. Added HDD crossings at 4 new wetland locations. Whiting's Route Permit application specified crossing three wetlands using a HDD to avoid impacts to the wetlands (at MPs 7.8, 8.1 and 9.3). Due to the unusual wet weather conditions in the area this year, Whiting will now cross four additional wetlands using the HDD techniques as opposed to open-cut to avoid impacts to saturated wetlands. These four wetlands are located at MPs 11.6, 11.9, 14.9, and 15.5 as shown on Topo Sheet 8 and 10 of the enclosed route maps.
3. Road crossing permits enclosed. During Whiting's pre-construction conference call with the Commission staff on June 23, 2009, staff requested a copy of Whiting's road crossing permits from other agencies having jurisdiction over the pipeline. Whiting has enclosed these permits with this filing.

4. U.S. Fish and Wildlife Service (FWS) Bird Nesting Status. In its February 6, 2009 comment letter to the Commission, the FWS requested that Whiting conduct a field survey of the project area if construction was proposed to occur during the bird breeding season (February 1 to July 15). As Whiting desired to begin construction before July 15, it retained a qualified biologist to conduct a bird survey of the construction right-of-way. Several common birds were identified in the project area. One killdeer nest was identified on the construction right-of-way at MP 5.6, and several other nests were located just off the right-of-way (including killdeer, mallard, and common snipe). Whiting, via Merjent, its environmental contractor, submitted the survey report to the FWS and requested approval to begin construction before July 15, as the end of the bird nesting season was very close to Whiting's desired start date of July 7. The FWS responded that construction may not disturb migratory birds during the breeding season (February 1 – July 15). Whiting's construction plan is to begin construction activities on July 7, 2009 starting at the Enbridge Stanley Station on the north end of the pipeline route and move in a southerly direction. Whiting will temporarily halt activities 100 yards north (at MP 10.25) of the northernmost nest (a killdeer nest located in T155N, R91W, Section 35) until the migratory bird timing restriction has expired. This area of the route is shown on Topo Sheet 7 of the enclosed route maps. Whiting will proceed with construction activities along the remainder of the pipeline route on July 16, 2009. The FWS concurred with this schedule. A copy of the correspondence with the FWS is enclosed with this filing.

Very truly yours,



John W. Morrison

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Enc.

cc (w/enc.): Bill Regan  
Brent Miller