

## Right of Way Analysis of Robert Ferebee Reroute Request

The following analysis pertains to the proposed reroute presented to the North Dakota Public Service Commission "Commission" and Dakota Access, LLC "DAPL" by Robert Ferebee in Dunn County. The proposed reroute was presented by Mr. Ferebee's attorney, Derrick Braaten of Baumstark and Braaten, LP. A map indicating the filed route in comparison to the proposed reroute is attached as Exhibit "A." The proposed reroute is identified by the solid orange line. The filed route is identified by the solid purple line.

Exhibit "B" offers a comparison of various aspects between the filed route and the proposed reroute. The proposed reroute extends the length of the pipeline by 0.71 miles. The routes have similar environmental impacts; however to achieve co-location of only 51%, the proposed reroute would come within 500 feet of two ground water wells and result in two additional road crossings.

The three main aspects of the comparison between DAPL's proposed route currently filed with the PSC and the suggested route by Mr. Ferebee entail the transference of impact to new landowners as result of the requested route, the loss of currently acquired easements along the current proposed route, and the percentage of the current proposed route DAPL lacks to complete acquisition in this area.

### Transference of Impacts to New Landowners

The proposed reroute would impact fourteen landowners over sixteen tracts of land. Exhibit "C" attached identifies all landowners along the proposed reroute, whether such tract is crop producing, and whether DAPL has acquired voluntary easements over the tract. Nine of the fourteen landowners encompassing fourteen tracts of land would be additional landowners impacted as a result of the proposed reroute. One landowner has previously executed an easement with DAPL but would require additional negotiations to amend the current agreement to reflect the route adjustment. Four landowners on the proposed reroute are also on the filed route, but the proposed reroute would involve different areas of their property or different parcels owned by these landowners.

In addition to the transference of impacts to new landowners, the proposed reroute would place the pipeline within 500 feet of an occupied residence along 1<sup>st</sup> Street NW thereby requiring a waiver. The only way to avoid such proximity would be to place the line further into cultivated field to create sufficient distance from the residence. The proposed reroute would also place the line through a substantial shelter belt of trees that surround a residence approximately six hundred feet from the center line of the new route. As a result, a 150' path through the shelter belt would be cleared for construction purposes, and a 50' strip be required to remain tree free during operation of the pipeline. DAPL assumes that such disturbance would not be preferable to the newly impacted landowner and the only possible measure to be taken to avoid the shelter belt would be to cross the Tesoro line twice in that area.

### Acquisition Status of the Current Filed Route & Loss of Currently Acquired Easements

DAPL's filed route in this area includes sixteen landowners over seventeen tracts of land. Exhibit "D" attached identifies all landowners along the filed route, the length of pipeline traversing each tract, and highlights in green those tracts in which easements have already been acquired. Of these current

landowners, eight or 50% have executed easements. These acquired easements encompass 3.75 miles of right of way or 40% of the current proposed route. The eight remaining landowners along DAPL's current proposed route in this area are represented by Baumstark and Braaten, LLP.

In summary, the route request from Mr. Ferebee would constitute a substantial transference of impact to nine additional landowners from property owners along the current DAPL route, some of which have executed voluntary easements with DAPL. Given that a majority of the additional landowners are outside DAPL's survey corridor, DAPL cannot assume that such transference of impact would be well received especially when the requested route would be closer to existing homes and affect trees specifically planted to surround a residence. Another challenge the requested route poses is the area in which DAPL can re-connect with the proposed filed route. Co-locating along the Tesoro line would eventually lead the DAPL line to Mandan and well away from the current route and direction of the pipeline. Given the substantial impacts of changing the entire route to parallel Tesoro to its terminus, DAPL would have to select a location at which the requested route returns to the current proposed route. This model selected a point at which the Tesoro line and the current proposed route were closest in proximity while adjusting for Mr. Ferebee's request. However, it is not possible to ascertain from this model which point of intersection would be most desirable to the additional landowners affected by the route or if any point of intersection would be preferred from an acquisition stand point. Therefore, the transference of impacts to additional landowners, properties, and agricultural operations cannot be exactly measured due to the likelihood of resistance from additional landowners to accommodate Mr. Ferebee's preference for co-location with Tesoro regardless of where the two routes eventually merge.

# Ferebee Reroute Map 09-10-2015

## EXHIBIT "A"

Thursday, September 10, 2015 10:42 AM

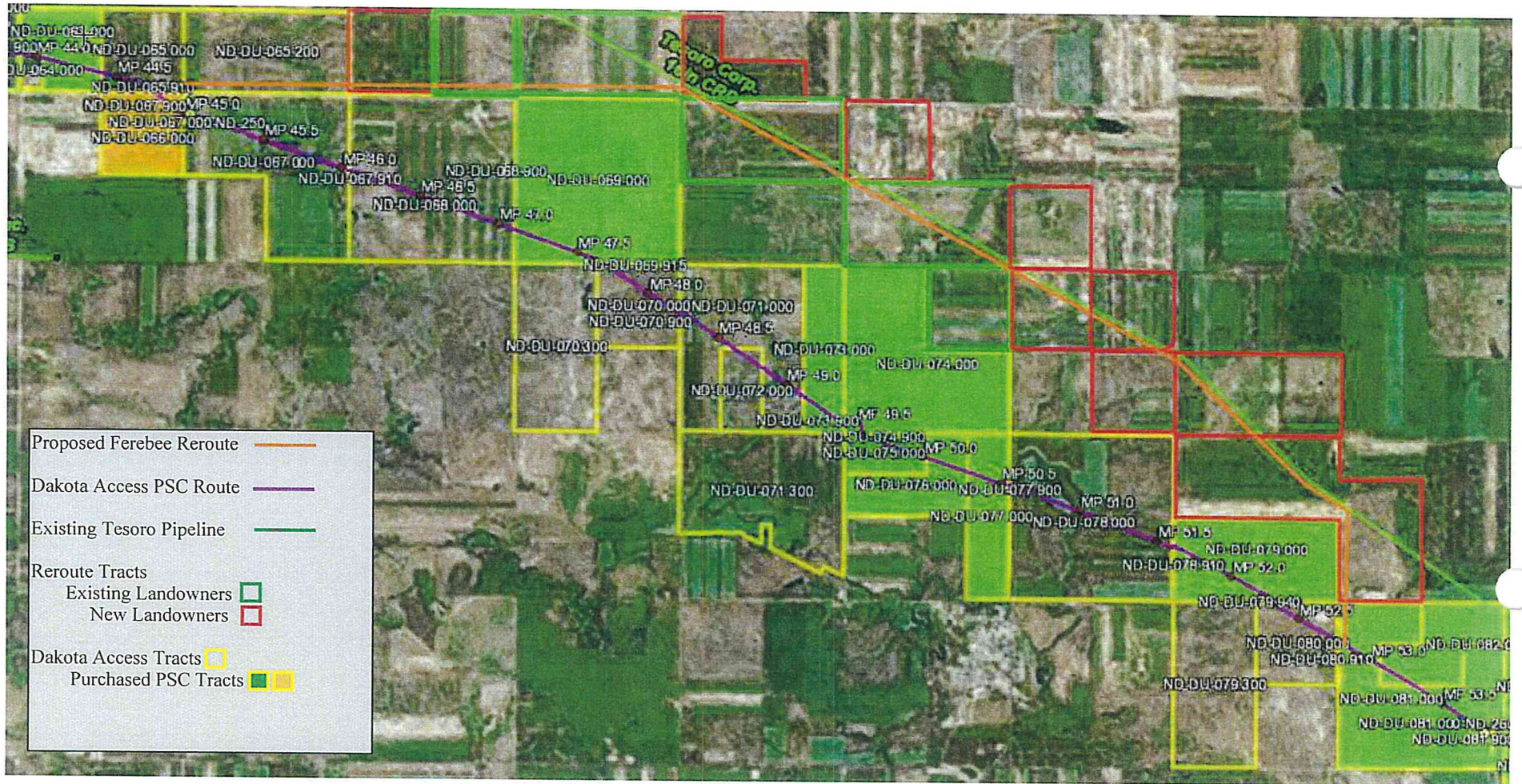


EXHIBIT "B"  
FEREBEE PROPOSED REROUTE  
CONSTRUCTIBILITY ANALYSIS

Statistics	DAPL Filed Route	Ferebee Reroute
2.8+.02+.2+4+1		
Total 2D Mileage	8.12	8.83
Collocation		
Greenfield (mi)	8.12	4.36
Pipeline (mi)	0.00	4.46
Powerline (mi)	0.00	0.00
<b>Overall Corridor Collocation (%)</b>	<b>0%</b>	<b>51%</b>
NHD Flowline (count)		
Stream/River - not perennial	9	8
NWI Wetland		
Freshwater Emergent Wetland		
Crossing Count	3	2
Total Mileage	0.04	0.09
Structures of Concern		
Ground and Surface Water Well Site	0	2 (Within 500')
Transportation Crossing (count)		
Road (Local Neighborhood Road, Rural Road, City Street)	10	12
Road (Secondary Road)	1	1
<b>Total Crossing Count</b>	<b>11</b>	<b>13</b>

**EXHIBIT "C"**  
**Dunn County - Ferebee Reroute - Affected Landowners**

<u>Landowner from West to East</u>	<u>Legal Description</u>	<u>Crop Producing Tract</u>	<u>Agreement Executed w/ LO on Current Route</u>
Zane Voigt 3 88th Ave. NW Halliday, ND 58636	T145N-R92W Sec 06: SE4	No	No
Lisa Kromrei & Karen Hertz 7508 Midvale Road Yakima, WA	T145N-R92W Sec 04: SW4 less 2.51 acres	Yes	No
Timothy & Roberta Wasem 8730 1st St SW Halliday, ND 58636	T145N-R92W Sec 04: SE4 less 2.51 acres	Yes	No
Robert Ferebee 8447 2nd St SW Halliday, ND 58636	T145N-R92W Sec 03: S2	Yes	No
Martha Head FBO/ The DMH Trust, et al % 1st Trust Co., Inc. PO Box 1980 Fargo, ND 58107	T145N-R92W Sec 02: NW4SW4, S2SW4, SW4SE4	Yes	No
Timothy & Roberta Wasem 8730 1st St SW Halliday, ND 58636	T145N-R92W Sec 11: N2	Yes	No
Duane Schwab 888 22nd St West Dickinson, ND 58601	T145N-R92W Sec 12: NW4	yes	No
Robert Ferebee 8447 2nd St SW Halliday, ND 58636	T145N-R92W Sec 12: SW4	Yes	No
Robert & Amy Ferebee 8447 2nd St SW Halliday, ND 58636	T145N-R92W Sec 13: NE4 less 4 acres	Yes	No
Gary & Sandra M. Stern 170 HWY 8 Halliday, ND 58636	T145N-R91W Sec 07: E2SW4, Lots 3, 4, less road	Yes	No
Brady Flaget PO Box 54 Halliday, ND 58636	T145N-R91W Sec 18: E2NW4, Lots 1, 2 less roads	Yes	No
Kerry Stern & Renee Finneman 3132 E Southern St Brighton, CO 80601	T145N-R91W Sec 18: E2NE4 less 5.37 acres, W2NE4 less road	Yes	No
Brady Flaget PO Box 54 Halliday, ND 58636	T145N-R91W Sec 18: SE4	Yes	No
Douglas Tozier 3103 West Lawn Ave Tampa, FL 33611	T145N-R91W Sec 17: S2	Yes	No
William & Shelly Flaget PO Box 126 Halliday, ND 58636	T145N-R91W Sec 20: N2 Sec 21: S2NW4, SW4 less roads	Yes	No
Kennth & Susan Weisz 8089 Highway 1806 Halliday, ND 58636	T145N-R91W Sec 28: NW4	No	Yes

**EXHIBIT "D"**  
**FILED ROUTE STATUS**

<b>Tract Feature</b>	<b>Owner Info</b>	<b>Agent</b>	<b>Tract Length (Rods)</b>
ND-DU-065.000-ROW	Zane Voigt	Terry Hawes	165.07
ND-DU-066.000-ROW	Helen R. McMahan	Terry Hawes	47.95
ND-DU-067.000-ROW	Larry K. Erdmann	Terry Hawes	337.42
ND-DU-068.000-ROW	Roberta A. Wasem	Terry Hawes	337.30
ND-DU-069.000-ROW	Martin Glen Dahlen	Terry Hawes	186.13
ND-DU-070.000-ROW	Dale Ferebee	Terry Hawes	174.24
ND-DU-071.000-ROW	Robert Ferebee	Terry Hawes	229.93
ND-DU-072.000-ROW	George W. Ferebee	Terry Hawes	62.02
ND-DU-073.000-ROW	Joyce Matthews	Terry Hawes	95.28
ND-DU-074.000-ROW	David S. Christensen	Terry Hawes	52.70
ND-DU-075.000-ROW	Carolyn Martinetti	Terry Hawes	138.80
ND-DU-076.000-ROW	David Antonson	Terry Hawes	84.07
ND-DU-077.000-ROW	David S. Christensen	Terry Hawes	84.05
ND-DU-078.000-ROW	James R. Hausauer	Terry Hawes	338.61
ND-DU-079.000-ROW	Donna Gilge	Terry Hawes	224.40
ND-DU-080.000-ROW	Garvin Gullickson	Terry Hawes	150.48
ND-DU-081.000-ROW	Kenneth Weisz	Terry Hawes	295.66
<b>Total Rods</b>			<b>3004.12</b>
<b>Total Acquired</b>			<b>1209.05</b>
<b>Percentage Acquired</b>			<b>40.24%</b>