

Memo

To: Commissioner Fedorchak

From: Sara Cardwell^{SC}, Public Utility Analyst

Date: April 13, 2016

**Re: Bridger Pipeline, LLC
Crude Oil Pipeline – McKenzie, Dunn, Billings
Siting Application
Case No. PU-09-750**

On January 28, 2016, a work session was held to discuss Tree and Shrub mitigation issues. One of the outcomes of the work session was that Staff should make recommendations to the Commissioner with the portfolio regarding next steps for cases where the Company has made multiple efforts but has had less than satisfactory results with their tree and shrub mitigation efforts. The case discussed below provides an example of a case where the Company planted trees and shrubs multiple times but has not been successful in achieving a 75 percent survival rate.

Recommendation: Find that Bridger Pipeline, LLC has made good faith efforts to grow replacement trees and shrubs in Case No. PU-09-750 and should not have to continue with further shrub and tree mitigation/reporting efforts.

Background:

In this case, Bridger Pipeline constructed a 77 mile, 12 inch crude oil pipeline in McKenzie, Dunn and Billings Counties, North Dakota. On August 11, 2011, the Company filed a tree and shrub mitigation plan. The Company stated that during construction it removed 48,639 trees and shrubs resulting in the need to plant 97,278 trees and shrubs and the planting would occur in 2012. The Company subcontracted the tree planting with the North Dakota Forest Service which planted 37,755 trees and shrubs in 2012.

In January of 2014, the Company reported that an additional 28,380 trees and shrubs were planted in 2013. In January of 2015, the Company reported that an additional planting of 40,521 trees had been completed in 2014 for a total planting of 106,656 which exceeds the required planting requirement. The NDFS stated that part of the reason for the additional number of trees planted was that when the 2012 and 2013 plantings were checked, there was only a survival rate of 74.54 percent.

On August 28, 2015, the Commission Staff sent a letter to the Company in regards to the third party inspector's final report on the project. The Staff stated in the letter that the Company would need to continue their monitoring efforts for an additional two years due to the 2014 planting.

On October 5, 2015, the Company reported that it believed it had met the Commission's requirement but would hire a new contractor who would inspect the plantings and submit a report in 2016. Requiring another report is based on an interpretation of the requirements that requires three years of reports from the last planting, not three years of monitoring from the first planting. However, because the majority of the required plantings were done in 2012 and 2013 and had a 75% survival rate, the Company has met its obligations.