



November 26, 2014

Mr. Jerry Lein  
Public Utility Analyst  
ND Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

Dear Mr. Lein:

Carlson McCain has completed the post-construction inspection report for the Plains Pipeline, L.P. Nelson to Ross Pipeline Project in Mountrail County, North Dakota (Case No. PU-12-40). It appears the Project has been constructed in accordance with the ND Public Service Commission Findings of Fact, Conclusions of Law, and Order for the Project.

Please contact me at 701-595-7003 if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Krapp", written in a cursive style.

Ryan Krapp  
Natural Resource Specialist

Attachment

Cc:  
Mr. Shane Ryals  
Operations Supervisor  
Plains Pipeline, L.P.

# POST-CONSTRUCTION INSPECTION REPORT

Plains Pipeline, L.P.  
Nelson to Ross Pipeline Project  
Mountrail County, North Dakota

*PSC Case No. PU-12-40  
Carlson McCain Project #4030*

*Prepared for:*

North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0408

*November 26, 2014*



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## **EXECUTIVE SUMMARY**

The North Dakota Public Service Commission (Commission) granted Plains Pipeline, L.P. (Plains), a Certificate of Corridor Compatibility and a Route Permit for the construction of a 10.75 inch crude oil pipeline in Mountrail County, North Dakota, herein referred to as Nelson to Ross Pipeline (NRP) Project. The Project consisted of the construction of approximately 17.2 miles of pipeline originating at Plains' Robinson Lake Pipeline System and extending westward to connect with the Ross Rail Terminal, now known as the Manitou Rail Terminal. The Project's 10.75-inch outside diameter crude oil steel pipe maximum operating pressure would be 1,480 pounds of pressure per square inch gauge. The maximum capacity would be 47,000 barrels per day.

The Project is under the jurisdiction of the Commission, which issued its Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-12-40 dated August 9, 2012, granting a Certificate of Corridor Compatibility No. 133 and Route Permit No. 143 on April 25, 2012. The Project construction was reported as complete and operational on December 19, 2012. Final ROW reclamation activities occurred through November of 2013. Additional ROW maintenance was reported in 2014.

The Commission retained Carlson McCain, Inc. (Carlson McCain) to complete construction inspections applying engineering and science principles to ensure the Project has been constructed in compliance with the North Dakota Century Code (NDCC) 49-22 siting laws, North Dakota Administrative Code (NDAC) Article 69-09 regulations, and applicable Commission orders. The Project construction inspections occurred on August 15, 2012 and November 15, 2012, and the post-construction inspection was completed on October 29, 2014.

Overall, the Project was constructed as designed with minimal impacts to the surrounding natural and human environment. Following review of the Commission case docket and multiple site inspections, Carlson McCain has found the Plains Pipeline, L.P. Nelson to Ross Pipeline Project (Case No. PU-12-40) has been constructed in compliance with the siting laws (NDCC 49-22) and rules (NDAC 69-09) and applicable Commission orders.

## **BACKGROUND**

### **1.1 Introduction**

The Commission granted Plains Pipeline, L.P., (Plains) a Certificate of Corridor Compatibility and a Route Permit for the construction of a 10.75-inch pipeline in Mountrail County, North Dakota, for the transmission of crude oil named the Nelson to Ross Pipeline (NRP) (Project). The Project consisted of the construction of approximately 17.2 miles of pipeline originating at Plains' Robinson Lake Pipeline System and extending westward to connect with the Ross Rail Terminal, now known as the Manitou Rail Terminal. The Project utilized a 10.75-inch outside diameter crude oil steel pipe. Maximum operating pressure will be 1,480 pounds of pressure per square inch gauge. The maximum capacity will be 47,000 barrels per day.

The Project is under the jurisdiction of the Commission, which issued its Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-12-40 dated August 9, 2012. This granted Certificate of Corridor Compatibility No. 133 and Route Permit No. 143 to Plains April 25, 2012. The Project construction was reported as complete and operational on December 19, 2012 with final ROW reclamation activities occurring through November of 2013. Additional ROW maintenance was conducted in 2014.

### **1.2 Purpose and Scope of Inspection**

The North Dakota Energy Conversion and Transmission Facility Act (NDCC 49-22) authorizes the Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities would produce minimal adverse effects on the environment and the welfare of citizens of North Dakota. Construction inspections ensure the project is constructed in compliance with the siting laws and rules and the Commission's Findings of Fact, Conclusions of Law, and Order (Order).

The Commission retained Carson McCain to complete construction inspections of the Project. The inspection process included a review of the Siting Plan, Order, and other applicable documents to determine Project-specific siting and construction requirements. The review was followed by multiple site visits and inspections of facilities, documentation of compliance, and written findings. These findings include, but are not limited to, documentation of site visit(s) observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and compliant with the Order.

## **PROJECT REVIEW**

### **2.1 Methods**

Carlson McCain reviewed North Dakota siting laws and rules, the Applications for the Certificate of Corridor Compatibility and Route Permit (Application), and the Order for the Project to identify Project-specific documentation that would be required for compliance. Carlson McCain then reviewed Project documents in the Commission Online Case Search to identify those siting laws and rules and Application and Order assertions that had written verification, those that still required documentation, and those that required physical site verification.

Carlson McCain Inspector Ryan Krapp visited the Project construction right-of-way (ROW) on multiple occasions. The first inspection was on August 15, 2012. Mr. Krapp met with Plains personnel, Mr. Jim Fleetwood (Project Engineer), Mr. Terry Wainwright (Construction Manager), Mr. Tom McCormick (Director E&RC), and Seth Woodell (Environmental Monitor/Inspector). The second visit was conducted on November 15, 2012, when Mr. Krapp met with Jim Fleetwood, Seth Woodell and Jason Setser, (Plains Office Manager). The post-construction inspection was conducted on October 30, 2014, with Mr. Shane Ryals (Operations Supervisor) to review ROW final reclamation results.

### **2.2 Orders**

Components of the Project that were asserted in the Application and Order and could be documented during the post-construction inspection to verify compliance with siting laws, rules and the Order for the Project, by either written documentation or physical site verification were ordered by the Commission.

On April 19, 2012, the Commission ordered:

1. That Plains Pipeline, L.P.'s application for a waiver of procedures and time schedules be granted.
2. Hess That a Certificate of Corridor Compatibility be issued to Plains Pipeline, L.P., designating a corridor for the construction, operation, and maintenance of a 10.75-inch crude oil pipeline and associated facilities in Mountrail County, North Dakota. For purposes of the Certificate, the Corridor will consist of the field survey corridor identified in the maps provided in Appendix A of Exhibit 2.
3. That a Route Permit be issued to Plains Pipeline, L.P., granting authority to construct and operate a 10.75-inch crude oil pipeline and associated facilities in Mountrail County, North Dakota.
4. That the April 9, 2012 Certification Relating to Order Provisions — Transmission Facility

### **2.3 Certification Relating to Order Provisions – Energy Conversion Facility Siting**

The Commission issued the Certificate of Corridor Compatibility Number 133 and Route Permit Certificate Number 143 on April 25, 2012. Mr. Daniel Nerbonne, Vice President of Engineering for Plains Pipeline, LP (Company) received authority to bind the Company to requirements to be set forth by the Commission in its Order and by signature on April 9, 2012 certified the following:

- 1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.**

*Docket #22, #34 and #36 – Findings of Fact, Conclusions of Law and Order, Commission Motion of Adoption. No issues of blatant non-compliance with this order and conditions and criteria set forth in the applicable laws and rules have been found during the post-construction inspection*

*Order #1 may be considered satisfied upon confirmation of receipt and/or posting of the tree and shrub mitigation plan/report to the Commission.*

- 2. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.**

*Docket #46 – Prehearing Conference Minutes.*

*Order #2 is considered satisfied.*

- 3. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.**

*Docket #6 and #34 – Covered in Application for waiver of procedures and time schedules and for a corridor certificate and route permit (Docket #6). Commission adoption of Hearing Officer's recommended Order (Docket #34).*

*Order #3 is considered satisfied.*

- 4. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.**

*Docket # 47 - North Dakota Pollutant Discharge Elimination System (NDPDES) General Permit for Stormwater Discharges from Construction Activity NOTICE OF COVERAGE Permit No. NDR104443*

*Docket # 49 – ND Dept. of Health, General Permit for Temporary Dewatering Hydrostatic Testing Permit No. ND070323*

*Docket # 50 – State of ND Temporary Water Use Permit for Pipeline Hydrotesting.*

*Docket # 51 – ND Dept. of Transportation, Utility Occupancy Application and Permits. And County Consent(s) for Utility Company to Cross a Public road or Section road.*

*Docket # 53 - BNSF Rail Crossing Permit*

*No issues of non-compliance with this order and conditions and criteria set forth in the applicable laws and rules have been found during the post-construction inspection.*

*Order #4 is considered satisfied.*

- 5. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a weekly basis.**

*Upon review of Commission dockets a 24-hour email notice of intent of construction was not supplied; however, the start of construction appears to have occurred the week of June 26<sup>th</sup>, 2012. Docket #52 (July 1, 2013) is the first weekly construction progress report. This report noted that during that week the ROW survey staking and mowing was complete, and that grading/topsoil stripping had occurred within 8,900 feet of ROW. The ROW had been taped off and activities were suspended between 86<sup>th</sup> Ave and 87<sup>th</sup> Ave due to Piping Plover concerns as of June 26, 2013. Docket #'s 52,54,55,57,66,68,73,74,76,79,81,83,85-93,95,96,98-110,113-117,119-120,123-128, and 130-146 – include all the weekly construction reports. Additionally, by request Plain's had supplied a report on the 2014 rights-of-way activities to the third-party construction inspector, Carlson McCain and the Commission on November 25, 2014 that discuss the final reclamation activities.*

*No issues of blatant non-compliance within the orders, conditions and criteria set forth in the applicable laws and rules had been found during the inspections including the post-construction inspection.*

*Order #5 may be considered satisfied upon confirmation of receipt and/or posting of the 2014 report to the Commission.*

- 6. Company understands and 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 range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped sections lines.**

*During construction inspections the Environmental Inspector confirmed that the pipelines were laid in a trench and covered with a minimum of 48-inches of fill. Physical measurements were not taken during on-site inspection during construction; however, no concerns of non-compliance were observed during the construction or post-construction inspection.*

*Order #6 is considered satisfied.*

- 7. Company understands and agrees that the Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.**

*No concerns of blatant or negligent non-compliance with the Certificate of Site Compatibility had been found during the post-construction inspection.*

*Order #7 is considered satisfied.*

- 8. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

*Carlson McCain has requested that Plains supply the Tree and Shrub Mitigation Plan/Report to demonstrate compliance with the requirements of the Commission's order and the Certificate of Site Compatibility. SWCA on behalf of Plains submitted the mitigation Plan to Carlson McCain and the Commission on November 25, 2014. All other documents are found in order.*

*The Commission Order #8 may be considered satisfied upon tree and shrub mitigation plan acceptance.*

- 9. Company agrees to construct and operate the transmission facility in the manner described in Company's application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between Company's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.**

*Plains constructed the Project and is operating as indicated in "Application". Site inspections confirmed that wetlands were not permanently impacted, and the river crossing, road crossing(s), and the railroad embankment was bored under. Additionally, cultural resources were not impacted.*

*Order #9 is considered satisfied.*

- 10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles that Company becomes aware of and which were not previously reported to the Commission.**

*Construction timing restrictions were voluntarily placed between 86<sup>th</sup> and 87<sup>th</sup> Ave to avoid potential piping plover disturbance. The avoidance of this area was maintained. On August 1, 2012 (Docket #73) the USFWS confirmed avoidance of this area and that further avoidance was no longer necessary. Plains committed to bore this wetland to avoid potential habitat impacts.*

*Discussions with Plains personnel during the construction and post-construction on-site visits confirmed that no additional threatened species, endangered species, bald eagles, or golden eagles were discovered in or near the Project during construction and therefore no further documentation was submitted.*

*Order #10 is considered satisfied.*

- 11. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office (SHPO) and approved prior to the start of any fieldwork and construction activity in the affected area.**

*Docket #21 – Amendment of Application for Route Permit. SWCA Consultants on behalf of Plains submitted cultural resource reports to SHPO. Docket #2 - The SHPO concurred with the "No Significant Sites Affected" and "No Historic Properties Affected" determinations provided the project is of the nature stated, it takes place in the location plotted and mapped in the project documentation, and that the recommended sites*

*avoidance measures are followed as outlined in the report. Cultural resource report addenda were submitted for multiple reroutes and Letters of Concurrence were issued by SHPO (Docket's #20, 28, 62, 63, & 77).*

*Order #11 is considered satisfied.*

- 12. Company 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 by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.**

*Docket #4 – Letter concurring with Unanticipated Discovery Plan. Carlson McCain and Plains Environmental Inspector discussed these issues during construction visits and no unanticipated cultural resources were discovered during construction; therefore, no additional documentation was necessary.*

*Order #12 is considered satisfied.*

- 13. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.**

*The pipeline was horizontally bored under government roads and BNSF railroad during Project construction. Construction inspections confirmed that the pipelines bored under all road crossings and under the railroad embankment.*

*Order #13 is considered satisfied.*

- 14. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.**

*No adverse effects to the adjacent graveled roads or paved surfaces were evident at time of inspections. If they were adversely impacted at times during construction they were repaired or restored to a condition that is equal to or better than the condition prior to construction.*

*Order #14 is considered satisfied.*

**15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.**

*Weekly construction reports documented occasional adverse (wet) weather conditions and appropriate responses to conditions. Final reclamation activities in some areas along the ROW were delayed until the summer/fall of 2014 due to standing crops and extreme wet conditions.*

*Order #15 is considered satisfied.*

**16. Company understands and agrees that all topsoil, up to 12-inches or topsoil to the depth of cultivation, whichever is greater, over and along areas where cuts will be placed must be stripped and segregated from 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 excavated area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.**

*Docket's #69 & 92 – Carlson McCain's construction inspections on August 15, 2012 and November 15, 2012, observed adequate topsoil stripping, segregation and storage. The post-construction site inspection on October 29, 2014 did not reveal any areas where topsoil was not properly redistributed within the ROW.*

*Order #16 is considered satisfied.*

**17. Company 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.**

*The majority of the ROW crossed cultivated agricultural lands; however, Plains reseeded a similar grass mix as the pre-disturbance condition in areas where rangelands were impacted. The post-construction on-site inspection revealed that these rangeland areas, seeded in the fall of 2013 and spring of 2014, were becoming well established (Appendix A). The majority of agricultural lands were returned to production in spring of 2013. Plains personnel indicated there had been a few requests by landowners to mow weeds along ROW within the replanted rangelands.*

*Order #17 is considered satisfied with the Company commitment to monitor and coordinate with landowners on any issues that may arise.*

**18. Company understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.**

*A post-construction inspection of the ROW on October 29, 2014 documented silt fencing and/or straw waddles in place at the edges of the seeded ROW's in sloping areas, the installation of fiber matting, and the establishment and effectiveness of soil water bars on replanted slopes. Weedy species such as Russian thistle (*Salsola kali*) and kochia (*Bassia scoparia*) were prevalent across some replanted areas where the grass has not fully established. A few noxious weed plants, Absinth wormwood (*Artemisia absinthium*) were observed in the reseeded ROW that had been mowed. Plains personnel indicated monitoring and mowing of the ROW will occur indefinitely and steps to control noxious weeds and will reseed any problem areas as necessary.*

*Order #18 is considered satisfied with the Company's commitment to monitor and maintain the ROW as necessary.*

**19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities and roadway will continue throughout the life of the transmission facility.**

*Docket #24 and #30 - Findings of Fact, Conclusions of Law and Order, Commission Motion of Adoption. Plains agreed and understands these conditions.*

*Order #19 is considered satisfied.*

**20. Company agrees to comply with the Tree and Shrub Mitigation Specifications.**

*A tree and shrub mitigation plan/report was not originally found in the Commission docket. SWCA on behalf of Plains submitted a mitigation plan to Carlson McCain and the Commission on November 25, 2014. Previous to this submittal Docket #116 (Report #43 on May 5, 2013) was the last mention of tree and shrub mitigation plan in process.*

*Initially, SWCA estimated 45 trees, saplings, and shrubs may be impacted by construction (Docket #6 – Appendix D). Based on this estimation, approximately 90 two-year-old saplings may need to be replanted to fulfill the anticipated 2:1 mitigation requirement; however, it was unclear how many trees were actually impacted by construction and what mitigation was implemented. The mitigation report submitted on November 25, 2014, indicated only 16 total trees were impacted. Therefore a total of 32 needed to be replanted to meet the 2:1 replacement requirement. One-half of those trees (16) were planted in 2013-14 and the rest are to be planted in spring 2015.*

*Order #20 may be considered satisfied with the Company commitment to plant an additional 16 trees and monitor the plantings for three consecutive years.*

**21. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.**

*Docket #79 - On August 25th a construction ROW fence gap was found. As a result, the tenant rancher's cattle escaped. ProPipe and Plains' personnel worked with the rancher to round up the cattle. One cow and two calves were found dead from this incident. Plains and ProPipe have come to a compensation agreement with the rancher.*

*Fences and gates appeared to be maintained during construction inspections. All fences were repaired and were functioning during post-construction inspection on October 29, 2014.*

*Order #21 is considered satisfied.*

**22. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.**

*No drainage tile was present in the project construction ROW.*

*Order #22 is considered satisfied.*

**23. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.**

*Landowners reported any issues along the ROW and Plains and/or ProPipe responded immediately. Plains personnel assured Carlson McCain that all staging areas and equipment stayed within their ROW boundaries.*

*Order #23 is considered satisfied.*

**24. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.**

*Plains indicated that construction waste along the ROW was properly disposed on a regular basis. Waste materials or trash produced during construction was not found along ROW during post-construction inspection on October 29, 2014.*

*Order #24 is considered satisfied.*

- 25. Company agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.**

*See Order #17.*

*Order #25 is considered satisfied with Plains commitment to monitor and maintain good relations with landowners along the ROW.*

- 26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.**

*Pipeline aboveground valve stations are fenced, gated, and locked. All three-strand barbed wire fences along the ROW road crossings were repaired and reinforced. No additional measures were necessary.*

*Order #26 is considered satisfied.*

- 27. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, the death of any threatened or endangered species within five business days of such event.**

*See Order #10. Also, Plains indicated that no reportable personal injuries were recorded.*

*Order #27 is considered satisfied.*

- 28. Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company.**

*Plains committed to work with landowners as needed to alleviate any concerns or issues along ROW as issued in the Order and signed Certification. Plains personnel indicated that complaints/issues have been handled appropriately (see #21). The post-construction inspection discussions revealed and Plains provided written documentation and in mid-September a landowner contacted them about tall weeds along the replanted ROW. As requested, Plains mowed the ROW the following day.*

*Order #28 is considered satisfied.*

**29. Upon request, Company agrees to provide the Commission with engineering design drawings showing surveyed structure(s) prior to construction.**

*Docket #6 - Construction plans and engineering drawings were supplied in Appendices A & B of the Application.*

*Order #29 is considered satisfied.*

**30. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility, or of any plans to modify the site plan for the transmission facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility, associated facilities, and roadway locations. Approval may be granted after notice and opportunity for hearing.**

*Docket #21 & 24-30 – Amendment of Application for Route Permit (4/9/2012), Docket #22, #34 and #36 – Findings of Fact, Conclusions of Law and Order, Commission Motion of Adoption.*

*Docket #58 - Amendment of Application for Route Permit (7/31/2012), Docket #59 – Landowner Approval, Docket #60 – Email of staff approval of July 31, 2012 application for route amendment.*

*Docket #61 – Application for Route Permit (8/8/2012), Docket #65 – Email staff approval, Docket #70 & 71 – Motion and Letter of Approval of Route Deviation Request(s)*

*Docket #72 – Application for Route Amendment (8/31/2012), Docket #75 – Email staff approval of request for pipeline route modification*

*Docket #80 – Request for route and corridor modification (8/27/2012), Docket #82 – Email staff approval of request route and corridor amendment. Docket #84 – Commission motion acknowledging staff approval of route modification(s)*

*Order #30 is considered satisfied.*

- 31. Company agrees to provide the Commission with both an electronic and paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. Company also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. 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.**

*Docket #6 - Project maps and GIS files were submitted as part of the Application to the Commission for inclusion (2/6/2012).*

*Docket #21 & 24-30 – Amendment of Application for Route Permit (4/9/2012)  
All other route amendments (see Order #30) included maps.*

*Order #31 is considered satisfied.*

- 32. Company agrees to provide the Commission with both an electronic and a paper copy of the design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. 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.**

*Docket #111 & 112 – E3 Environmental, LLC, on behalf of Plains, provided a map book and electronic as-built shapefiles that can be imported into ESRI GIS Mapping software for the Project. Files were submitted to the Commission on April 8, 2013.*

*Order #32 is considered satisfied.*

- 33. Company understands and agrees that the authorizations granted by the Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmissions facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.**

*The Commission did not order any modifications to the Project to protect further the public or the environment.*

*Order #33 is considered satisfied.*

- 34. Company understands and agrees that in the event Company desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in Company's application in this proceeding, Company shall apply to the Commission for a Route Permit or Site Certificate for the facility.**

*Docket #22 - Plains understood by signing the certification relating to provisions that any other facility construction would require a new application for a Certificate of Site Compatibility for such facility.*

*Order #34 is considered satisfied.*

- 35. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.**

*Docket #65 - A third party unmarked pipeline was struck during trenching on August 1, 2012. Following the guidelines of the permit requirements they suspended construction activities near this pipe, and the One-call system was again contacted by the Contractor. There were no line makers in the vicinity and no company had flagged it during the numerous one calls that were made prior to and during construction. As a precautionary measure, a temporary clamp had been installed around the most damaged area of the pipe. Until such time the Commission ruled that all steps taken were adequate to complete the construction of the pipeline under this line, inquiries continued and activities were suspended.*

*Docket #67 - Plains obtained a new utility clearance with the One-Call system and clearance from Commission.*

*Order #35 is considered satisfied.*

**36. Company understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.**

*The contractor retained by Plains for this project, Pro Pipe, ensures that the One-Call Excavation Notice System was utilized before any construction digging. Docket #65 indicates that the One-Call Excavation Notice System was utilized pre-construction and previous to the striking of the unmarked third party pipeline.*

*Order #36 is considered satisfied.*

## **CONCLUSION**

Based on field inspections, the Project has been constructed as designed and with minimal impacts to the surrounding natural and human environment. Thereby, after review of the Commission case docket and multiple site inspections Carlson McCain has found the Plains Pipeline, L.P. Nelson to Ross Pipeline (Case No. PU-12-40) has been constructed in compliance with the siting laws and regulations (NDCC 49-22 and NDAC Article 69-09), and with applicable Commission Orders.

***Appendix A***

***Post-Construction Inspection Photos***

*Post-Construction Inspection Report  
Hess Corporation Tioga NGL Pipeline Project – Williams County  
Case No. PU-11-104*



**Photo 1. Pipeline above ground valve station.  
Sites are fenced and gates locked for security and safety.**

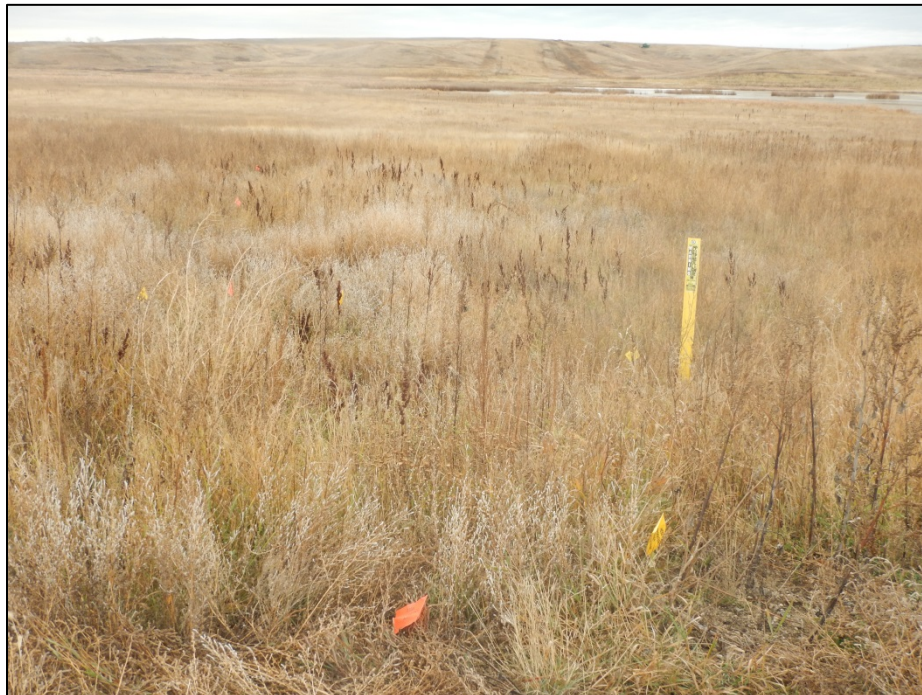


**Photo 2. Reclaimed ROW within harvested agricultural field.  
In 2014 this portion of the ROW was planted with soy beans. Crop productivity did not seem to be negatively affected and there was no evidence of trench subsidence.**

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**Photo 3. Appearance of ROW within reclaimed/replanted haylands. Grass and alfalfa had been planted (summer/fall 2013) and regrowth appeared in satisfactory condition.**



**Photo 4. ROW on the west side of Little Knife River**  
Directional drilling equipment was originally staged in this area, however by request the directional drilling exit hole was moved back from wetland edge. The area has been reclaimed and is recovering adequately.

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**Photo 5. Directional Drill exit hole area under Little Knife River. Rangeland grasses were planted in the summer/fall of 2013 and reestablishment of rangeland appeared to be in satisfactory condition.**



**Photo 6. ROW in cultivated agricultural field  
ROW was disked by landowner or Plains to smooth the reclaimed ROW soils before fall freeze.**

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**Photo 7. Temporary impacts to wetland edge. Remnants of sediment control features that prevented soil deposition into wetland during construction. Wetland species are reestablishing along the edge with no apparent permanent impacts.**



**Photo 8. Grassland reclamation along ROW. The ROW was mowed summer/fall 2014 to control weedy species. Grass species were reestablishing. Plains committed to monitor erosion and maintain weed control along entire ROW.**

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**Photo 9. Reclamation area east of 90<sup>th</sup> Avenue.  
Directional drill holes were dug in this area to bore under the road.  
Replanted rangelands appear to be reestablishing well. Some weeds  
present but overall in satisfactory condition.**