

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Pipeline Company LLC
24-Inch Crude Oil Pipeline – Sandpiper Pipeline Project
Siting Application

Case No. PU-13-848

AFFIDAVIT OF DAVID HODEK

STATE OF Minnesota)
) ss.
COUNTY OF St. Louis)

David Hodek, being first duly sworn upon oath, states and alleges as follows:

1. I am the Manager of Engineering and Construction for Sandpiper Mainline Execution, Major Projects, for the Sandpiper Pipeline Project (“Project”), which is the subject of the above-captioned matter.

2. I provide this Affidavit in support of North Dakota Pipeline Company LLC’s (“NDPL”) Route and Corridor Adjustment Request.

3. On June 25, 2014, the North Dakota Public Service Commission (the “Commission”) issued Findings of Fact, Conclusions of Law and Order (“Order”) granting NDPL Certificate of Corridor Compatibility No. 153 and Route Permit No. 165 designating a corridor and route (the “Designated Corridor” and the “Designated Route,” respectively) for the Project.

4. Since issuance of the Order, NDPL has determined that two route adjustments over 1.5 miles in length outside the Designated Corridor are necessary for the Project to avoid U.S. Fish and Wildlife Service (“USFWS”) wetland easement basins and a Wetland Reserve Program easement acquired by the Natural Resource Conservation Service (“NRCS”), U.S. Department of Agriculture. One route adjustment is in Towner County, and the other is in Nelson County.

5. With respect to the route adjustment in Towner County, in consultation with the USFWS, NDPL has identified a number of USFWS wetland easement basins located along the Designated Route in Sections 23 and 26, Township 157 North, Range 68 West. In order to

minimize potential impacts to USFWS wetland easement basins, NDPL proposes to adjust the Project route and corridor to the south and east of the Designated Route and Designated Corridor. The total length of the route adjustment is 11,818 feet, and the length of the route adjustment outside of the Designated Corridor is 10,114 feet. A map depicting both the Designated Route and Corridor and the proposed route and corridor adjustment in Towner County is attached as Exhibit A.1.

6. With respect to the Nelson County route adjustment, a NRCS Wetland Reserve Program easement covers portions of Section 3, Township 152 North, Range 60 West, Nelson County, and the easement area is crossed by the Designated Route. Based on discussions with the NRCS, construction of the Project across the Wetland Reserve Program easement is inconsistent with the terms of the easement, which prohibits alteration of vegetative cover and the installation of structures under the easement. In addition, in consultation with the USFWS, a number of USFWS wetland easement basins have been identified along the Designated Route to the east of the Wetland Reserve Program easement parcel. For these reasons, NDPL proposes to adjust the Project route and corridor to the north of the Designated Route and Designated Corridor, thereby avoiding the Wetland Reserve Program easement and reducing the number of USFWS wetland easement basins crossed by the Project. The total length of the route adjustment is 23,446 feet, and the length of the route adjustment outside of the Designated Corridor is 18,309 feet. A map depicting both the Designated Route and Corridor and the proposed route and corridor adjustment in Nelson County is attached as Exhibit A.2.

7. All affected landowners, who are identified on the attached Exhibit B.1 for the Towner County route adjustment and Exhibit B.2 for the Nelson County route adjustment, have executed easements allowing NDPL to construct the Project along the route adjustments. For both route adjustments, NDPL will maintain the same construction footprint and right-of-way requirements as set forth in Findings of Fact Paragraph No. 29 of the Order.

8. NDPL has analyzed the route and corridor adjustments in relation to the Commission's Exclusion Area, Avoidance Area, Selection, and Policy Criteria.

9. Based on NDPL's analysis, no Exclusion Areas are located within the adjusted corridor or crossed by the route adjustments.

10. With respect to Avoidance Areas, the Nelson County route adjustment will be within 500 feet of an occupied residence. NDPL will obtain a written waiver from the landowner allowing placement of the Project within 500 feet of said residence. A copy of the waiver will be provided to the Commission upon receipt. No other Avoidance Areas are located within the adjusted corridor or crossed by the route adjustments.

11. In relation to the Selection Criteria, the adjustments will reduce the potential impacts to wetlands, and the analysis with respect to the remaining selection criteria remains consistent with the information set forth in Section B.4.c of NDPL's Application for a Route Permit. Further, the proposed adjustments do not alter the conclusion that no significant adverse impact will result from the location, construction, and operation of the Project at the adjusted locations, as set forth in Findings of Fact Paragraph No. 25 of the Commission's Order.

12. The proposed adjustments will not alter any of NDPL's commitments with respect to the Policy Criteria, as set forth in Findings of Fact Paragraph No. 26 of the Commission's Order.

13. The proposed route and corridor adjustments will not impact the environmental analysis conducted for the Project, as described in Section B of the Application for Certificate for Corridor Compatibility, or the conclusions reached by the Commission in its Order. The route and corridor adjustments are within the 2-mile-wide study area that NDPL analyzed in its Application (see D.1 of the Application for Certificate for Corridor Compatibility). In addition, NDPL performed field survey work for those portions of the adjustments that fall outside of NDPL's Designated Corridor. The results of the surveys are provided in an October 30, 2015 letter from Merjent, Inc. ("Merjent"), attached hereto as Exhibit C.

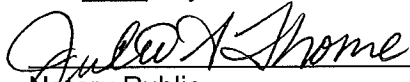
14. With respect to the requested route and corridor adjustments, NDPL will comply with the Commission's June 25, 2014 Order, including applicable siting laws and rules.

FURTHER AFFIANT SAYETH NOT.

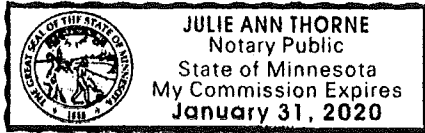


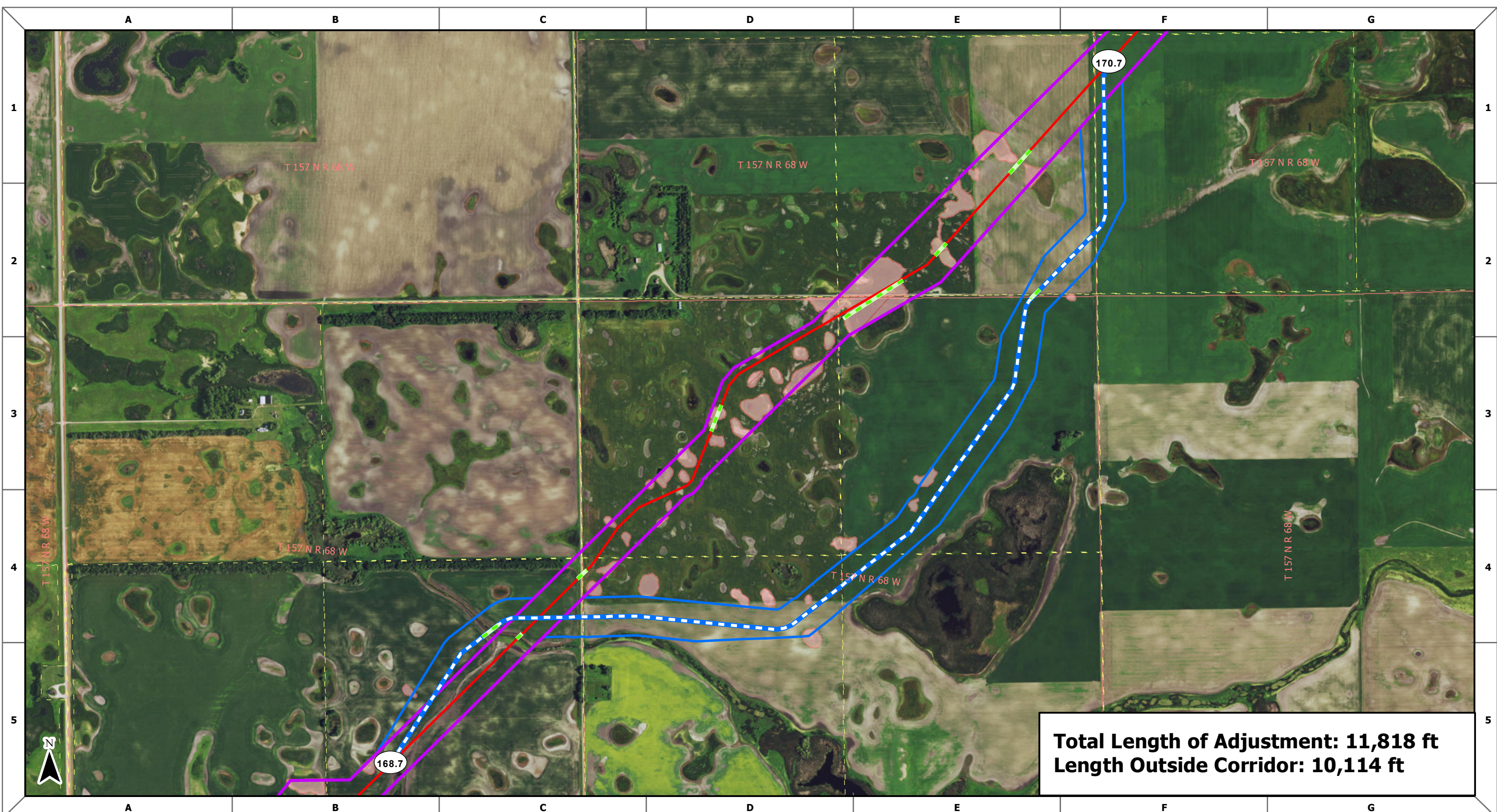
DAVID HODEK

Subscribed and sworn to before me
this 10 day of November, 2015.

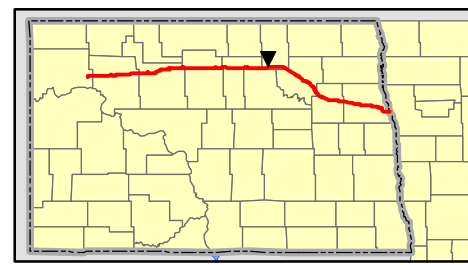


Notary Public





Total Length of Adjustment: 11,818 ft
Length Outside Corridor: 10,114 ft



- Sandpiper Approved Centerline
- - - Sandpiper Route Adjustment
- Sandpiper Approved Corridor
- Sandpiper Adjusted Corridor
- · - · - HDD or Bore Location
- Mile Posts
- Exclusion Areas
- Avoidance Areas
- Section Lines
- Property Boundaries
- Fish & Wildlife Service Basin

Exhibit A.1

0 500 1,000 2,000
 Feet

PSC Update - Revision I Alignment
 PSC Submittal

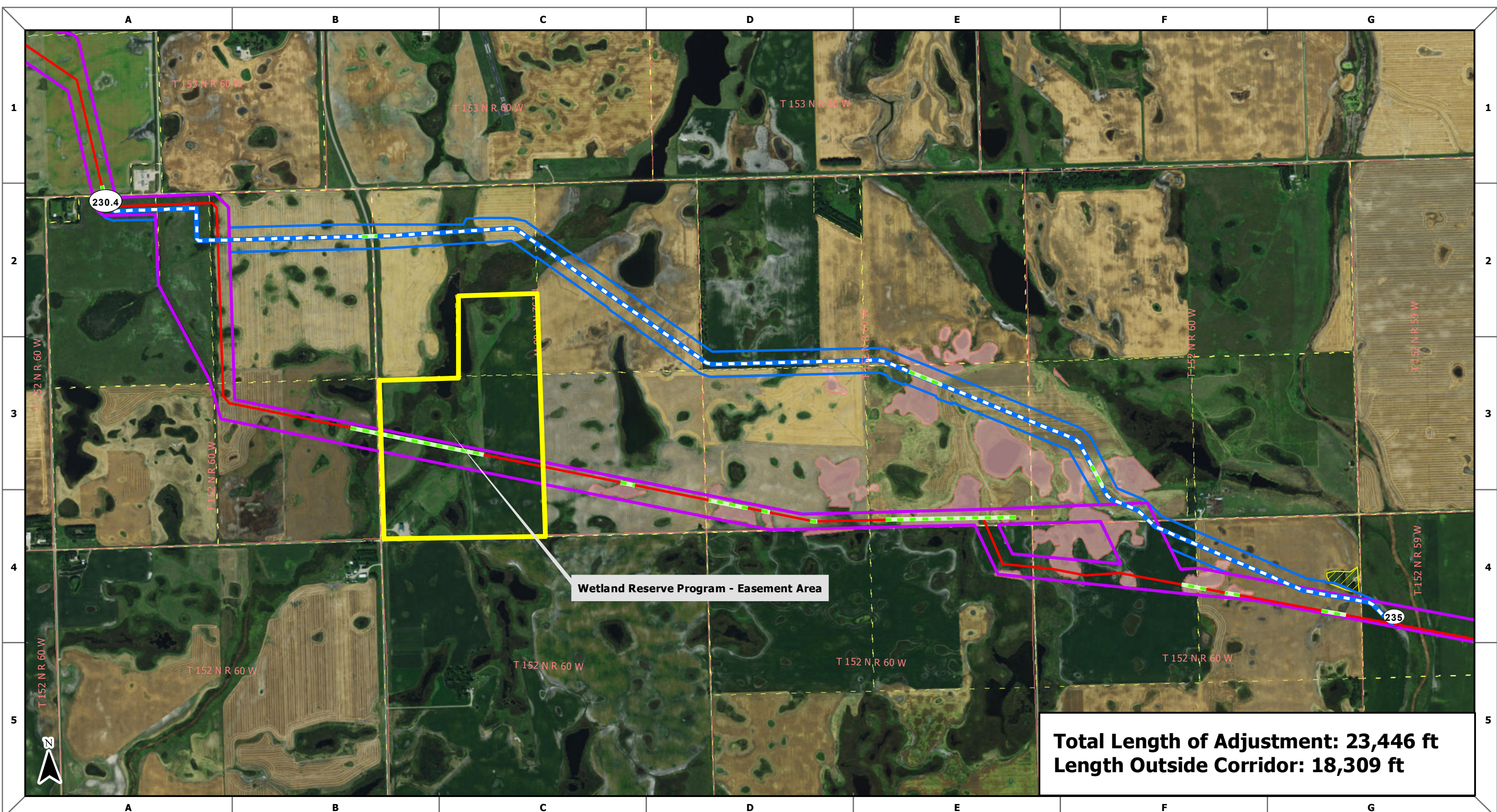
Towner County Route Adjustment

NORTH DAKOTA PIPELINE COMPANY LLC

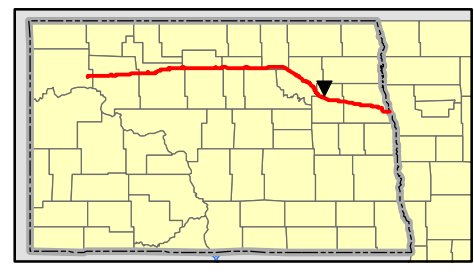
SANDPIPER PIPELINE PROJECT
 ROUTE MAP
 Towner County

DRAWN: EAK CHECKED: --
 DATE: Nov 05, 2015 SCALE: AS SHOWN

Spread:2



Total Length of Adjustment: 23,446 ft
Length Outside Corridor: 18,309 ft



- Sandpiper Approved Centerline
- - - Sandpiper Route Adjustment
- Sandpiper Approved Corridor
- Sandpiper Adjusted Corridor
- · - · HDD or Bore Location
- Mile Posts
- Exclusion Areas
- Avoidance Areas
- Section Lines
- Property Boundaries
- Fish & Wildlife Service Basin

0 800 1,600 3,200
 Feet

Exhibit A.2

PSC Update - Revision I Alignment		DRAWN: EAK	CHECKED: --
PSC Submittal		DATE: Nov 05, 2015	SCALE: AS SHOWN
Nelson County Route Adjustment		Spread:3	

**NORTH DAKOTA PIPELINE
 COMPANY LLC**

SANDPIPER
 PIPELINE PROJECT
 ROUTE MAP
 Nelson County

North Dakota Pipeline Company LLC
Sandpiper Pipeline Project
Route and Corridor Adjustment Request
Docket No. PU-13-848



EXHIBIT B.1
Towner County Route Adjustment
Landowner Information

Affected Landowner	County	Easement Description
Dorothy Clark (ND-TO-017.000, 019.000, 020.000)	Towner	The S½ of Section 23, the SW¼ of Section 26, and the N½ of Section 26, all in Township 157 N, Range 68 W, Towner County, North Dakota
Dorothy Clark (ND-TO-019.300)	Towner	The SE¼ of Section 26, Township 157 N, Range 68 W, Towner County, North Dakota
Dorothy Clark (ND-TO-021.000)	Towner	The SW1/4 of Section 24, Township 157 N, Range 68 W, Towner County, North Dakota



EXHIBIT B.2
Nelson County Route Adjustment
Landowner Information

Affected Landowner	County	Easement Description
Larry Borland (ND-NE-013.000)	Nelson	The NW1/4 of Section 4, Township 152 N, Range 60 W, Nelson County, North Dakota
Paul Hanson (ND-NE-014.200)	Nelson	The NE1/4 of Section 4, Township 152 N, Range 60 W, Nelson County, North Dakota
Bill Beatty (ND-NE-017.200)	Nelson	The N1/2 and the SW1/4 of the NW1/4 of Section 3, Township 152 N, Range 60 W, Nelson County, North Dakota
Donald Naismith and Shirley Naismith (ND-NE-018.200)	Nelson	The NE1/4 of Section 3, Township 152 N, Range 60 W, Nelson County, North Dakota
Frances Thompson and David Thompson (ND-NE-019.200)	Nelson	A Portion of the NW1/4 of Section 2, Township 152 N, Range 60 W, Nelson County, North Dakota
Frances Thompson and David Thompson (ND-NE-020.200)	Nelson	The NE1/4 of Section 2, Township 152 N, Range 60 W, Nelson County, North Dakota
Tam Landrigan (ND-NE-020.000)	Nelson	The SE1/4 of Section 2, Township 152 N, Range 60 W, Nelson County, North Dakota
Tam Landrigan (ND-NE-021.000)	Nelson	The SW1/4 of Section 1, Township 152 N, Range 60 W, Nelson County, North Dakota
Travis Fossen and Glen H. Fossen (ND-NE-022.000)	Nelson	The NW1/4 of Section 12, Township 152 N, Range 60 W, Nelson County, North Dakota
Lawrence Bazal (ND-NE-023.000)	Nelson	The NE1/4 of Section 12, Township 152 N, Range 60 W, Nelson County, North Dakota
Michelle Fisk and Ryan Fisk (ND-NE-024.000)	Nelson	The NW1/4 of Section 7, Township 152 N, Range 59 W, Nelson County, North Dakota

EXHIBIT C
Field Survey Results

October 30, 2015

Sally Joyce
Regulatory Project Supervisor
Enbridge Energy Partners
1100 Louisiana, Suite 300
Houston, Texas 77002

Re: North Dakota Pipeline Company LLC
Sandpiper Project – Siting Application
Route and Corridor Adjustment Request
Case No. PU-13-848

Dear Ms. Joyce:

Merjent, Inc. (Merjent) submits this letter in support of North Dakota Pipeline Company LLC's (NDPL) Route and Corridor Adjustment Request for the Sandpiper Pipeline Project (Project). As set forth in NDPL's Request, NDPL has determined that two route adjustments over 1.5 miles in length outside the corridor designated for the Project (Designated Corridor) by the North Dakota Public Service Commission (Commission) are required. The adjustments are necessary for the Project to avoid U.S. Fish and Wildlife Service (USFWS) wetland easement basins and a Wetland Reserve Program easement acquired by the Natural Resource Conservation Service, U.S. Department of Agriculture. One route adjustment is in Towner County, and the other is in Nelson County.

Per NDPL's request, Merjent has reviewed the proposed route and corridor adjustments for compliance with the siting criteria set forth in North Dakota Administrative Code § 69-06-08-02. Based on Merjent's review, the proposed route and corridor adjustments will not impact any Exclusion Areas. With respect to Avoidance Areas, the Nelson County route adjustment will be within 500 feet of an occupied residence. NDPL will obtain a written waiver from the landowner allowing placement of the Project within 500 feet of said residence. No other Avoidance Areas will be impacted by the adjustments. With respect to the Selection Criteria, no significant adverse impact will result from the location, construction, and operation of the Project at the adjusted locations.

In addition, Merjent or its subcontractors completed field surveys of those portions of the adjusted corridor that are outside of the Designated Corridor. The survey work conducted is discussed further below:

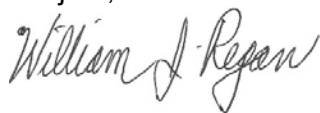
- **Cultural Resources:** Merjent completed cultural resource field surveys on all areas within the adjusted corridors for the two route adjustments. The survey results specific to the two route adjustments are contained within the report entitled *2015 North Dakota Class III Archeological Resource Inventory (Rev 0)*, which is under review by the North Dakota State Historic Preservation Office. No cultural resources were found within the adjusted corridor for either of the two route adjustments.

- **Wetlands and Waterbodies:** As discussed above, the route adjustments are designed to avoid a number of USFWS wetland easement basins and a Wetland Reserve Program easement parcel and, as a result, will reduce the Project's potential wetland impacts. Merjent retained Carlson McCain, Inc. and Wenck, Inc. to conduct wetland and waterbody surveys in North Dakota for the Project. Wetland and waterbody field surveys were completed on all areas within the adjusted corridors for the two route adjustments. Similar types of wetlands and waterbodies were identified within the adjusted corridors as were identified within the Designated Corridor; however, there are fewer wetlands within the adjusted corridors (the number of waterbodies crossings are comparable).
 - **Wetland and Waterbody Permitting.**
Related to the wetland and waterbody field survey efforts, Merjent is assisting NDPL with securing Project permits from the U.S. Army Corps of Engineers (COE) and the USFWS. NDPL is seeking coverage under the COE's Nationwide Permit 12, Section 404 Permit, for short-term temporary construction impacts on COE-jurisdictional wetlands and waterbodies. No permanent fill will be placed in wetlands or waterbodies, and no permanent impacts are expected. Merjent is also assisting NDPL in coordinating with the USFWS to avoid or minimize impacts to USFWS wetland easements.
- **Threatened and Endangered Species:** Merjent has been assisting NDPL since early 2013 with ongoing coordination with the USFWS regarding federally listed, proposed, and candidate threatened or endangered (T&E) species and proposed and designated critical habitat that may occur in the Project area. The T&E species that may occur in Towner and Nelson counties, which contain the adjusted corridors, include the whooping crane (endangered), gray wolf (endangered), the northern long-eared bat (threatened), and the Sprague's pipit (candidate and in Towner County only).

Merjent retained Western Ecosystems Technologies, Inc. (WEST) to conduct T&E-related survey work. WEST completed northern long-eared bat surveys along the Project route in areas of suitable habitat and did not detect northern long-eared bats in North Dakota. Based on grassland habitat survey work WEST completed in 2013 and 2014, the adjusted corridor located in Towner County does not provide suitable habitat for the Sprague's pipit (i.e., this area crosses agricultural land). With respect to the whooping crane and gray wolf, the USFWS did not recommend species-specific surveys due to the low likelihood for these species to be present during survey work or construction. Should a whooping crane or gray wolf be sighted within 1 mile of the Project area during construction, NDPL will suspend construction at that location until the individual has left the area and contact the USFWS and the North Dakota Game and Fish Department.

If you have any questions or need further information, please contact me at (612) 746-3662 or bjregan@merjent.com.

Sincerely,
Merjent, Inc.



William Regan
Senior Project Manager