

Gruman, Mark E.

From: Brian R. Bjella <bbjella@crowleyfleck.com>
Sent: Tuesday, June 19, 2012 3:27 PM
To: -Info-Public Service Commission
Cc: Gruman, Mark E.; Fahn, Patrick J.; Wade C. Mann
Subject: Enbridge, Beaver Lodge Loop Project: Case No. PU -10-163
Attachments: 4664_001.pdf

Attached for filing in the above case are two affidavits from Barry Simonson of Enbridge regarding the matters to be heard tomorrow at the informal hearing concerning (1) request for additional work space, and (2) Stanley route deviation. The originals will be filed tomorrow.

Brian Bjella

Brian R. Bjella
400 East Broadway, Suite 600
Bismarck, ND 58502
voice 701.224.7532 fax 701.222.4853

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

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136 PU-10-613 Filed: 6/19/2012 Pages: 14
Affidavits of Barry Simonson re request for additional work space and Stanley route deviation

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project –
Williams, Mountrail and Ward Counties,
North Dakota, Siting Application

CASE NO. PU-10-613

AFFIDAVIT OF BARRY SIMONSON

STATE OF NORTH DAKOTA)
)SS
COUNTY OF WARD)

The undersigned, being of lawful age and duly sworn under oath, deposes and states as follows:

1. I am the Manager, Engineering and Construction, for Enbridge Pipelines (North Dakota) LLC (“Enbridge”).
2. That a part of my duties as manager of construction and engineering is for what is known as the Beaver Lodge Loop Project, as identified in North Dakota Public Service Commission Case No. PU-10-613.
3. For the past 10 years I have served in various pipeline engineering and construction management positions. As a result, I am very familiar with the need for sufficient workspace to safely and efficiently install large diameter pipelines.
4. On May 18, 2011, the Public Service Commission (“Commission”) issued its Findings of Fact, Conclusions of Law and Order (“Order”) and issued to Enbridge a Certificate of Corridor Compatibility and Route Permit for construction of the Beaver Lodge Loop

Project located in Williams, Mountrail and Ward Counties, North Dakota. This project consists of approximately 56 miles of 16-inch diameter pipeline and additional pump station facilities and tankage at Enbridge's existing Beaver Lodge, Stanley and Berthold Stations.

5. In the Order the Commission granted Certificate of Corridor Compatibility No. 119 and Route Permit No. 129 providing in part: construction along 61st Street NW between State Highway 8 and 82nd Avenue NW will not begin until Enbridge has submitted an application for a route deviation in this area with sufficient material showing that any modification of the corridor meets the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act, and has received approval from the Commission to proceed.
6. On April 30, 2012, Enbridge filed an Application for a Route Deviation for construction along 61st Street NW between State Highway 8 and 82nd Avenue NW in Section 33, Township 156 North, Range 91 West, Mountrail County, North Dakota.
7. On May 10, 2012, Enbridge filed an Application for Amended Certificate of Corridor Compatibility, and Application for Amended Route Permit, and Application for Waivers of Procedures and Time Schedules.
8. On May 14, 2014, Enbridge filed a Revised Route Deviation Application.
9. Construction was not permitted in the referenced area in order to give Enbridge time to meet with representatives of Mountrail County, City of Stanley, Idaho Township and Farmers Union Oil of Stanley, regarding concerns expressed either at the Public Hearing held January 20, 2011, or by contact with Commission staff.

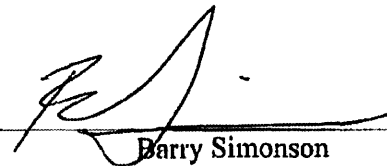
10. Subsequent to the public hearing, Enbridge has met and conferred with representatives of Idaho Township, City of Stanley, Mountrail County and Farmers Union Oil.
11. As demonstrated in the Application materials, Mountrail County has agreed that Enbridge may construct a pipeline in the proposed deviated route as set forth in Exhibit A to Enbridge's Application. In addition, Mountrail County has signed a waiver giving Enbridge permission to construct the pipeline within 500 feet of the Mountrail County fair building which was recently built south of 61st Street NW. As a result, Mountrail County has accepted the proposed route deviation.
12. With respect to Farmers Union Oil, the pipeline no longer traverses its property by virtue of the move to the south side of 61st Street NW.
13. With respect to Idaho Township, the Township chairman sent a letter to this Commission on May 6, 2011, stating that the Township no longer opposes Enbridge's pipeline route as it has been moved to the south side of 61st Street NW. Idaho Township's letter was attached as a part of Exhibit A to Enbridge's Route Deviation Application.
14. With respect to the City of Stanley, the City has granted easements to Enbridge, thus, indicating its approval of the route deviation.
15. In addition, Enbridge has obtained and filed with the Commission written waivers from the following businesses located within 500 feet of the proposed pipeline: Bro Brothers; CAH LLP; Stanley & Stanley Property Partners. No other avoidance areas were identified in accordance with the Commission's criteria set out in North Dakota Administrative Code § 69-06-07-02.2.

16. No exclusion areas were identified in accordance with the criteria set out in North Dakota Administrative Code § 69-06-07-02.1.
17. With respect to the Commission's selection criteria, Enbridge has concluded that the route deviation will have no significant adverse impact on any of the selection criteria.
18. Enbridge submits that the proposed modified facilities are of such design, length, location and purpose that they will produce minimal adverse effects as demonstrated in Exhibit A to the Route Deviation Application.
19. It is submitted that Enbridge has demonstrated compliance with the requirements of said Order and the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act have been met, as Enbridge has obtained the concurrence of Mountrail County, City of Stanley, Idaho Township and adjoining businesses.
20. Enbridge respectfully requests that its route deviation be approved in order that it may proceed with construction.

Dated this 19 day of June, 2012.

ENBRIDGE PIPELINES (NORTH DAKOTA)
LLC

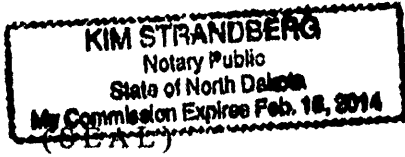
By




Barry Simonson

Its: Manager, Engineering and Construction

Subscribed and sworn to before me this 19 day of June, 2012.





Notary Public
Ward County, North Dakota
My Commission Expires: Feb. 18, 2014

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project –
Williams, Mountrail and Ward Counties,
North Dakota, Siting Application

CASE NO. PU-10-613

AFFIDAVIT OF BARRY SIMONSON

STATE OF NORTH DAKOTA)
)SS
COUNTY OF WARD)

The undersigned, being of lawful age and duly sworn under oath, deposes and states as follows:

1. I am the Manager, Engineering and Construction, for Enbridge Pipelines (North Dakota) LLC (“Enbridge”).
2. That a part of my duties is the management of engineering and construction of what is known as the Beaver Lodge Loop Project, identified in North Dakota Public Service Commission, Case No. PU-10-613.
3. That I have over 10 years of experience in pipeline engineering and construction management. As a result, I am very familiar with the need for sufficient workspace to safely and efficiently install large diameter pipelines.
4. That the North Dakota Public Service Commission’s (“Commission”) Findings of Fact, Conclusions of Law and Order dated May 18, 2011 (“Order”), in this case provides in part that Enbridge agrees to comply with the Tree and Shrub Mitigation Specifications as

attached thereto. That said Tree and Shrub Mitigation Specifications provide in part that "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."

5. Tract Nos. BB-82-18, BB-82-19-1, BB-82-20-3, and BB-22-21-1 are heavily wooded. In addition, certain topographical characteristics of these Tracts will make normal construction through the approved corridor substantially more difficult and inherently pose real safety concerns.
6. 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, as demonstrated in the three diagrams attached hereto. The latter two Tracts involve a very steep embankment and ravine just west of the White Earth River.
7. A wider construction corridor is often necessary in areas of steep slopes. All of said Tracts likely have unstable ground conditions due to significant slopes. Furthermore, due to the unknown nature of the soil's moisture content and stability at the time of construction, extra safety precautions are necessary and warranted.
8. Enbridge proposes additional excavation and grading in these areas to create a level working platform and to accommodate the extra soil storage that will result.
9. Depending on field and drainage conditions, 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. As a result, this operation requires additional workspace and a more level working platform. The level working platform is also necessary to accommodate the safe travel and operation of equipment involved with the 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.

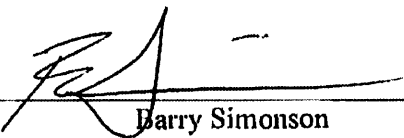
10. A passing lane is necessary to allow an open lane of travel around construction activities, particularly in steep areas where stopping times for traveling equipment are longer. Construction equipment traversing up and down steep inclines may also need assistance from a dozer or comparable tracked equipment.
11. After completion of all construction activities, soil will be placed back to pre-construction condition and slopes will be stabilized using erosion control devices.
12. Safety is the number one priority of Enbridge. Constrained work areas can increase the potential for motor vehicle and equipment accidents, and it also increases the potential for serious injury. These safety issues can be avoided by increasing the width of the working area.
13. By increasing the working space in these areas, Enbridge will be able to create a safe working environment and avoid unstable conditions. Level and unobstructed work areas reduce the likelihood of equipment rollover issues while increasing the ability of field personnel to safely work among heavy equipment.
14. The Commission's Tree and Shrub Mitigation Specifications require that a Tree and Shrub Survey Plan be filed with the Commission and that a survey 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. On July 15, 2011, Enbridge filed its Tree and Shrub Mitigation Plan, reflecting the replacement requirements specified in the Commission's specifications. Pursuant to the Commission's Tree and Shrub Mitigation Specifications, tree replacement shall be on a two-to-one basis with two-year old samplings; and shrub replacement shall be on a two-to-one basis with stem cuttings. If approved, Enbridge will implement the Tree and Shrub Mitigation Plan as outlined in the Specifications.

15. In accordance with the Commission's Order, Enbridge is requesting approval of its plans for additional workspace to 125 feet.
16. Pipeline construction activities, such as surveying, are underway for this project as of June 18, 2012. Actual pipeline construction, including right-of-way clearing, trenching and installation of the pipeline, is scheduled to commence as soon as July 16, 2012.
17. It is my professional opinion that the additional temporary workspace in the aforementioned Tracts is necessary in order to install the pipeline safely and with the least environmental impact.

Dated this 19 day of June, 2012.

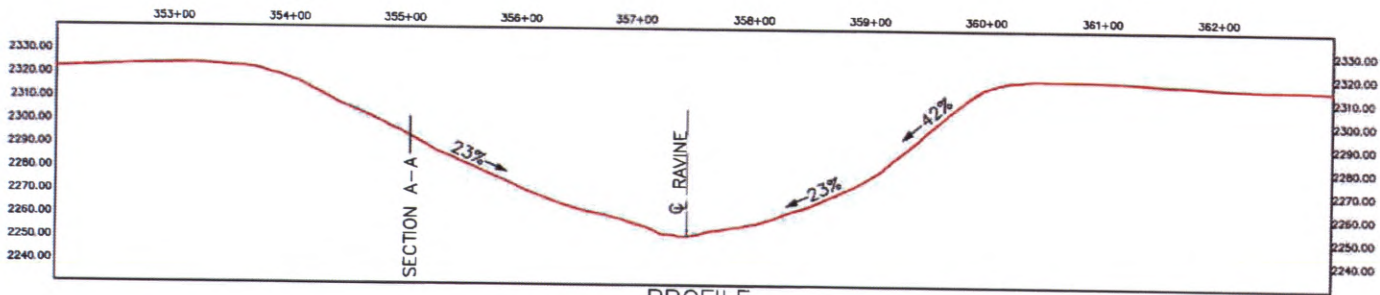
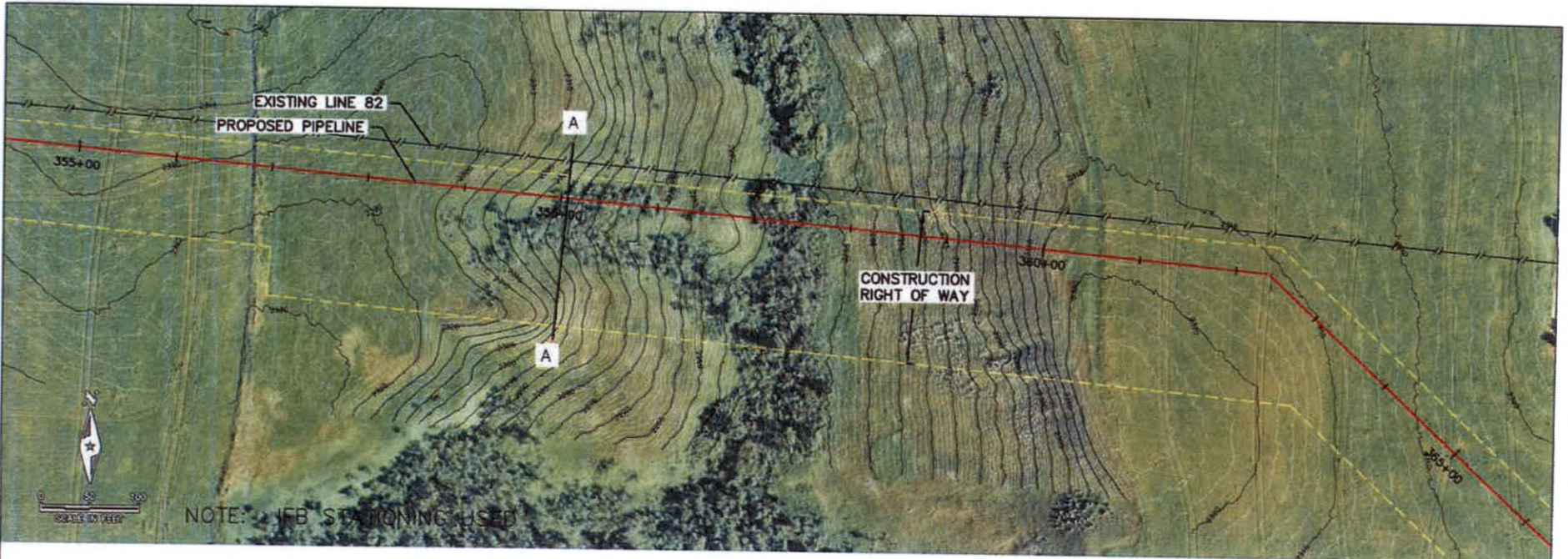
ENBRIDGE PIPELINES (NORTH DAKOTA)
LLC

By 
Barry Simonson
Its: Manager, Engineering and Construction

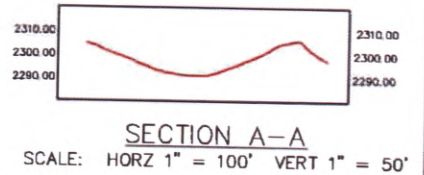
Subscribed and sworn to before me this 19 day of June, 2012.



Kim Strandberg
Notary Public
Ward County, North Dakota
My Commission Expires: Feb 18, 2014



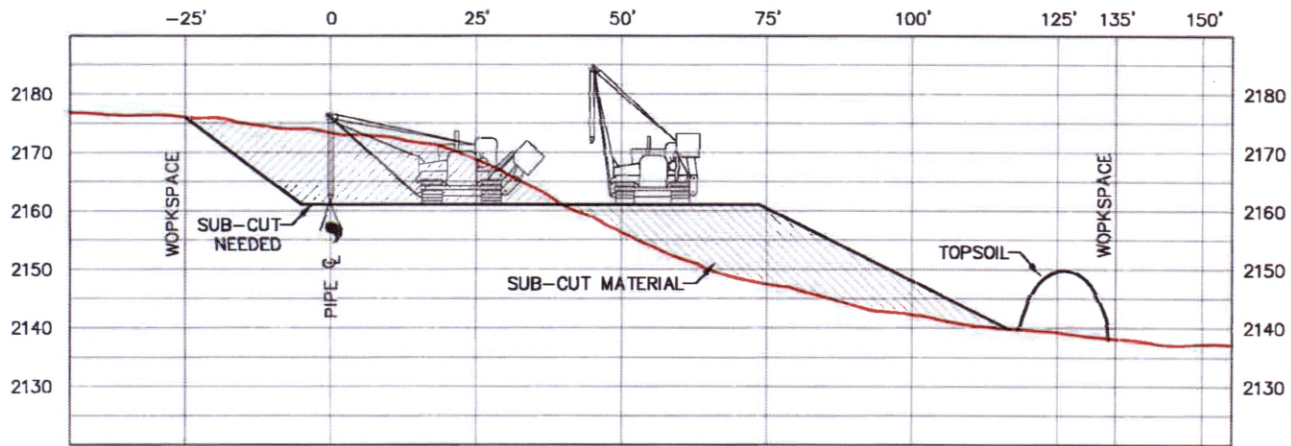
PROFILE
SCALE: HORZ 1" = 100' VERT 1" = 50'



SECTION 33 HILL

BLLP-WEST
PRELIMINARY DRAFT

DATE	3/21/12
DRAWN BY:	NKD



SECTION B-B

PROFILE

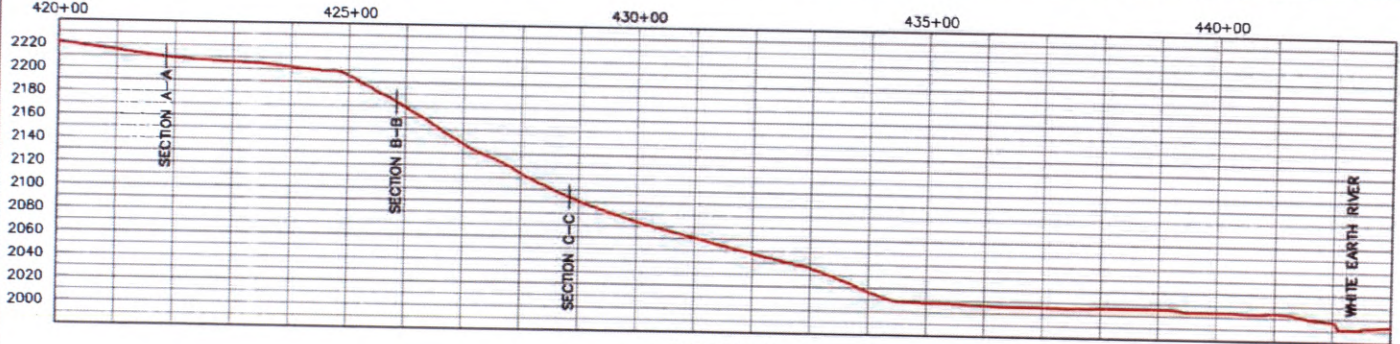
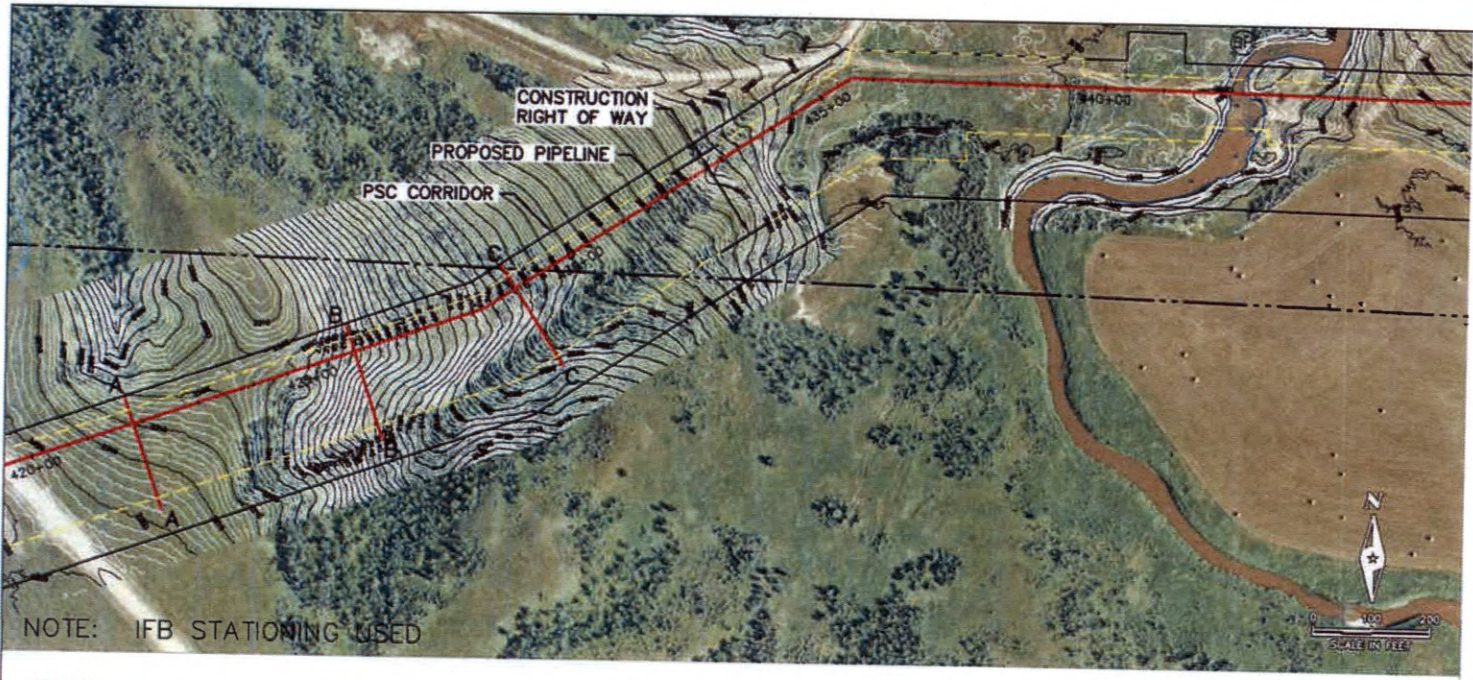
SCALE: HORZ 1" = 20' VERT 1" = 20'



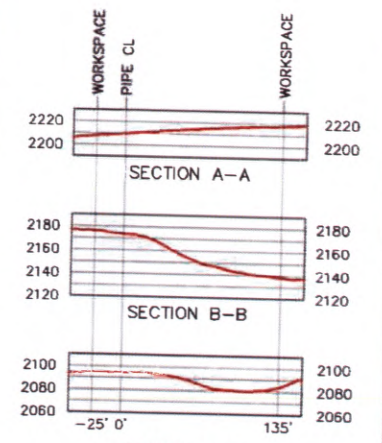
WHITE EARTH RIVER HILL - EXCAVATION DETAIL

BLLP-WEST

DATE:	2/22/12
DRAWN BY:	NKD



PROFILE
SCALE: HORZ 1" = 200' VERT 1" = 100'



**SECTION C-C
CROSS SECTIONS**
SCALE: HORZ 1" = 100' VERT 1" = 100'



WHITE EARTH RIVER HILL

BLLP-WEST
PRELIMINARY DRAFT

DATE: 2/20/12
DRAWN BY: NKD