

Fahn, Patrick J.

From: Fahn, Patrick J.
Sent: Friday, February 08, 2013 4:20 PM
To: Rupnow, Jillian (JRupnow@fredlaw.com); 'lbender@fredlaw.com'
Subject: FW: Case No. PU-10-218: BakkenLink request for route and corridor modifications
Attachments: Patrick Fahn.vcf; Patrick Fahn2.vcf

Patrick Fahn

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From: Fahn, Patrick J.
Sent: Friday, February 08, 2013 3:14 PM
To: Lawrence Bender (law.office@pearce-durick.com)
Cc: -Grp-PSC Commissioners; Jeffcoat-Sacco, Illona; Fahn, Patrick J.
Subject: Case No. PU-10-218: BakkenLink request for route and corridor modifications

Mr. Bender,

On January 18, 2013, BakkenLink Pipeline, LLC filed a request with the Commission for approval of route and corridor modifications in four locations: Knapp Reroute, Lillibridge Reroute, Hoffmann Reroute, and the Levang Reroute, Case No. PU-10-218.

At its February 1, 2013 Special Meeting, the Commission determined that it would delegate authority to staff to approve BakkenLink route deviations outside the designated corridor. However, before staff may approve the reroutes, BakkenLink must file verification that BakkenLink has obtained landowner approval for the Levang Reroute, file a certification that the reroutes will not impact any new exclusion or avoidance areas, file copies of environmental and cultural studies, file a copy of the State Historic Preservation Office's concurrence with a finding of *No Historical Properties Affected*, and file confirmation from the local road authority that the Hoffmann Reroute will not affect plans for potential road improvements. The Commission determined that a Notice of Opportunity for Hearing will be issued providing opportunity for comments or requests for hearing on the four reroutes but staff need not wait for the Notice period to run before approving the corridor and route changes. Consequently, any staff approval is conditioned on expiration of the Notice period without receipt of any comments or requests for hearing.

At its February 4, 2013 work session, the Commission confirmed that BakkenLink must file the information for staff review before staff approval may be provided.

On February 7, 2013, BakkenLink filed the information. BakkenLink filed the Certification of Darren Snow, the Vice President with regard to BakkenLink's crude oil pipeline project, which states that the

requested reroutes changes will not affect any exclusion, avoidance, or selection criteria, that the route changes do not involve any water crossings of section line crossings, that the route changes do not affect any cultural sites, will not affect any existing or future county roads, and the requested reroutes have been requested and approved by all landowners.

Please consider this email as staff approval of the Knapp Reroute, Lillibridge Reroute, Hoffmann Reroute, and the Levang Reroute conditioned on expiration of the Notice period without receipt of any comments or requests for hearing.

The Commission's February 29, 2012 Order issuing Certificate of Corridor Compatibility Number 128 designated a corridor consisting of 200-foot-wide area centered on the pipeline route. The reroutes are subject to the conditions and limitations noted in that Order. BakkenLink will provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. BakkenLink also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

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