

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Bridger Pipeline LLC  
Crude Oil Pipeline-McKenzie, Dunn, Billings  
Siting Application**

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**September 22, 2010**

**Appearances:**

Commissioners Kevin Cramer, Tony Clark and Brian P. Kalk.

John W. Morrison, Attorney-at-Law, Crowley Fleck, PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of Bridger Pipeline LLC.

Mitchell D. Armstrong, Special Assistant Attorney General, 122 E. Broadway Ave, Bismarck, North Dakota 58501, on behalf of the Public Service Commission.

Patrick Fahn, Director-Compliance and Competitive Markets Division, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Al Wahl, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Administrative Law Judge.

**Preliminary Statement**

On July 23, 2010, Bridger Pipeline LLC (Bridger) filed a combined application for a certificate of corridor compatibility and route permit to construct approximately 77 miles of 12-inch crude oil pipeline in McKenzie, Dunn and Billings Counties, North Dakota. As part of its application, Bridger requests that the Commission waive the procedures set forth in North Dakota Century Code §§ 49-22-08 and 49-22-08.1 to allow a single consolidated application for a corridor certificate and a route permit for this project. Bridger further requests that the Commission reduce the minimum width of the corridor for this project, from 6 miles, as required by North Dakota Administrative Code section 69-06-04-02, to one mile and that it be exempted from providing mylar maps of the proposed corridor and route.

On August 4, 2010, the Commission found that the application of Bridger was complete and issued a Notice of Filing and Notice of Hearing for a public hearing for September 9, 2010, at 12:00 noon MDT at City hall, 165 Railroad St. SE, Killdeer, North Dakota, 58640. The issues to be considered in this matter include:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse affects on the environment, natural resources, and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

Having allowed all interested persons an opportunity to be heard and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

### **Findings of Fact**

1. Bridger is a Wyoming limited liability company with its principal place of business located at 455 North Poplar Street, Casper, Wyoming.
2. Bridger is a part of the True Companies of Casper, Wyoming and currently operates a number of pipelines, including the Little Missouri Pipeline in North Dakota, the Poplar System in eastern Montana, and the Powder River System in Wyoming. Bridger has been authorized to do business in the State of North Dakota since October 9, 2003, as evidenced by a Certificate of Good Standing issued by the North Dakota Secretary of State on September 8, 2010.

### **Project Design**

3. Bridger proposes to construct a new 12-inch line from a point just north of ND Highway 23 approximately 15 miles west of the Four Bears Bridge in McKenzie County to an interconnection with Bridger's Heart River Pipeline at the Skunk Hill Junction approximately 18 miles northwest of Dickinson, North Dakota. The northern half of the pipeline will generally parallel the Dakota Gasification Company's 14-inch carbon-dioxide line in McKenzie County, while the southern half will generally follow the most direct route northeast to southwest to connect at the Skunk Hill Junction.
4. The pipeline will provide pipeline transportation of crude oil produced in McKenzie, Dunn and Mountrail counties to (1) Guernsey, Wyoming via Bridger's Heart River and Little Missouri systems and the Butte Pipeline system; (2) Clearbrook, Minnesota through Enbridge pipeline using Belle Fourche Pipeline's connection at Alexander, North Dakota; and (3) Tesoro High Plains Pipeline through Belle Fourche's existing connections at Treetop.
5. Construction of the line Bridger proposes in this proceeding will improve delivery destination options and markets for system shippers and will increase the availability of pipeline transportation as an alternative to on-road transport via cargo tanker truck. In doing so it will help to minimize the safety concerns associated with trucking crude oil, particularly in winter months with icy roads, and will also reduce traffic overburdens on public highways. Bridger estimates

that the pipeline will reduce traffic on area highway by 150 truckloads per day initially, and the reduction may ultimately increase to 300 truckloads per day.

6. The proposed project consists of approximately 77-miles of 12-inch pipeline to be installed in right-of-way obtained by Bridger. The northern 37 miles of the pipeline will be located in an existing pipeline corridor, parallel to an existing Dakota Gasification Company 14-inch carbon dioxide pipeline. The southern 40 miles of the pipeline generally follows the most direct route to connect the northern section with the existing Heart River pipeline.
7. The proposed pipeline will have an initial capacity of approximately 60,000 barrels per day. A truck terminal, storage tanks and pump facility will be installed at the northern end of the pipeline. A second truck terminal will be constructed near the intersection of the pipeline and ND Highway 200. The only other above ground facilities will be pipeline markers, rectifiers which are a part of the cathodic protection system for the pipeline, pig launchers and receivers and block valves. The block valves will be located on either side of three river crossings and at four planned gathering line interconnection points. There may also be several small fenced-in enclosures to house power and control systems associated with block valves. One additional above-ground valve set will be located approximately 36-miles from the north end of the line to facilitate the possible addition of a mid-line pump station at a later date, which would increase the capacity to 110,000 barrels of oil per day.
8. During construction, Bridger will require a construction corridor of 100 feet and has acquired easements from the landowners for such a corridor. In some locations, the construction corridor will be narrowed to 50-feet to avoid archeological features, wooded areas, and topographic features.
9. The design, construction, and operation of the pipeline will conform to the Department of Transportation regulations prescribed under 49 CFR Part 195-Transportation of Hazardous Liquids by Pipeline.
10. If constructed as a single project with one construction crew, the project would add approximately 50 construction workers, of which approximately 40 to 50% will be hired from the regional labor pool. Bridger anticipates using four separate construction crews, which will increase the total number of construction workers at any one time to between 150 and 200, but will also shorten the duration of the construction phase. In addition, other environmental, safety and construction consultants and inspectors utilized on the project. After construction is complete, the project will add to the tax base of Billings, Dunn and McKenzie Counties.

#### Siting Criteria

11. North Dakota Administrative Code Chapter 69-06-08, sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of corridor compatibility and route permit. The criteria as set forth in North Dakota Administrative Code Section 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria. A transmission facility route must not be sited within an Exclusion Area. A

transmission facility route must not be sited within an Avoidance Area unless the applicant shows under the circumstances there are no reasonable alternatives. In determining whether an Avoidance Area shall be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative routes. In accordance with the Commission's Selection Criteria, a transmission route shall be approved if it is demonstrated that no significant adverse impacts will result from the location, construction, and maintenance of the transmission facility. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the transmission facility.

12. Bridger evaluated a one-mile wide corridor for the exclusion, avoidance, selection and policy criteria of the Commission.

#### Cultural Resources

13. The Hutmacher Farm, a state historical site which is listed in the National Register of Historic Places is within the one-mile study corridor and the Killdeer Mountain Battlefield State Historic Park is near, although outside, the one-mile study corridor. No surface facilities are to be installed in the area of these two sites and therefore once installation is complete, the pipe will not be visible from either of these sites.
14. The pipeline will also cross the Little Missouri River which is a state scenic river. Because the river flows approximately 274 miles in a generally west to east direction, there is no reasonable alternative to crossing the river. The pipeline will parallel an existing carbon dioxide pipeline crossing of the river and will not be visible once it is installed. Although block valves will be required by USDOT regulations, Bridger will set the block valves away from the river bank to minimize visual impacts from the river.
15. The pipeline will also parallel a portion of ND Highway 22 which has been designated as the Killdeer Mountain Four Bears Scenic Byway for approximately 5 miles. However, the pipeline will be located approximately one-quarter mile west of the highway, will parallel the existing carbon dioxide pipeline, and, because no block valves or aboveground piping will be required in this area, will not be visible from the highway once installation is complete.
16. Bridger, through a consultant, conducted an archeological and cultural resource assessment of the corridor and route. A Class I cultural resources inventory was completed for the entire proposed route and one and a half miles on each side of the proposed centerline, thereby more than covering the proposed one-mile corridor. A Class III inventory was then undertaken, involving a pedestrian transect survey of the proposed route augmented by shovel test probes. This survey covered a corridor from 100 to 300 feet wide for the entire route, together with some possible reroutes, resulting in a total of 92.8 miles. The Class III inventory resulted in the documentation of 34 sites, including 13 archaeological sites, seventeen archaeological isolated finds and four historic sites. To the

extent feasible, Bridger has rerouted the pipeline to avoid these sites, but due to the dense grouping of some archeological sites, it was not feasible to avoid all of them. Bridger and its consultants have worked with the North Dakota State Historical Preservation Office and have agreed to monitor certain sites during construction and to narrow the construction corridor to 50 feet and fence off certain other sites. On the basis of that agreement, the archeological consultant has determined that no historic properties will be affected by the construction.

17. There are no designated or registered national parks, national memorial parks, national historic sites or landmarks, national natural landmarks, national monuments, national wilderness areas, national monuments, or designated or registered state parks, state historical markers, state archaeological sites or state nature preserves within the proposed corridor.
18. There are no state or national historic districts; national wildlife areas; national wild, scenic or recreational rivers; national wildlife refuges; or designated or registered state game refuge; state game management areas; state management areas; state forests; state forest management lands; or state grasslands within the proposed corridor.
19. A small portion of the Little Missouri National Grasslands is included within the corridor, but will not be crossed by the pipeline route.

#### Vegetation and Wildlife

20. Bridger, through its consultants, conducted investigations to determine the potential impact of the pipeline upon vegetation and plant species, including obtaining information and input from the North Dakota Game and Fish Department, the United States Fish and Wildlife Service, and the North Dakota parks and Recreation Department. Botany and wildlife surveys were conducted along the 77 mile proposed route.
21. There are no areas critical to the lifestages of threatened or endangered animal or plant species or areas where animal or plant species that are unique or rare to North Dakota would be irreversibly damaged.
22. A number of sites related to sensitive animal and plant species, or species of concern, are located within the corridor. White locoweed (a state sensitive species) and Indian milkvetch (a state candidate species) were located within the study corridor, but Bridger will narrow the construction corridor to prevent any impact to these species. A prairie falcon nest was observed but will be approximately 630 feet from the proposed pipeline and since construction will not occur during the nesting season, no greater setback is required. Several prairie dog colonies were identified but they will be more than 500 feet from the proposed pipeline. Short-horned lizards and pronghorn were also observed in the area, but Bridger will use best management practices to minimize any disturbance to these species.
23. The corridor and route are also within the migration flyway of the Arkansas Wood Buffalo Population of whooping cranes. If a whooping crane is sighted within one

mile of the pipeline during construction, work on that portion of the pipeline within one mile of the sighted whooping crane will stop until clearance is obtained from the United States Fish and Wildlife Service.

24. Any impact on vegetation and wildlife from construction of the pipeline will be temporary.

#### Other Exclusion and Avoidance Criteria

25. The proposed pipeline is not located within 500 feet of any residences, schools or places of business.
26. The proposed pipeline will not affect any reservoirs or municipal water supplies or water sources for organized rural water districts.

#### Woodlands and Wetlands

27. Tree rows and other woody areas occur in limited amounts through the corridor. Bridger will minimize the clearing of any wooded areas and will comply with the Commission's Tree and Shrub Mitigation Specifications.
28. The proposed pipeline will cross four rivers, nine creeks, and numerous tributaries. Of these, the Little Missouri River and the Green River are classified as Class I fishery resources, and the pipeline will be bored under these rivers. None of the other water bodies will be permanently drained or filled and any impact will be short-term and minor.

#### Other Selection Criteria

29. A substantial portion of the land in the proposed corridor is agricultural and pastureland where crop or livestock production is extensive. There are no irrigated lands for irrigation within the proposed corridor. Construction is anticipated to start after the completion of the 2010 growing season and prior to the 2011 season. The pipeline will be installed at a depth that exceeds the typical tillage depth and will not interfere with normal agricultural operations after construction is complete. After construction, agricultural lands will be returned to preconstruction uses. Bridger will compensate landowners for any crop loss resulting from construction or pipeline maintenance or repair.
30. The pipeline will not impact family farm operations or affect any lands suitable for irrigation.
31. Any impact the pipeline will have on surface drainage and groundwater flow patterns, will be temporary resulting from construction activities.
32. Other than temporary noise associated with construction and the short-term visual effects resulting from construction, the project will not have any impact on noise sensitive land uses or visual effects on the adjacent area.
33. No extractive or storage resources have been identified which will be affected by the project.
34. Bridger consulted with the following federal, state and local agencies: the United States Army Corps of Engineers, U.S. Bureau of Reclamation, U.S. Fish and

Wildlife Service, U.S. Forest Service, Federal Highway Administration, U.S. National Resources Conservation Service, Southwest Water Resource District, North Dakota State Historical Society, North Dakota State Water Commission, North Dakota Game and Fish Department, North Dakota Parks and Recreation Department, North Dakota Department of Transportation, McKenzie County, Billings County, Dunn County, Blue Buttes Township and Keene Township. Bridger will comply with the recommendations of the federal, state, and local agencies.

35. The pipeline will be constructed and maintained in accordance with the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration (PMHSA) federal regulations. The pipeline will be coated and a cathodic protection system will be installed to prevent against corrosion. A telemetry system will also provide 24-hour monitoring of the pipeline operations, including pressures, temperatures and flow rates.
36. Bridger will retain one or more environmental inspectors on the project during active construction who will be responsible for overseeing contractor's compliance with the environmental requirements and permits during construction. Bridger will use standard construction techniques.
37. After construction, Bridger will conduct post construction monitoring of the project area until the right-of-way has been successfully restored and crossings stabilized. Post-construction monitoring will be conducted on all areas disturbed during construction to determine successful revegetation of all project areas.

#### Other Matters

38. Prior to the hearing, Bridger submitted four revised maps which identify four minor re-routes necessitated by requests from the landowner, who was the North Dakota State Land Department. These re-routes do not impact any cultural resources or any other exclusion, avoidance, or selection criteria.
39. Bridger has completed about 50% of the right of way acquisition. Bridger anticipates that some additional minor re-routes may be necessary to accommodate landowner issues, but believes that any such reroutes will be fully contained within the study corridor and will not adversely impact any exclusion, avoidance or selection criteria.
40. North Dakota Century Code § 49-22-07.2 authorizes the Commission to waive procedures, time schedules, and public hearings otherwise required by the Siting Act, when the Commission finds that a proposed facility is of such length, design, location or purpose that it will produce minimal adverse effects.
41. The anticipated cost for the proposed pipeline is \$29,000,000.

From the foregoing Findings of Fact, the Commission now makes its:

#### **Conclusions of Law**

1. The Commission has jurisdiction over the applicant, Bridger, and over the subject matter of this application under North Dakota Century Code Chapter 49-22.
2. Bridger is a utility as defined in North Dakota Century Code Section 49-22-03(13).
3. The pipeline proposed by Bridger is a transmission facility as defined in North Dakota Century Code Section 49-22-03(12).
4. The location, construction, and operation of the proposed pipeline will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The proposed pipeline corridor and route are compatible with the environmental preservation and the efficient use of resources.
6. The proposed pipeline corridor and route will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. The proposed project is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code Section 49-22-07.2.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

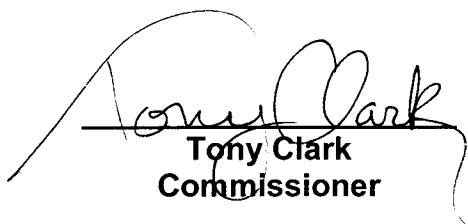
### **Order**

The Commission orders:

1. Bridger's application for waiver of procedures and time schedules is granted.
2. Bridger is issued Certificate of Corridor Compatibility for a Transmission Facility Corridor No. 115 and Route Permit for Construction of a Transmission Facility No. 125 to construct the 77-mile 12-inch diameter pipeline. The route approved for this purpose is the route identified on Appendix 4.B to the Application which was marked as Exhibit 3 at the hearing, as supplemented by the reroutes identified in Exhibit 4 as submitted at the hearing.
3. Bridger shall notify Commission staff of any modifications to the route in advance and provide satisfactory documentation evidencing the location of any such re-route or other modification to the route and the fact that such modifications will not adversely impact any exclusion, avoidance or selection criteria.

4. Certification Relating to Order Provisions – Pipeline Siting signed September 7, 2010, is incorporated by reference and attached to this order.

**PUBLIC SERVICE COMMISSION**



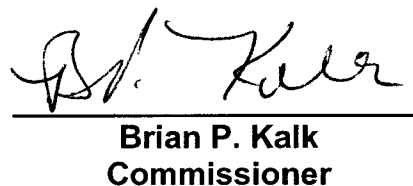
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**Tony Clark**  
**Commissioner**



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**Kevin Cramer**  
**Chairman**



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**Brian P. Kalk**  
**Commissioner**

**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  ML  
Its Vice President

**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).

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility**

**Certificate Number 115**

*This is to certify that the Commission has designated a transmission facility corridor for Bridger Pipeline LLC for the construction of a 12-inch crude oil pipeline in McKenzie, Dunn, and Billings Counties, North Dakota.*

*This certificate is issued in accordance with the Order of this Commission dated September 22, 2010 in Case No. PU-09-750 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, September 22, 2010.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**



**Executive Secretary**



**Commissioner**

# STATE OF NORTH DAKOTA

## Route Permit

### Certificate Number 125

*This is to certify that the Commission has designated a transmission facility route for Bridger Pipeline LLC for the construction of a 12-inch crude oil pipeline in McKenzie, Dunn, and Billings Counties, North Dakota.*

*This certificate is issued in accordance with the Order of this Commission dated September 22, 2010 Order in Case No. PU-09-750 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, September 22, 2010*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**