

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Rangeland Pipeline, LLC
Crude Oil Pipeline- Williams County
Siting Application**

Case No. PU-10-637

AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

February 29, 2012

Preliminary Statement

On September 29, 2011, the Commission adopted an order in this proceeding that adopted Administrative Law Judge Allen Hoberg's Recommended Findings of Fact and Conclusions of Law and Recommended Order. The Commission issued Certificate of Corridor Compatibility No. 123 and Route Permit No. 132 to Rangeland Pipeline, LLC (Rangeland) for the construction of approximately 20.5 miles of 10-inch pipeline and a storage tank and meter station approximately 8 miles south of Tioga, for the transmission of crude oil, all in Williams County, North Dakota (Project).

On December 20, 2011, Rangeland filed a motion for an amendment to remove from the Order the finding that a cultural resource site is located within the Beaver Lodge Meter Station Site and the requirement that Rangeland fence out a portion of the Beaver Lodge Meter Station to protect the cultural resource site, Finding of Fact paragraph 16 of Judge Hoberg's Recommended Findings of Fact and Conclusions of Law and Recommended Order.

On October 26, 2011, Rangeland conducted a second Class III Cultural Resource Inventory of the Beaver Lodge Meter Station and determined that no cultural resources were present. On November 25, 2011 the North Dakota State Historic Preservation Office concurred with the determination of "No Historic Properties Affected" and "No Significant Sites."

On January 12, 2012, the Commission issued a Notice of Intent to Amend Order and Notice of Opportunity for Hearing. The Notice provided until February 14, 2012 for comments and requests for hearing. No comments or requests for hearing were received.

The Notice set forth the issues to be considered in this proceeding are:

1. Whether Finding of Fact paragraph 16 should be removed from the December 20, 2011 Order;
2. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

3. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
4. 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?

The location, construction, and operation of the proposed facilities will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

The proposed facilities are compatible with the environmental preservation and the efficient use of resources.

The proposed facility locations 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.

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

Order

The Commission orders:


1. The Commission's September 29, 2011 Order is amended by amending Finding of Fact paragraph 16 of Judge Hoberg's Recommended Findings of Fact and Conclusions of Law and Recommended Order as follows:

16. Cultural resources were identified within the study area. Two cultural resource sites are located near, but are not crossed by, the proposed Project route. Rangeland will avoid potential impacts to the sites by narrowing the construction right-of-way (ROW) to a width of 50 feet for a linear distance of 300 feet adjacent to the site and having a qualified archaeological monitor present during all earth disturbing activities adjacent to the site.

PUBLIC SERVICE COMMISSION



Kevin Cramer
Commissioner



Tony Clark
Chairman



Brian P. Kalk
Commissioner