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May 7, 2012

RECEIVED

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PUBLIC SERVICE COMMISSION

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

RE: Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Williams, Mountrail and Ward Counties
Case No. PU-10-613
Our File No. 31-411-003

Dear Mr. Nitschke:

Enclosed for filing are the original and ten copies of Enbridge Pipelines (North Dakota) LLC's waiver request with respect to the Commission's Tree and Shrub Mitigation Specifications regarding the above captioned project. This waiver request is for a few tracts of land due to construction in areas of steep slopes, so as to provide a safe working environment for pipeline construction crews.

Please feel free to call me with any questions.

Very truly yours,



Brian R. Bjella

bw
Enc.
cc: Pat Fahn

108 PU-10-613 Filed: 5/8/2012 Pages: 4
Waiver request

Enbridge Pipelines (North Dakota) LLC
1409 Hammond Avenue, 2nd Floor
Superior, WI 54880

Paul Meneghini
Supervisor Envir. Proj (US)
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May 2, 2012

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Department 408
Bismarck, ND 58505-0480

In re: Waiver Request – Tree and Shrub Mitigation Specifications
Case No. PU-10-613

Dear Mr. Nitschke:

Paragraph 8 of the Tree and Shrub Mitigation Specifications (“Specifications”) incorporated into the Findings of Fact, Conclusions of Law and Order in Case No. PU-10-613 states, “The width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 50 feet or less unless otherwise approved by the Commission.” Tract Numbers BB-82-18, BB-82-19-1, BB-82-20-3, and BB-82-21-1 (“Tracts”) on the west half of Enbridge’s Beaver Lodge Loop Project are particularly wooded. Additionally, certain topographical characteristics of the Tracts will make normal construction through the approved route corridor substantially more difficult and inherently create certain safety concerns. In order to construct through the Tracts, Enbridge requests that the Commission waive Paragraph 8 of the Tree and Shrub Mitigation Specifications for these Tracts only. Below, Enbridge outlines how it will contend with the topographical issues associated with the Tracts, and how increasing the width of the working area on these Tracts best mitigates the associated safety concerns, and, thus, justifies a waiver of the Specifications.

Enbridge’s Proposed Construction

Enbridge requests an increase in clearing of trees and/or shrubs from a width of 50 feet to 125 feet. The increased clearing will be restricted to a length of approximately 200 feet on Tract BB-82-18, approximately 200 feet on Tract BB-82-19-1, and a combined 1500 feet on Tracts BB-82-20-3 and BB-82-21-1. The latter two tracts involve a very steep embankment and ravine just west of the White Earth River. A wider construction corridor is often necessary in steep areas. All tracts have unstable ground conditions due to widely varying topography. Enbridge proposes additional excavation and grading in these situations to create a level-working platform and to accommodate the extra soil storage that results.

In order to create a level working platform, soils will be excavated as portrayed in Drawing: White Earth River Hill-Excavation Detail. Depending on field and drainage conditions in the construction corridor, a pre-fabricated section of pipe may have to be welded together at the top of the incline on level ground. This pipe will then need to be transported as a continuous

section down the incline with several pieces of heavy equipment. This operation requires additional workspace and a more level working platform. The level working platform is also needed to accommodate the safe travel and operation of equipment involved with installation of the pipeline, promote the general safety of workers on foot or working outside of equipment within the corridor during construction, and the safe and orderly storage of pipe and materials required during construction.

A passing lane is necessary to allow an open lane of travel around construction activities, particularly in steep areas where stopping times for traveling equipment are longer. Construction equipment traversing up and down a steep incline may also need assistance from a dozer or comparable tracked equipment. As a result, extra space is necessary.

After the completion of the all construction activities, soils will be placed back to pre-construction condition and slopes will be stabilized using Erosion Control Devices.

Safety is Enbridge's number one priority. Constrained work areas needlessly increase the potential for motor vehicle and equipment accidents. Likewise, constrained work areas increase the potential for serious injury or fatality. Adding to the congestion is the need for the normal storage and staging of materials within and around the working area. These safety issues can be avoided by the increasing the width of the working area.

Extra space will resolve congestion issues created by the need for additional equipment and field personnel. Extra space will also avoid the creation of pinch points within the working area, reduce the likelihood of struck by issues and potentially avoid serious injury or fatality. With the additional field personnel and equipment required to complete construction under these circumstances, extra space will reduce the likelihood of field personnel being placed in dangerous positions among heavy equipment. Recent accidents occurring on third party pipeline projects outside of the State of North Dakota have increased Enbridge's awareness of these precarious situations. It is Enbridge's foremost goal to complete its projects safely. By increasing the working space in these situations, Enbridge will be able to create a safe work environment and avoid unstable work conditions. Level and unobstructed work areas reduce the likelihood equipment rollover issues and increases the ability of on site field personnel to safely work among heavy equipment. Additionally, level work areas reduce the likelihood of field personnel slip and falls where they would otherwise have to contend with changing topography and unstable ground conditions.

As required by the Specifications incorporated into the Findings of Fact, Conclusion of Law and Order in Case No. PU-10-613, a Tree and Shrub Survey Plan will be filed with the PSC and the survey will be conducted prior to construction. The tree and shrub survey will document the number, variety, type, and location of trees and shrubs within the construction corridor. Upon completion of construction activities, a tree and shrub mitigation plan that reflects replacement requirements in the Specifications will be submitted to the PSC for approval. If approved, Enbridge will implement the tree and shrub mitigation plan as outlined in the Specifications.

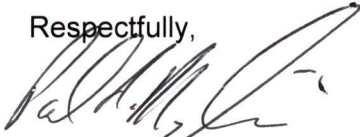
Darrell Nitschke

May 2, 2012

Page 3 of 3

Based on the foregoing, Enbridge requests the Commission to waive Paragraph 8 of the Tree and Shrub Mitigation Specifications for these Tracts only in order to increase the likelihood of worker safe during construction.

Respectfully,



Paul Meneghini
Supervisor, Environment



John Cooper
Safety Coordinator



Barry Simonson
Manager, Engineering & Construction