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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 – Burke County
Case No. PU-12-775
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-12-775 as Docket No. 81 (the “Notice”). The Notice pertains to tree and shrub mitigation compliance for the seven-mile, ten-inch diameter crude oil pipeline located in Burke 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 January 16, 2013, the Commission approved an order issuing Basin Transload, LLC (“Basin Transload”) Certificate of Corridor Compatibility No. 141 and Route Permit No. 154 for the Project’s construction, operation, and maintenance. PU-12-775, Docket No. 43. On March 12, 2014, the Commission approved an Order transferring the Project’s siting authorizations to Tesoro. *See* Case No. PU-13-734, Docket No. 14 (issuing Tesoro First Reissued Certificate of Corridor Compatibility No. 141 and First Reissued Route Permit No. 154, as subsequently corrected by the Commission’s May 6, 2014 Order, Case No. PU-13-734, Docket No. 20). As the current Project permittee, Tesoro provides the following information in response to the Notice.

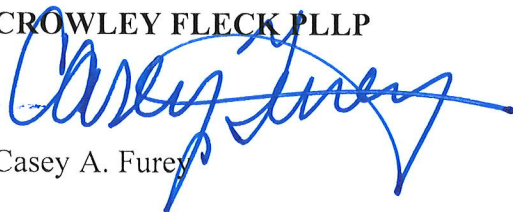
The Notice asserts the Project is in noncompliance with the Commission’s January 16, 2013 Order with accompanying Tree and Shrub Mitigation Specifications because there is no record

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. No trees or shrubs were removed during the Project's construction. Attached hereto is April 20, 2016 correspondence ("Attachment A") from the Project's construction contractor, Treco Constructors, Inc. ("Treco"). As explained in Treco's correspondence, no trees or shrubs were observed or impacted in areas cleared during 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

Encl.

cc: Cris Castillo (via email w/encl.)
Darren Snow (via email w/encl.)
Patrick Fahn (via email w/encl.)



April 20, 2016

Mr. Robert Wasicek
Tesoro High Plains Pipeline Company, Inc.
PO Box 599701
San Antonio, TX 78259-9701

Dear Mr. Wasicek:

Treco Constructors, Inc. completed the pipeline installation from the Lignite Station to the Stampede Station for Tesoro Logistics in September 2013 and completed follow up right-of-way seeding and cleanup during the spring of 2014 as necessary.

As part of its pipeline installation, Treco agreed to complete its work in conformance with the ND Tree and Shrub Mitigation Specifications. Treco reviewed the entire right-of-way for trees and shrubs prior to construction and found that no trees or shrub in the areas that were anticipated to be cleared for the pipeline construction. Most of the route was either on railroad right of way or in actively cropped fields representing approximately 32,600 feet of the 36,036 foot pipeline route. During the actual pipeline construction, no trees 1 inch diameter at breast height (dbh) or greater were removed and therefore no replacements were necessary.

After the entire pipeline was placed, Treco worked with each landowner (and surface lessee where appropriate) to revegetate or coordinate crop management as appropriate.

No landowner or lessee concerns are unresolved at this time to the best of Treco's knowledge. We consider this matter closed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Kroshus", with a long horizontal line extending to the right.

Ron Kroshus
VP of Construction