

September 28, 2017

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: BakkenLink Pipeline, LLC - Case No.  
PU-10-218 - Tree and Shrub Mitigation  
Specifications Reporting**

Dear Mr. Nitschke:

On June 21, 2011, BakkenLink Pipeline, LLC (“the Company”) submitted an application for a certificate of corridor compatibility and route permit for a steel crude oil pipeline system (“Project”) to be located in Mountrail, McKenzie, Williams, Billings, Stark, and Golden Valley Counties, North Dakota to the North Dakota Public Service Commission (“Commission”). On February 29, 2012, the Commission issued its Findings of Fact, Conclusions of Law and Order granting the Company Certificate of Corridor Compatibility No. 128 and Route Permit No. 137 for the Project.

Following a request by the Company, the Commission approved various modifications for the Project and issued Findings of Fact, Conclusions of Law and Order Granting Amended Corridor Certificate and Amended Route Permit on September 5, 2012. On January 18, 2013, the Company filed a request for modification to the approved corridor and route to accommodate three reroutes at landowner requests. On April 10, 2013, the Commission issued an Order granting the Company Second Amended Certificate of Corridor Compatibility No. 128 and Second Amended Route Permit No. 137 (“Order”). The Commission’s Tree and Shrub Mitigation Specifications are incorporated in and made a part of the Order.

A Tree and Shrub Inventory Sampling Plan was submitted by the Company on September 22, 2011, which incorporated the Commission’s Tree and Shrub Mitigation Specifications. *See* Case No. PU-10-218, Docket No. 40. A Tree and Shrub Count was also submitted to the Commission on October 3, 2011. *See* Docket No. 97. The Company updated its Tree and Shrub Restoration Plan in November of 2013. *See* Docket No. 236.

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Request for extension re Tree and Shrub Mitigation Report  
BakkenLink Pipeline LLC  
Lawrence Bender, Fredrikson&Byron, P.A.

In March of 2016, the Commission requested that the Company update its Tree and Shrub Restoration Plan to reflect the mitigation completed to date and outline future actions that will be taken to comply with the Tree and Shrub Mitigation Specifications. *See* Docket No. 237. On April 15, 2016, the Company submitted a Revised Tree and Shrub Restoration Plan to the Commission, which included the results of its tree and shrub inventory, information regarding landowner discussions, and a summary of replacement planting to date. *See* Docket No. 238.

The Revised Tree and Shrub Restoration Plan and the Tree and Shrub Mitigation Specifications require the Company to replace trees and shrubs on a 2 to 1 basis for species removed during construction of the Project. The Company has planted trees and shrubs in accordance with, and in certain instances in excess of, the Tree and Shrub Mitigation Specifications imposed by the Commission. The Tree and Shrub Mitigation Specifications require the Company to monitor the replacements for three years and also requires the Company to submit a report identifying the condition of the replacement plantings by October 1 of each year.

On September 30, 2016, the Company submitted a report to the Commission satisfying the requirements of the yearly inspection for the tree and shrub replacements. *See* Docket No. 239. Based on discussions with the McKenzie County Soil Conservation District ("MCSCD"), the MCSCD was to monitor the tree and shrub plantings planted by the MCSCD on behalf of the Company. Accordingly, the report submitted to the Commission in 2016 included information regarding replacement planting activities and conditions as reported by the MCSCD for the Project.

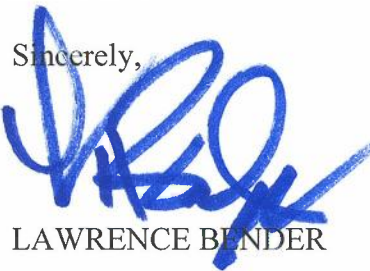
In the spring of 2017, the Company confirmed that the MCSCD would again conduct the yearly tree count and inspection for the trees MCSCD planted for the Project. However, on September 13, 2017, the MCSCD advised the Company that, contrary to conversations had earlier this year, the MCSCD will not do a 2017 tree count for the Project. Additionally, the MCSCD advised the Company that the MCSCD will not plant trees unless the Company immediately replaces dead plantings on a one to one ratio.

As noted above, the Tree and Shrub Mitigation Specifications require the Company to replace trees and shrubs on a 2 to 1 basis and then monitor the regrowth activities. However, there is no requirement in the Tree and Shrub Mitigation Specifications to immediately replace any trees or shrubs identified during the yearly inspections that did not survive. Because of the differing requirement seeking to be imposed by the MCSCD, the Company will not be utilizing the services of the MCSCD to comply with this year's reporting requirements.

The late notice provided by the MCSCD regarding their change in procedures gives the Company little time to conduct the replacement inspections in McKenzie County. Accordingly, the Company respectfully requests an extension until **December 15, 2017** to provide the Commission with the necessary report for the Project in compliance with the Tree and Shrub Mitigation Specifications.

Letter to P. Fahn  
September 28, 2017  
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If you should have any questions, please advise.

Sincerely,  
  
LAWRENCE BENDER

LB/dmk

cc: Patrick Fahn  
Darren Snow

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