

Fahn, Patrick J.

From: Claudia Schrull [Claudia.Schrull@enbridge.com]
Sent: Friday, September 03, 2010 3:22 PM
To: Fahn, Patrick J.
Cc: Bruce Homeniuk; Mark Curwin; James Watts; Angela M. Ronayne; Sally Joyce; Candice Arnett
Subject: PU-10-130 - Berthold Station Upgrade Project Permits
Attachments: PU-10-130 - Berthold Station Upgrade Project Permits.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Pat,

As discussed during the Aug. 27, 2010 preconstruction conference for the above reference project, Enbridge Pipelines (North Dakota) LLC ("EPND") plans to proceed with its construction as it relates to only those work activities located within EPND's existing 26 acre Berthold Station yard. Therefore, in compliance with the Commission's Aug 4, 2010 Ordering Paragraph 6, EPND is attaching hereto its permit table and applicable permits that will cover the work activities within the existing station site.

Upon your review, please feel free to contact me if you have any questions or concerns.

Hope you have a safe, restful holiday weekend.

Best regards,
Claudia Schrull
Manager, Regulatory Pipeline Development
Enbridge Energy Company, Inc.
1100 Louisiana, SUite 3300
Houston, TX 77002
Company No: 713-821-2000
Regulatory Conference RM: 832-214-9364
Direct No: 713-821-2045
Cell No: 832-731-9535
Email Address: claudia.schrull@enbridge.com

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- 4 PU-10-564 Filed 09/03/2010 Pages: 14
Email containing permit table & applicable permits that cover work within station site
Enbridge Pipelines (North Dakota) LLC
Claudia Schrull

- 42 PU-10-130 Filed 09/03/2010 Pages: 14
Email containing permit table & applicable permits that cover work within station site
Enbridge Pipelines (North Dakota) LLC
Claudia Schrull

**ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
 PERMIT and APPROVAL LIST
 FOR
 BERTHOLD STATION UPGRADE PROJECT
 PSC DOCKET NO. PU-10-130**

| Permit | Status of Permit | Construction work activities as it relates to existing 26 acres Berthold Station yard |
|--|---|---|
| 1. North Dakota Department of Health – Construction Storm Water Permit and Storm Water Pollution Prevention Plan | Permit to be submitted August 24, 2010, anticipated issuance date – September 1, 2010 | This permit is not applicable for the construction being conducted within the existing Berthold Station yard. The construction work activities will disturb less than 5 acres of land. |
| 2. State Water Commission – Hydrostatic Test Water Appropriation Permit | Permit to be submitted September 15, 2010, anticipated issuance date – October 15, 2010 | Permit will be obtained and submitted to PSC prior to EPND hydrotesting the new pipeline. |
| 3. State Water Commission – Drain Permit | Submitted June 8, 2010, anticipated issuance date – August 31, 2010 | This permit is not applicable for the construction being conducted within the existing Berthold Station yard. No wetlands with a contributing drainage area greater than 80-acres will be impacted. |
| 4. Department of Health - Hydrostatic Test Water Discharge Permit | To be submitted September 15, 2010, anticipated issuance date – October 15, 2010 | Enclosed hereto is an email from Mr. Randy Kowalski (ND Dept. of Health), stating that EPND's Berthold Upgrade project received coverage on August 31, 2010. A copy of this permit will be submitted upon receipt. See Attachment A |
| 5. Department of Health – Air Permit | Department of Health determined that no additional air permit needed for upgrades to Berthold Station | Not applicable. |
| 6. U.S. Army Corps of Engineers Nationwide Permit No. 3 (wetlands) | Submitted July 2, 2010, issued July 13, 2010 | Enclosed hereto as Attachment B. |

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| Permit | Status of Permit | Construction work activities as it relates to existing 26 acres Berthold Station yard |
|--|---|---|
| 7. City of Berthold Zoning Approval for new 80 acre site | Conditionally submitted July 13, 2010, anticipated issuance date – August 2, 2010 | This permit is not applicable for the construction being conducted within the existing Berthold Station yard. Presently, Enbridge is working with the City of Berthold to secure permit for new 80 acre site. |
| 8. North Dakota State Historic Preservation Office | Received on April 12, 2010 | Enclosed hereto as Attachment C. |
| 9. North Dakota Game and Fish Department | Received on February 9, 2010 | Enclosed hereto as Attachment D |

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ATTACHMENT A

ND DOCKET NO. PU-10-130

ATTACH MENT A

From: Kowalski, Randy L. [rkowalsk@nd.gov]
Sent: Friday, September 03, 2010 9:23 AM
To: Angela M. Ronayne
Subject: RE: Berthold Truck Unloading Project

Angie,

We received the construction stormwater permit application for the Enbridge Berthold Truck Unloading Project. Based on the August 24th mailing date the project would have been covered on August 31st as provided in the permit. We will be sending a confirmation of permit coverage to the applicant in the next few days. Should you have any questions on the permit, please feel free to contact me.

Thank you ,

Randy Kowalski
Environmental Scientist
Division of Water Quality

(701) 328-5239

From: Angela M. Ronayne [mailto:ARonayne@Merjent.com]
Sent: Friday, September 03, 2010 8:43 AM
To: Kowalski, Randy L.
Subject: Berthold Truck Unloading Project

Randy,

As discussed, please let me know the status of the Enbridge Berthold Station Truck Unloading Project application for Storm Water Coverage under NDPDES General Permit (NDR10-0000).

Thanks,
Angie



615 First Avenue NE
Suite 425
Minneapolis, MN 55413

www.merjent.com

Angela Ronayne, PE

612.746.3660 main
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763.234.8421 cell
612.746.3679 fax

aronayne@merjent.com

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ATTACHMENT B



DEPARTMENT OF THE ARMY
 CORPS OF ENGINEERS, OMAHA DISTRICT
 NORTH DAKOTA REGULATORY OFFICE
 1513 SOUTH 12TH STREET
 BISMARCK ND 58504-6640
 July 12, 2010

COPY

North Dakota Regulatory Office

[NWO-2009-2882-BIS]

Enbridge Pipelines (North Dakota) LLC
 ATTN: Mr. Paul Meneghini
 1320 Grand Avenue
 Superior, Wisconsin 54880

Dear Mr. Meneghini:

Project Authorization. We have reviewed your July 1, 2010, request, on behalf of Enbridge Pipelines, for Department of the Army (DA) authorization for the expansion and upgrading of its existing Berthold Station by constructing approximately 600 feet of 4-inch pipeline and approximately 1,800 feet of new 10-inch piping and other appurtenances. Enbridge also plans to improve 296th street to accommodate a new truck unloading facility. The project will impact 0.32 acres of wetlands located on the site. We have prepared a preliminary jurisdictional determination (JD) for the sites which is a written indication that the waterways within the project area may be a jurisdictional Waters of the United States. Such waters have been treated as jurisdictional Waters of the U.S. for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the enclosed preliminary JD, please sign it and return it to the letterhead address.

If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD prior to your commencement of any work in a Water of the U.S. An approved JD is an official determination regarding the presence or absence of Waters of the U.S. Completion of an approved JD may require coordination with the U.S. Environmental Protection Agency.

If you do not want the Corps to complete an approved JD, you may proceed with the proposed project in accordance with the terms and conditions of Department of the Army Nationwide Permit No. 14, found in the March 12, 2007 Federal Register (72 FR 11092), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General Conditions and the Section 401 Water Quality Certification Requirements, if applicable, that must be followed for this authorization to remain valid. **Please note, any deviations from the original plans and specifications of your project could require additional authorization from this office.**

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to march 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

1. **Project Location.** The legal description at the project site is Section 20 and 21, Township 156 North Range 86 West, Ward County, North Dakota.
2. **Project Compliance Certification.** *In compliance with General Condition 26, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements]*

- I certify that I have completed the project as permitted.
- I certify that I have completed a modified version of the project.
- I certify that I have completed all required mitigation.

Permittee's Signature: _____ Date: _____

4. **Other Authorizations.** This determination is applicable only to the permit program administered by the US Army Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal, and local approvals before beginning work.

5. **Responsibility.** The permittee is responsible for all work accomplished in accordance with the terms and conditions of this Nationwide Permit. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the Nationwide Permit. Any activity that fails to comply with all the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

6. **Other Special Conditions.**

Final Mitigation Plan

7. The permittee shall create not less than 0.32 acres of wetlands on-site per the plan submitted by the applicant and conduct monitoring on the mitigation area. The mitigation plan submitted by the applicant is hereby approved and implementation of the plan is required prior to or concurrent with the authorized construction. Attached are the conditions for mitigation and subsequent monitoring.

8. ***Your responsibility to complete the required compensatory mitigation as set forth in Special Condition 6 will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of that success from the U.S. Army Corps of Engineers.***

Endangered Species

That the permittee shall report any threatened or endangered species at the project site. Notification shall be made to the North Dakota Regulatory Office by telephone or fax within 24 hours. Written confirmation shall be provided within 48 hours if deemed necessary by the North Dakota Regulatory Office.

Cultural Resources

That the permittee and/or the permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of a contract or contract(s) to complete the work authorized herein, shall cease work immediately and report the discovery of any previously unknown historic or archeological remains to the North Dakota Regulatory Office. Notification shall be by telephone or fax within 24 hours of the discovery and, in writing, within 48 hours. The North Dakota Regulatory Office will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Work shall not resume until notified by the North Dakota Regulatory Office.

Spawning Season

That no regulated activity within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota or on the North Dakota Game and Fish Department's website as a North Dakota Public Fishing Water shall occur between 15 April and 1 June.

9. **Additional Information.**

Suitable Material and 1978 Stream Evaluation Map: Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials and the 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <https://www.nwo.usace.army.mil/html/od-rmd/ndhome.htm>

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax

10. Points-of-Contact. If you have any questions concerning this determination, please contact **Patsy Crooke** of this office by letter or telephone at 701-255-0015 and reference Authorization Number **NWO-2009-2882-BIS**.

Sincerely

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

CC: Ms. Angela Ronayne
Merjent
615 1st Ave NE, Suite 425
Minneapolis, MN 55413

Special Condition 6 (con't)

Final Mitigation Plan
(As provided by the applicant)

The compensatory plan will be on-site and in-kind and is proposed to total not less than .32 acres of enhanced wetlands, as proposed by the applicant. The mitigation area will be expanded by excavating adjacent uplands to create new wetland area. This will result in similar functionality to those wetland areas that would be filled by the construction of the expanded pumping station facilities.

To determine seasonal high waters of the area, the proper grades for the wetland enhancement area and corresponding core and transitional wetland zones, a survey of adjacent wetland grades and soil profiles in the proposed wetland enhancement area will be conducted. Using this information, mitigation excavation depths and final grades in the proposed mitigation can be determined. Some field adjustments may occur as necessary.

To ensure mitigation success, all available topsoil, to a minimum depth of eight (8) to ten (10) inches, from the impacted wetland will be stripped and spread on the proposed mitigation area allowing the new wetland area to passively revegetate (it may not be necessary to seed the mitigation area). This will require sub-excavation to a depth below final proposed wetland grades to allow for replacement of topsoil to final grade, which will match that of the bottom elevation of Wetland #1. The outer slopes of the wetland created area and subsequent zones will be gentle with no more than a 4:1 grade (preferably 10:1 grade) that will allow for a transitional wetland fringe along the creation area.

The wetland mitigation area will be maintained and monitored for a period of five (5) years. If the compensatory mitigation has met its performance standards in less than five years, the monitoring period length can be reduced, if there are at least two consecutive monitoring reports that demonstrate that success. The site will be released from further monitoring when the Corps has determined that the criteria has been met and the mitigation area has the functionality of adjacent undisturbed wetland areas. The final wetland area would meet all the requirements and characteristics of jurisdictional waters and meet the vegetation requirements set within the Corps 1987 Manual and regional supplement. Monitoring reports shall be submitted to the ND Regulatory Office not later than November 30 following each growing season, for a period of 5 years or until the Corps of Engineers, NDRO determines that the mitigation project is acceptable.

Following mitigation construction, the creation area would be documented with as-built engineered drawings provided as part of the construction completion report (Permit Compliance Certification) to the Corps.

The monitoring reports shall, at a minimum, conform to the criteria outlined in the Corps of Engineers, Regulatory Guidance Letter No. 08-03, October 10, 2008, Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources, beginning on page 2. (Copy attached).

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ATTACHMENT C



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

**North Dakota
State Historical Board**

Chester E. Nelson, Jr.
Bismarck - President

Gereld Gerntholz
*Valley City - Vice
President*

Richard Kloubec
Fargo - Secretary

Albert I. Berger
Grand Forks

Calvin Grinnell
New Town

Diane K. Larson
Bismarck

A. Ruric Todd III
Jamestown

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prechal
*Director
Parks and Recreation
Department*

Francis Ziegler
*Director
Department of
Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association of
Museums*

April 12, 2010

Peggy J. Boden, Ph.D.
Cultural Resources Specialist
Merjent
615 First Avenue NE
Suite 425
Minneapolis, Minnesota 55413

ND SHPO Ref: 10-0520a PSC Enbridge Berthold Truck Unloading Project .
Negative Declaration Class III CRI Letter Report
[T156N R86W Sections 20-21]

Dear Peg:

We have received and reviewed: NDSHPO Ref: 10-0520a PSC "Enbridge Berthold Truck Unloading Project," Negative Declaration Class III CRI Letter Report [T156N R86W Sections 20-21], by Damita Engel (Metcalf Archaeological Consultants, April 2010).

We concur with "*No Historic Properties Affected*" and "*No Significant Sites Affected*" determinations provided the project is of the nature stated, it takes place in the plotted location, and it adheres to the recommendation regarding retaining the tree belt as a buffer. We also request a copy of the final report in standard reporting format for our files.

Thank you for the opportunity to review this project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov

Sincerely,

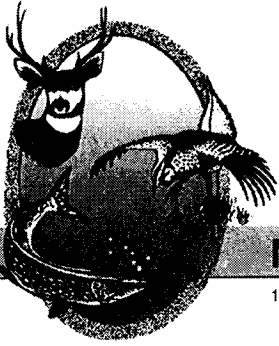
Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota
c: Patrick Fahn, ND PSC
c: Suzanne Canevello, MAC

**ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
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ATTACHMENT D



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

February 9, 2010

Angela M. Ronayne
Senior Analyst
Merjent, Inc.
615 First Avenue NE, Suite 425
Minneapolis, MN 55413

Dear Ms. Ronayne:

RE: Berthold Station Truck Unloading Project
Ward County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

The National Wetland Inventory indicates several wetlands within the proposed project area. We recommend that steps be taken to protect any wetlands that cannot be avoided, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We do not believe this project will have any significant adverse effects on wildlife or wildlife habitat, including conservation priority species, provided any unavoidable destruction or degradation of wetland acres is mitigated in kind.

Sincerely,

A handwritten signature in black ink that reads "Steve Ryhe". The signature is written in a cursive, flowing style.

Michael G. McKenna
Chief
Conservation & Communication Division

js