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August 16, 2013

Mr. Darrell Nitschke
Executive Director
NORTH DAKOTA PUBLIC
SERVICE COMMISSION
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480



**In re: Vantage Pipeline US LP
Request for Partial Variance from Permit Condition
Case No. PU-11-109**

Dear Mr. Nitschke:

Thursday, August 15, 2013, we filed electronically a Request for Partial Variance from Permit Condition on behalf of Vantage Pipeline US LP. Attached hereto for filing are the original and ten copies of said request. Please feel free to call if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "BJELLA".

BRIAN R. BJELLA

lc
Enc.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Vantage Pipeline US LP
Natural Gas Liquids Pipeline – Williams and Divide Counties**

Case No. PU-11-109

REQUEST FOR PARTIAL VARIANCE FROM PERMIT CONDITION

Whereas, by Findings of Fact, Conclusions of Law and Order, dated June 20, 2012, the North Dakota Public Service Commission (“PSC”) approved the construction of a 79.8 mile Vantage Pipeline in Williams and Divide Counties for the transportation of natural gas liquids. Certificate of Corridor Compatibility No. 137 and Route Permit Certificate No. 148 were issued to Vantage Pipeline US LP for this purpose;

Whereas, Order paragraph Number 4 provides that “the Certification Relating to Order Provisions-Transmission Facility Siting, dated April 23, 2012... is incorporated by reference and attached to this order;

Whereas, said Certification Relating to Order Provisions-Transmission Facility Siting, in Paragraph Number 16, provides in part as follows: “Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of topsoil”;

Whereas, Vantage Pipeline US LP (“Vantage”) hereby requests a variance with respect to the above cited provision of Paragraph Number 16 of the Certification Relating to Order Provisions-Transmission Facility Siting with respect to native prairie and grasslands.

NOW THEREFORE, Vantage, pursuant to North Dakota Century Code § 49-22-08.1 and North Dakota Administrative Code § 69-06-05-02(4), hereby requests a variance from that portion of Paragraph Number 16 of the Certification Relating to Order Provisions-Transmission Facility Siting which provides in part as follows: “Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of subsoil.”

Vantage requests this variance be allowed for native prairie and grasslands for the following reasons:

1. It will allow for subsoil to be placed directly on land that has not been stripped by a technique referred to as minimal stripping.
2. This minimal stripping technique has been effectively implemented in Canada.
3. The minimal stripping method is effective in prairie areas where minimal topsoil is present or the soil is sandy.

4. The key feature of the minimal stripping method is that it minimizes the disturbance to the native prairie or grasslands. When the subsoil is carefully removed from the unstripped native prairie or grasslands, there is minimal admixing. In addition, with little subsoil remaining on the topsoil it allows existing vegetation to continue to grow and speeds reclamation.
5. The benefits of the minimal stripping method are that it minimizes the area of native prairie or grasslands that needs to be re-established; it can be used to avoid sensitive archeological sites; minimizes ground disturbance in soft areas using structural matting; minimizes the amount of land that will be treated with chemicals to control weed growth; and minimizes land that may need isolation with fencing to keep out livestock when the pasture re-establishes.

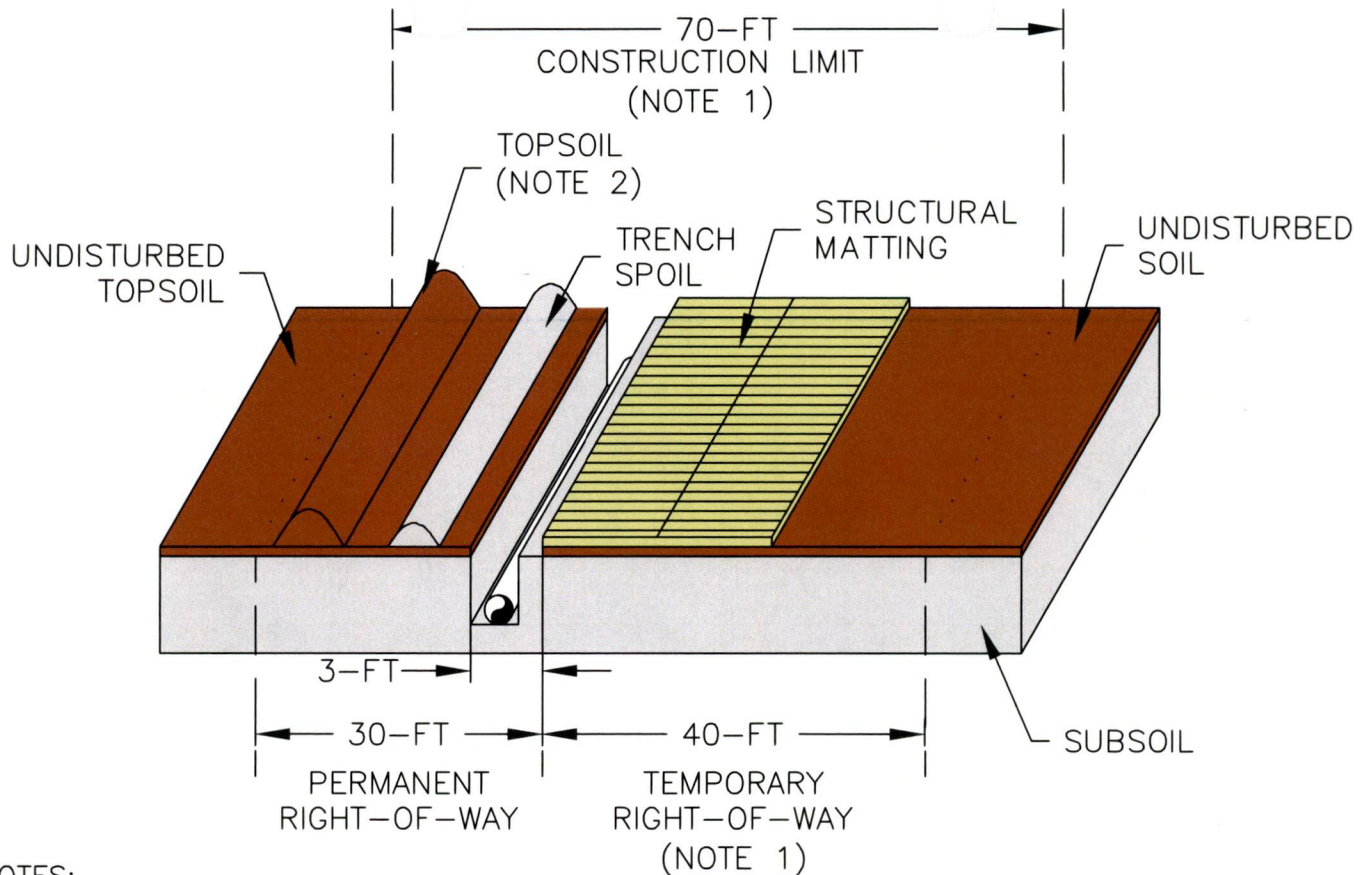
Vantage requests the variance as set forth about in order to allow the minimal stripping technique to be utilized on this project for native prairie and grassland areas. If this variance is approved by the PSC, Vantage will insert this option into its Environmental Protection Plan.

Attached hereto as Exhibit "A" are two depictions of the minimal stripping technique.

Dated this 15th day of August, 2013

CROWLEY FLECK PLLP
Attorneys for Vantage Pipeline US LP
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Bismarck, North Dakota 58502

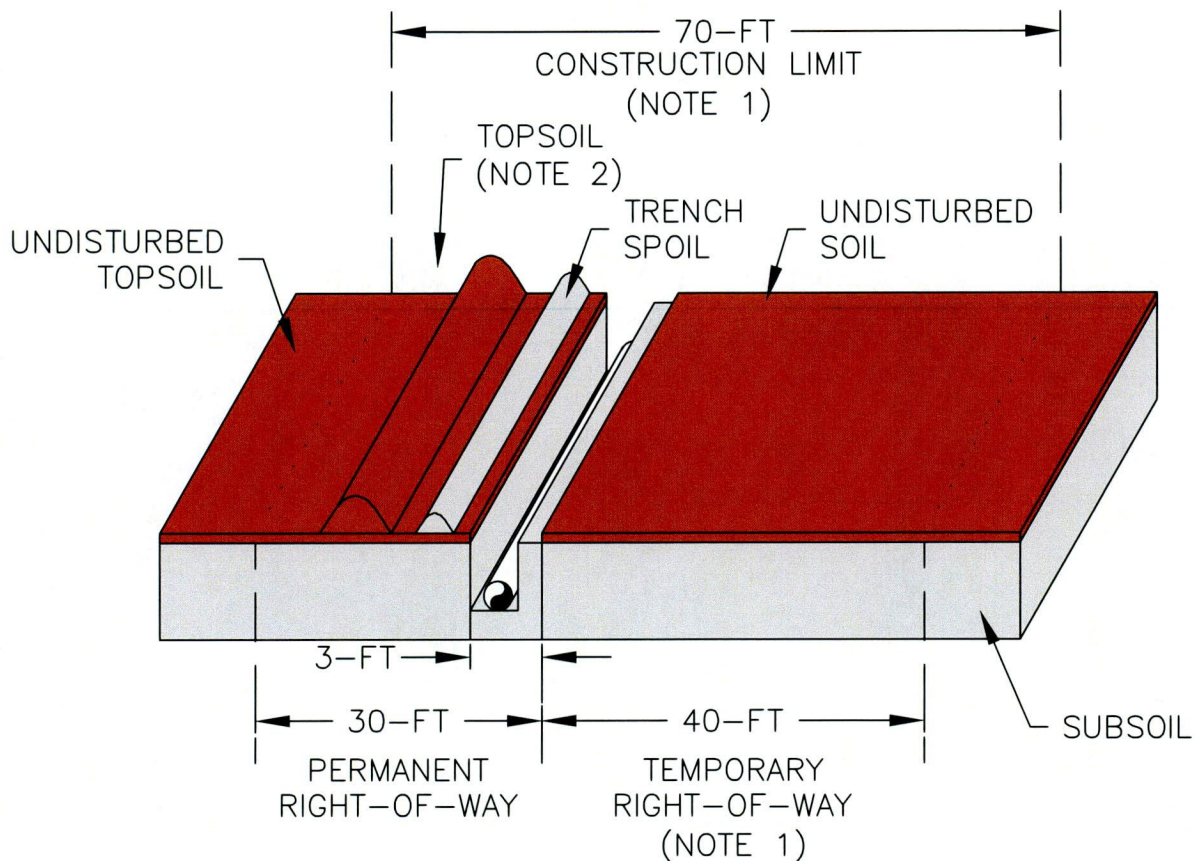
By 
BRIAN R. BJELLA



NOTES:

LIMIT STRIPPING TO PERMANENT ROW ON NATIVE PRAIRIE, GRASSLAND OR IMPROVED PASTURE LAND FOR WET SOILS OR SOILS PRONE TO EXCESSIVE WIND EROSION. OPTION 3 MAY BE USED IN LOCATIONS WHERE THE WIDTH OF STRIPPING WOULD BE LIMITED.

1. THE TYPICAL CONSTRUCTION WIDTH WILL BE 70 FEET. THE WIDTH OF THE WORKING SIDE WILL BE DECREASED FOR SHORT DISTANCES IN LOCATIONS IDENTIFIED ON THE PLANS OR AS DIRECTED BY THE PROJECT ENGINEER.
2. TOPSOIL SHALL BE STRIPPED FROM THE AREA ABOVE THE TRENCH. STRIP AND STOCKPILE TOPSOIL AND TRENCH SPOIL SEPARATELY. TOPSOIL STRIPPING IS NOT REQUIRED BELOW THE AREA REQUIRED FOR TOPSOIL AND SPOIL STORAGE. PROVIDE ADEQUATE SEPARATION BETWEEN TOPSOIL AND SPOIL STOCKPILES TO PREVENT MIXING. TYPICAL A HORIZON DEPTH (TOPSOIL) FROM THE NRCS SOIL SURVEY IS INDICATED ON THE ALIGNMENT SHEETS AND IS INTEND AS A GUIDELINE. THE ACTUAL TOPSOIL SALVAGE DEPTH WILL VARY LOCALLY AND ADJUSTMENT OF DEPTH WILL BE REQUIRED TO SALVAGE ALL AVAILABLE TOPSOIL.
3. SOIL SALVAGE ACTIVITIES SHOULD NOT BE CONDUCTED IN WET CONDITIONS OR DURING HIGH WINDS IF SOIL IS PRONE TO WIND EROSION. DISCONTINUE STRIPPING IN LOCATIONS WHERE BUFFERS ARE REQUIRED AT WATERWAYS, WETLANDS, OR OTHER SENSITIVE AREAS.
4. BACKFILL TRENCH WITH SPOIL AND COMPACT IN ACCORDANCE WITH PROJECT SPECIFICATIONS. PROVIDE CROWN OVER TRENCH USING AVAILABLE SPOIL TO ACCOMMODATE SETTLEMENT. CROWN SHOULD BE DISCONTINUED ACROSS DRAINAGE WAYS.
5. REMOVE OVERSIZED BOULDERS FROM SURFACE PRIOR TO TOPSOIL PLACEMENT.
6. PLACE TOPSOIL EVENLY ACROSS ENTIRE WORK AREA USING GRADER OR OTHER EQUIPMENT. MAINTAIN CROWN OVER TRENCH CENTERLINE. REMOVE OVERSIZED MATERIALS FROM FINAL SURFACE TO BE CONSISTENT WITH LOCAL CONDITIONS OR IN ACCORDANCE WITH ANY SPECIAL REQUIREMENTS.
7. AREAS REQUIRED STRIPPING WHEN TREES OR SHRUBS ARE PRESENT MUST COMPLY WITH THE APPROVED NDPSO TREE AND SHRUB MITIGATION PLAN.



NOTES:

LIMIT STRIPPING TO ABOVE THE TRENCH LINE ONLY ON NATIVE PRAIRIE, GRASSLAND, IMPROVED PASTURE LAND, OR WETLANDS. OPTION 5 MAY BE USED IN LOCATIONS WHERE THE WIDTH OF STRIPPING WOULD BE LIMITED.

1. THE TYPICAL CONSTRUCTION WIDTH WILL BE 70 FEET. THE WIDTH OF THE WORKING SIDE MAY BE DECREASED FOR SHORT DISTANCES IN LOCATIONS IDENTIFIED ON THE PLANS OR AS DIRECTED BY THE PROJECT ENGINEER.
2. TOPSOIL SHALL BE STRIPPED ONLY FROM THE AREA ABOVE THE TRENCH. STRIP AND STOCKPILE TOPSOIL AND TRENCH SPOIL SEPARATELY. PROVIDE ADEQUATE SEPARATION BETWEEN TOPSOIL AND SPOIL STOCKPILES TO PREVENT MIXING. TYPICAL A HORIZON DEPTH (TOPSOIL) FROM THE NRCS SOIL SURVEY IS INDICATED ON THE ALIGNMENT SHEETS AND IS INTEND AS A GUIDELINE. THE ACTUAL TOPSOIL SALVAGE DEPTH WILL VARY LOCALLY AND ADJUSTMENT OF DEPTH WILL BE REQUIRED TO SALVAGE ALL AVAILABLE TOPSOIL. SEVERAL PASSES USING A GRADER OR OTHER EQUIPMENT MAY BE REQUIRED.
3. SOIL SALVAGE ACTIVITIES SHOULD NOT BE CONDUCTED IN WET CONDITIONS OR DURING HIGH WINDS IF SOIL IS PRONE TO WIND EROSION. DISCONTINUE STRIPPING IN LOCATIONS WHERE BUFFERS ARE REQUIRED AT WATERWAYS, WETLANDS, OR OTHER SENSITIVE AREAS.
4. BACKFILL TRENCH WITH SPOIL AND COMPACT IN ACCORDANCE WITH PROJECT SPECIFICATIONS. PROVIDE CROWN USING AVAILABLE SPOIL OVER TRENCH TO ACCOMMODATE SETTLEMENT. AVOID DAMAGE TO SOD LAYER BELOW SPOIL. CROWN SHOULD BE DISCONTINUED ACROSS DRAINAGE WAYS.
5. REMOVE OVERSIZED BOULDERS FROM SUBSOIL SURFACE PRIOR TO TOPSOIL PLACEMENT.
6. PLACE TOPSOIL EVENLY ACROSS TRENCH AREA USING GRADER OR OTHER EQUIPMENT. MAINTAIN CROWN OVER TRENCH CENTERLINE. REMOVE OVERSIZED MATERIALS TO BE CONSISTENT WITH LOCAL CONDITIONS OR IN ACCORDANCE WITH ANY SPECIAL REQUIREMENTS.
7. AREAS REQUIRED STRIPPING WHEN TREES OR SHRUBS ARE PRESENT MUST COMPLY WITH THE APPROVED NDPSO TREE AND SHRUB MITIGATION PLAN.