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September 2, 2021

Via E-mail Only

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**In re: Tesoro High Plains Pipeline Company LLC
10-inch Crude Oil Pipeline – Mercer County
Case No. PU-12-675
Our File No. 090532-000008**

Dear Mr. Kahl:

The following correspondence is submitted on behalf of Tesoro High Plains Pipeline Company LLC (“Tesoro”) regarding the Notice of Noncompliance filed in Case No. PU-12-675 as Docket No. 80 (the “Notice”). The Notice pertains to tree and shrub mitigation compliance for the four-mile, ten-inch diameter crude oil pipeline located in Mercer County, North Dakota (“the Project”). Commission Staff directed the Notice to Basin Transload, LLC, the Project’s original permittee, who subsequently forwarded the Notice to Tesoro.

By way of background, on September 25, 2013, the Commission approved an order issuing Basin Transload, LLC (“Basin Transload”) Certificate of Corridor Compatibility No. 145 and Route Permit No. 157 for the Project’s construction, operation, and maintenance. Case No. PU-12-675, Docket No. 42. On December 17, 2014, the Commission approved an order transferring the Project’s siting authorizations to Tesoro. *See* Case No. PU-13-872, Docket No. 15 (issuing Tesoro First Reissued Certificate of Corridor Compatibility No. 145 and First Reissued Route Permit No. 157). As the current Project permittee, Tesoro provides the following information in response to the Notice.

The Notice asserts the Project is in noncompliance with the Commission’s September 25, 2013 Order and associated Tree and Shrub Mitigation Specifications because there is no record of: (1) documentation identifying the number and variety of trees and shrubs removed; (2) a mitigation plan for replacement plantings; and, (3) three years of annual inspection reports documenting the

condition/survival of plantings. The foregoing items are not applicable to the Project. Trees and shrubs are sparsely located in the Project area and impacts from construction were not anticipated. The Project's September 25, 2013 Order expressly states,

16. Most of the land in the study area is used for grazing or crop production. No woodlands are present within the study area. If any trees or shrubs are found along the route during construction of the Project that need to be replaced, they will be replaced in accordance with the Commission's Tree and Shrub Mitigation Specifications.

Case No. PU-12-675, Docket No. 42, Order, Finding of Fact No. 16 (emphasis added); *see also* Docket No. 50, Preconstruction Meeting Notes (“[Basin Transload] reported that the preliminary survey of the route indicates that no trees along the pipeline route are large enough to require mitigation.”). There are no known tree and shrub impacts from Project construction and replacement was not required. For the above reasons, no additional action is necessary.

Please feel free to contact me with any questions.

Sincerely,

CROWLEY FLECK PLLP



Casey A. Furey

CAF/lh

cc: Cris Castillo (via email)
Darren Snow (via email)
Patrick Fahn (via email)