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May 2, 2012

**RECEIVED**

MAY 02 2012

*Hand Delivery*

**PUBLIC SERVICE COMMISSION**

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

Dear Mr. Nitschke:

RE: Enbridge Pipelines (North Dakota) LLC  
Little Muddy Station Connection Project  
Route Deviation Request  
Docket No. PU-11-606  
Our File No. 31-411-07

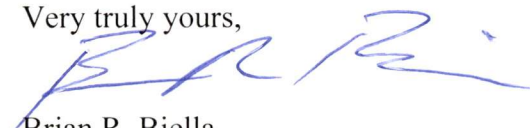
Enbridge Pipelines (North Dakota) LLC is enclosing herewith for filing the original and ten copies of a requested Route Deviation.

As demonstrated in the request, the route deviation does not include any exclusion or avoidance areas, and thus may be permitted pursuant to North Dakota Administrative Code § 69-06-05-02(2).

Enbridge respectfully requests that this request be reviewed and approved in an expedited manner, in order that construction may commence as soon as possible.

Thank you for your attention to this matter.

Very truly yours,



Brian R. Bjella

**39** **PU-11-606** Filed: 5/2/2012 Pages: 10  
**Request for route deviation**

bw

Enc.

cc: Williams County Auditor  
Patrick Fahn

Enbridge Pipelines (North Dakota) LLC  
Little Muddy Station Connection Project  
Route Deviation Request  
Docket No. PU-11-606



May 1, 2012

**Enbridge Pipelines (North Dakota) LLC**

**North Dakota PSC  
Docket No. PU-11-606**

**Little Muddy Station Connection Project**

**Route Deviation  
Station Number 225+79 to Station Number 307+28**

**May 1, 2012**

May 1, 2012

### **McCauley Route Deviation**

Enbridge Pipelines (North Dakota) LLC ("EPND"), hereby respectfully requests a route deviation pursuant to North Dakota Administrative Code § 69-06-05-02(2).

By Order dated March 21, 2012, the Public Service Commission ("Commission") issued Route Permit No. 139 and Certificate of Corridor Compatibility No. 130 to EPND for this Little Muddy Station Connection Project.

In the Application for a Certificate of Corridor Compatibility and Route Permit as originally filed with the Commission on November 14, 2011, in Section C, page 13, it is indicated that in the southeast portion of the project, that EPND was considering an approximate 1.5 mile segment alternative. As a result, EPND completed environmental and cultural resource surveys in the entire 1.5 mile segment alternative, as demonstrated in Exhibit H.1. This is the same area for which EPND is now requesting approval of a route deviation.

In Exhibit C.1 to the Application, which includes the submittal of the cultural resource surveys to the North Dakota State Historic Preservation Office (SHPO), it is demonstrated that the entire alternative area was studied for cultural resources. Exhibit C.2 to the Application contains SHPO's concurrence of "no historic properties affected" and "no significant sites affected" for the entire surveyed area, including the alternative area.

As a result, the original Application and the legal publications of the notice of the public hearing which was held on February 23, 2012, would have included notice to the public of this alternative area.

As demonstrated in the enclosed materials and in Exhibits C.1, C.2 and H.1 to the original Application, this alternative area contains no exclusion or avoidance areas, and thus may be permitted as a route deviation pursuant to NDAC § 69-06-05-02(2). EPND respectfully requests that this deviation application be reviewed and approved in an expedited manner, in order that construction may commence as soon as possible.

#### **A. Description of Proposed Route Deviation**

The route deviation (the "McCauley Deviation"), is located within the survey area which the Commission evaluated during the approval process of Case No. PU-11-606. The McCauley Deviation begins at Station Number 225+79 located in Section 35, Township 156 North, Range 100 West and ends at Station Number 307 + 75 in Section 36, Township 156 North, Range 100 West. all being located in Williams County, North Dakota as shown on Attachment A.

The pipeline centerline must be adjusted to the south to avoid the NW ¼ of Section 36, Township 156 North, Range 100 West. The McCauley Deviation will consist of approximately 8149 feet of 10-inch diameter pipeline. Of the 8149 feet, 6029 feet are outside of the permitted route corridor. The portion of the pipeline centerline adjustment that lies outside the 400 foot corridor approved by the Commission begins at Station Number 232+46 and ends at Station Number 292+75.



May 1, 2012

| <b>Summary Table 1.1</b>   |              |   |                                  |
|--|--------------|---|----------------------------------|
| <b>Comparison of Approved Pipeline Centerline and Route Deviation Centerline</b> |              |   |                                  |
| <b>Land Use &amp; Land Cross <sup>a</sup></b>                                    | <b>Units</b> | <b>Approved Pipeline Centerline within Permitted Route Corridor</b> | <b>Requested Route Deviation</b> |
| Total Length   | Feet         | 7978  | 8149                             |
| Length Outside Permitted Route Corridor  | Feet         | 0   | 6029                             |
| Roads Crossed  | Number       | 1   | 1                                |
| Construction Footprint   | Feet         | 110   | 110                              |
| Permanent Right-of Way Requirement   | Feet         | 50  | 50                               |
| Temporary Workspace  | Feet         | 60  | 60                               |

EPND will maintain the same construction footprint and right-of way requirements as approved by this Commission in Case No. PU-11-606.

**B. Purpose & Justification as Preferred Route**

As stated above, the McCauley Deviation is needed in order to avoid private land where pipeline access has been denied by one landowner. EPND plans to adjust its pipeline centerline slightly south to gain access to adjacent private land. EPND believes that the McCauley Deviation is in the public interest and respectfully requests that the Commission grant EPND approval to proceed with the minor centerline adjustment to its 10-inch pipeline at this location.

**C. Analysis of the Potential Impacts on the Human and Natural Environment**

Based on the McCauley Deviation, EPND has analyzed the impacts of the proposed centerline adjustment in accordance with the Commission's Transmission Facility Corridor and Route Criteria<sup>1</sup>. The McCauley Deviation has substantially similar impacts as the existing sited and approved pipeline route corridor which was evaluated and permitted by this Commission in accordance with North Dakota Administrative Code ("NDAC") Section 49-22-09 and 69-06-08-02<sup>2</sup>. Thus, EPND submits the following

<sup>1</sup> North Dakota Administrative Code Section 69-06-08-02.

<sup>2</sup> See Finding of Facts, Conclusion of Law Order, dated March 21, 2012 in Case No. PU-11-606, which the Commission authorized the transmission facility corridor and route for the Little Muddy Station Connection Project in Williams County in Corridor Certificate No. 130 and Route Permit No. 139.

information to demonstrate that no significant adverse impact will result from the location, construction and operation of the McCauley Deviation.

### **C.1 Exclusion Areas**

- No exclusion areas were identified in accordance with the criteria set out in NDAC Section 69-06-07-02.1

### **C.2 Avoidance Areas**

- No inhabited residence, school or place of business was identified within 500 feet of the proposed route deviation.
- No other avoidance areas were identified in accordance with the criteria set out in NDAC Section 69-06-07-02.2.

### **C.3 Selection Criteria**

As shown on the Table 1.2 below, EPND has analyzed the impacts of the McCauley Deviation in relation to all of the relevant Selection Criteria. EPND concluded that the McCauley Deviation will have no significant adverse impact on the location, construction and operation of the Project as approved by the Commission's Order, dated March 21, 2012.



May 1, 2012

| <b>Table 1.2</b><br>Little Muddy Station Connection Project<br>Selection Criteria Considered |   |                                   |
|--|---|-----------------------------------|
| SELECTION CRITERIA<br>CONSIDERED   | CROSSED BY APPROVED CORRIDOR<br>AND ROUTE | CROSSED BY REQUESTED<br>DEVIATION |
| Agricultural Production  | Yes                                       | Yes                               |
| Family Farms and Ranches   | Minimal                                   | Substantially similar             |
| Land Suitable for Irrigation   | Minimal                                   | Substantially similar             |
| Surface and Groundwater<br>Flow Patterns   | Minimal                                   | Substantially similar             |
| Noise Sensitive Areas  | Minimal                                   | Substantially similar             |
| Visual Effects   | Minimal                                   | Substantially similar             |
| Extractive and Storage<br>Resources  | Minimal                                   | Substantially similar             |
| Wetlands   | Minimal                                   | Substantially similar             |
| Woodlands  | Minimal                                   | Substantially similar             |
| Communication or Electric<br>Control Facilities  | Minimal                                   | Substantially similar             |
| Human Health and Safety  | Minimal                                   | Substantially similar             |
| Animal Health and Safety   | Minimal                                   | Substantially similar             |
| Plant Life   | Minimal                                   | Substantially similar             |

#### **C.4 Policy Criteria**

EPND has analyzed the relevant Policy Criteria as it relates to the McCauley Deviation. EPND has concluded that the McCauley Deviation will not alter any of its commitments as stated in Policy Criteria<sup>3</sup> Section B.4.c of its Application for a Route Permit, as approved by the Commission's Order, dated March 21, 2012.

<sup>3</sup> North Dakota Rules Chapter 69-06-08-02.4



May 1, 2012

EPND hereby submits its commitment to maximize the benefits of its McCauley Deviation so as to meet the Commission's Policy Criteria. Thus, EPND remains committed to the following:

- conduct its business in compliance with all applicable environmental laws and regulations;
- use energy conservation through the location, process, and design of its transmission facility as approved and the same for the proposed route deviation;
- provide training and utilize available labor in the state;
- construct its approved Project and the proposed route deviation as to take advantage of economies of scale;
- achieve transmission capacity in the most minimally intrusive and most efficient way possible; and
- coordinate with state and local officials.

#### **D. Environmental Assessment for Route Deviation**

The McCauley Deviation will not impact the environmental data that has been assessed, specifically with regard to cultural resources, wetlands and protected species, as described in Section B of the Application for Certificate for Corridor Compatibility and approved by the Commission's Order, dated March 21, 2012.

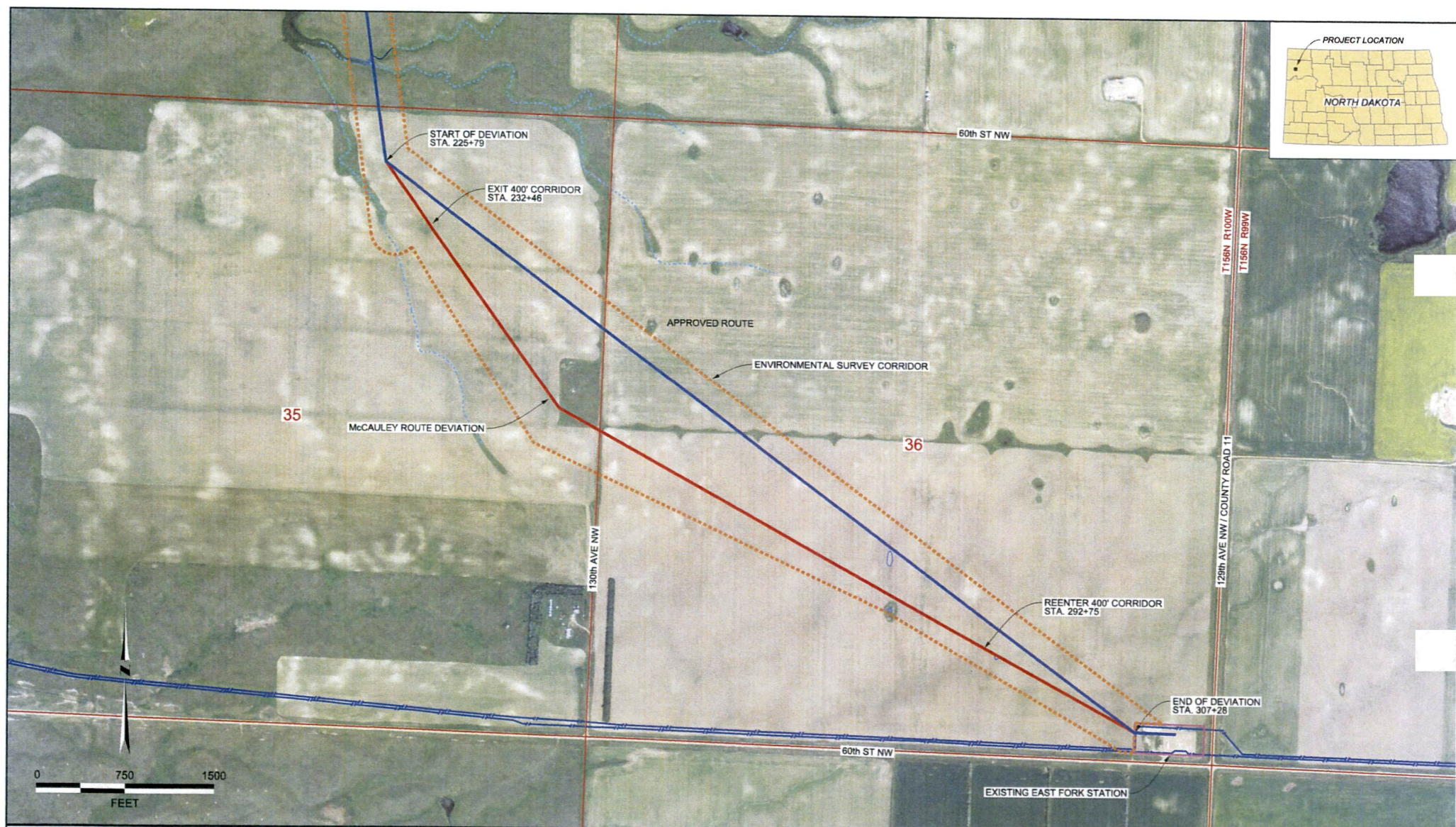
Enbridge Pipelines (North Dakota) LLC  
Little Muddy Station Connection Project  
Route Deviation Request  
Docket No. PU-11-606



May 1, 2012

**ATTACHMENT A**

**Route Map**



**LEGEND**

|                               |  |                      |  |
|-------------------------------|--|----------------------|--|
| APPROVED ROUTE                |  | DELIMITED WETLAND    |  |
| MCCAULEY ROUTE DEVIATION      |  | DELIMITED WATER BODY |  |
| EXISTING ENBRIDGE PIPELINE    |  | USFS STREAM          |  |
| ENVIRONMENTAL SURVEY CORRIDOR |  |                      |  |
| SECTION LINES                 |  |                      |  |
| STATION BOUNDS                |  |                      |  |

**GENERAL NOTES**

1. ROCKWELL ENGINEERING, INC. AND/OR ENBRIDGE ARE NOT RESPONSIBLE FOR THE LOCATION OF THIRD-PARTY PIPELINES AND UTILITIES SHOWN ON THIS DRAWING. THIS INFORMATION IS PRESENTED ON A "BEST EFFORTS" BASIS AND IS PROVIDED WITHOUT LIABILITY ON THE PART OF ROCKWELL ENGINEERING, INC. AND/OR ENBRIDGE FOR ANY DAMAGES RESULTING FROM ERRORS OR OMISSIONS IN THIS INFORMATION.
2. PRIOR TO COMMENCING ANY ACTIVITIES WHICH COULD IMPACT PIPELINES OR UTILITIES, CONTACT NORTH DAKOTA ONE-CALL AT 1-800-798-0865.
3. THE LOCATION OF PIPELINES, UTILITIES, OVERHEAD ELECTRIC LINES AND OTHER BURIED OR ABOVE-GROUND FACILITIES ARE FOR REFERENCE ONLY.
4. COORDINATE SYSTEM: NORTH DAKOTA STATE PLANE, NAD83, NORTH ZONE, USFEET
5. AERIAL PHOTOGRAPHY: USGS 2010 NAPP

**REVISIONS**

| REV. NO. | DESCRIPTION                   | ISSUED | CHKD | DATE    |
|----------|-------------------------------|--------|------|---------|
| A        | ISSUED FOR PERMIT APPLICATION | MWW    | MSJ  | 4/25/12 |
|          |                               |        |      |         |
|          |                               |        |      |         |
|          |                               |        |      |         |
|          |                               |        |      |         |

**ENBRIDGE PIPELINES (NORTH DAKOTA) LLC**

LITTLE MUDDY STATION CONNECTION PROJECT  
MCCAULEY ROUTE DEVIATION  
ND PSC FILING

WILLIAMS COUNTY NORTH DAKOTA

SCALE: AS SHOWN DATE: PROJECT NO.: DRAWING NO.:  
 DRAWN BY: MSW 4/25/12 2854-PSC-0018  
 CHECKED BY: MSJ 4/25/12 REVISION: A  
 ENGR: MSJ 4/25/12