



1200 17th Street • Suite 2100
Denver, CO 80202
Phone: 303-628-1410 • Fax: 303-628-1420
www.calibermidstream.com

November 21, 2016

Jerry Lien
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
701-328-2400

RE: Construction Notification – Off-ROW Incident and Request for Route Variance for Caliber Bear Den Interconnect Pipeline Project (PU-16-420)

Dear Mr. Lien,

Please find enclosed a construction report for Caliber Bear Den Interconnect Pipeline regarding a potential avoidance area disturbance that occurred during the construction day on November 14, 2016.

Please feel free to contact me directly should you require any additional information.

Sincerely,

Skip Vest
Director, Quality, Health, Safety, Environment, and Regulatory





1200 17th Street • Suite 2100
Denver, CO 80202
Phone: 303-628-1410 • Fax: 303-628-1420
www.calibermidstream.com

Construction Notification – Off-ROW Incident and Request for Route Variance for Caliber Bear Den Interconnect LLC's Bear Den Interconnect Pipeline Project (PU-16-420)

Caliber Bear Den Interconnect LLC (Caliber) discovered during a ROW walk on November 4, 2016 that the Dakota Access Pipeline was installed in the same ROW corridor that Caliber Bear Den Interconnect intended to construct its Bear Den Interconnect Pipeline. This discovery necessitated a route change within the 250' Study Corridor identified in Caliber's Application for Route Permit and Corridor Compatibility Certificate Application.

It was determined that survey crews would provide data for the new line location south of the Dakota Access Pipeline to prevent disturbance of trees that are located north of the existing Dakota Access Pipeline. The survey crew proceeded with survey and staking and once data concerning the potential re-route was gathered, Caliber intended to request a route variance from the North Dakota Public Service Commission (NDPSC) following the procedures for applying for a route variance that were discussed in the pre-construction conference with the NDPSC. See attached map of the area.

Without Caliber's knowledge, authorization or approval, Caliber's pipeline construction contractor approached the area on Sunday, November 14, 2016, they continued with ROW clearing in the re-routed section of line prior to the PSC notification. This re-routed section of pipeline includes a cultural avoidance area Site 32MZ3061 that was potentially impacted by Caliber's pipeline construction contractor. Caliber is investigating why its third party onsite inspection staff failed to prevent this incident and will make any policy and procedure modifications to ensure this does not occur again.

Caliber notified Jerry Lien by phone as soon as the disturbance was discovered on November 15, 2016. Caliber has also notified Susan Quinnell with North Dakota State Historic Preservation Office (NDSHPO) by phone on the same day. On November 16, 2016, Caliber received an email from Paul Picha, Chief Archeologist with NDSHPO, requesting an assessment and a report of any potential impacts to the site. Caliber has arranged for a qualified 3rd party archeological professional to assess the impacts to the site, which assessment will occur the week of November 21, 2016. A report of this assessment will be provided to the NDPSC and the NDSHPO.

The intent of this construction notification is to formally notify the NDPSC of the aforementioned off right-of-way incident that potentially impacted cultural avoidance area 32MZ3061. In addition, Caliber will need to request a route variance from the NDPSC that is within the 250' original project study corridor and will make such formal request in the next few days. Unless and until such variance is approved, no further construction activities will take place in the affected area.

