

RECEIVED

SEP 07 2010

September 7, 2010

**PUBLIC SERVICE COMMISSION**

Mr. Patrick Fahn  
Director, Compliance and Competitive Markets Division  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408

In re: Case No. PU-09-750, Bridger Pipeline LLC  
Crude Oil Pipeline-McKenzie, Dunn, Billings  
Sitting Application

Dear Mr. Fahn:

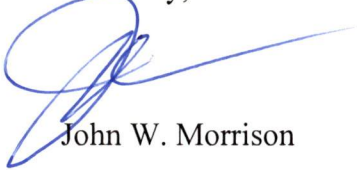
This is in response to your letter of August 23, 2010, seeking additional information from Bridger Pipeline LLC regarding the captioned proceeding.

1. This is due to an error on our part. Bridger at one time was filing Ten Year Plans covering the North Dakota portion of its Little Missouri Pipeline system. Most likely as a result of a personnel change, the plan has not been filed since 2007. Bridger will file a 2010 plan including the proposed pipeline at the earliest possible date. If you would like Bridger to file 2008 and 2009 plans, please let me know and we will be happy to do so.
2. This was also an oversight on our part. In Bridger's letter of intent, we requested that the corridor width be reduced to one-mile. We understand that request was not addressed in the motion acknowledging the filing of the letter of intent and reducing the one-year period for filing a sitting application. We have made a similar request, as well as a request to allow a consolidated corridor and route application, in the sitting application and we will address these matters at the hearing this week.
3. This was due to a misunderstanding on our part. Section 47-22-09 of the North Dakota Century Code provides a number of factors to be considered by the Commission in evaluating and designating corridors and routes, including "existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route." We mistakenly interpreted that factor to relate to "similar" developments, meaning crude oil transportation. In any event, after contacting

the federal, state and local government agencies identified in the application, including Billings, Dunn and McKenzie counties, Bridger is not aware of any plans by any governmental entities for developments of any nature along or in the vicinity of the proposed corridor or route. Various private entities have plans for drilling oil and gas wells and installing oil and gas gathering systems in the general vicinity, including Quintana, Bear Paw, Saddle Butte and others. Bridger is not familiar with the status of these projects or the likelihood that they will ultimately be constructed. However, to Bridger's knowledge, none of these projects will conflict with the pipeline Bridger is planning to construct.

Thank you for the opportunity to clarify these matters. We will have a witness ready to address these issues at the hearing. If you have any further questions or need additional information, please let me know.

Sincerely,



John W. Morrison

cc: Mitch Armstrong  
Debra Bell  
Kathy Spilman

C R O W L E Y | F L E C K <sup>PLLP</sup>  
ATTORNEYS

John W. Morrison  
400 East Broadway, Suite 600  
P.O. Box 2798  
Bismarck, ND 58502-2798  
701.223.6585  
jmorrison@crowleyfleck.com

Via E-mail

September 7, 2010

Mr. Mitchell D. Armstrong  
Attorney at Law  
Smith, Bakke, Porsborg, Schweigert & Armstrong  
P.O. Box 460  
Bismarck, ND 58502-0460

In re: North Dakota Public Service Commission  
Case No. PU-09-750  
Bridger Pipeline LLC

Dear Mitch,

Please find enclosed a signed copy of the Certification Relating to Order Provisions-Pipeline Siting and a copy of a letter to Pat Fahn in response to his August 23, 2010 letter to me. I am having the original of that letter, a copy of the certification, and a copy of this letter delivered to Pat this afternoon. I will have the original certification at the hearing Thursday in Killdeer. Let me know if you have any questions.

Sincerely,



John W. Morrison

cc: Kathye Spilman  
Debra Bell  
Patrick Fahn

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Bridger Pipeline Company**  
**12-inch Crude Oil Pipeline — Billings, Dunn, and**  
**McKenzie Counties**  
**Siting Application**

**Case No. PU-09-750**

**CERTIFICATION RELATING TO ORDER PROVISIONS -**  
**PIPELINE SITING**

I am Henry A. "Ted" Price, a representative of Bridger Pipeline Company (Bridger) with authority to bind Bridger to requirements to be set forth by the Commission in its Order and I certify the following:


1. Bridger agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Bridger representative, its construction supervisor, and a representative of Commission Staff to ensure that Bridger fully understands the conditions set forth in the Commission's order.
2. Bridger agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed pipeline, will obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction of the pipeline.
3. Bridger agrees to inform the Commission of its intent to start construction on the pipeline prior to the commencement of construction, and once construction has started, it will keep the Commission updated on construction activities on a weekly basis.
4. Bridger agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in rangeland, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.
5. Bridger agrees to construct and operate the pipeline in the manner described in its application, in any late filed exhibits and supplemental materials, and in accordance with all applicable safety requirements.
6. Bridger agrees to promptly report to the Commission the presence in the permit area of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles of which Bridger becomes aware and which were not previously reported to the Commission.

7. Bridger understands that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office for approval prior to the start of any fieldwork or construction activity.
8. Bridger understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.
9. Bridger understands and agrees that all crossings of graded roads must be bored unless the responsible governing agency specifically permits Bridger to open cut the road.
10. Bridger understands and agrees that all pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads or working areas during construction must be restored to their original condition.
11. Bridger understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.
12. Bridger understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the subsoil. 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. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
13. Bridger understands and agrees that reclamation and clean up along the right-of-way must be continuous and coordinated with construction.
14. Bridger understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

15. Bridger understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the pipeline.
16. Attached is a document entitled Tree and Shrub Mitigation Specifications. Bridger agrees to comply with the Tree and Shrub Mitigation Specifications from this attachment that the Commission requires in its Order.
17. Bridger agrees to work with landowners and residents to mitigate any increase in television and residential radio interference that results from the route of the pipeline.
18. Bridger understands and agrees that it must obtain approval from the Commission prior to any changes in the facility route or structure locations.
19. Bridger agrees to provide the Commission, within 3 months of the Commission's order approving a corridor, a map of the corridor as approved (in both paper and electronic form) and an electronic version of the corridor as approved that can be imported into ESRI GIS mapping software.
20. Bridger agrees to provide the Commission, within 3 months of the completion of the construction, a copy of the facility alignment drawings with alignment data showing the facility as built (in both paper and electronic form) and an electronic version of the as-built facility that can be imported into ESRI GIS mapping software. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
21. Bridger understands and agrees that the authorizations granted by the corridor certificate and route permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

Dated this 7<sup>th</sup> day of September, 2010.

Bridger Pipeline Company

By   
Its Vice President ML

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Bridger Pipeline Company**  
**12-inch Crude Oil Pipeline – Billings, Dunn, and**  
**McKenzie Counties**  
**Siting Application**

**Case No. PU-09-750**

**Tree and Shrub Mitigation Specifications**

**Inventory**

1. ~~Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), must be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.~~
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height ("dbh") or greater shall be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

### **Clearing for Construction**

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

### **Replacement**

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs must be planted with stem cuttings for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.
13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. An annual report must be submitted to

the Commission by October 1 of each year, documenting the condition of replacement plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).