

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Targa Badlands LLC
8-Inch Crude Pipeline Project – Mountrail County
Siting Application

Case No. PU-14-625

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Kathy Acker deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th day of January, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

and an original of:

Certificate of Corridor Compatibility Number 162

and an original of:

Route Permit Number 174

The envelope was addressed as follows:

Lawrence Bender
Attorney for Targa Badlands LLC
Fredrikson & Byron P.A.
1133 College Dr Ste 1000
Bismarck ND 58501-1000

Cert. No. 7014 1820 0001 3262 8658

Affidavit of Service
Page 1 of 2
January 28, 2015

29 **PU-14-625** Filed: 1/28/2015 Pages: 27
**Affidavit of Service, Cert. & Reg. Mail – Findings of
Fact, Conclusions of Law and Order**

Kathy Acker further deposes and says that on the **28th** day of **January, 2015**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing photocopies of the same.

The envelopes were addressed as follows:

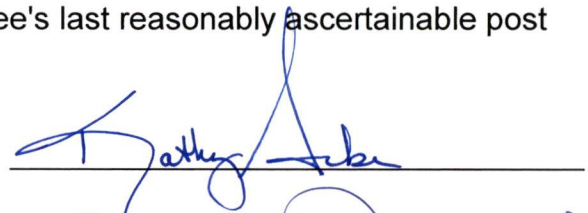
Jessica L. Keiser
Targa Badlands LLC
1000 Louisiana Ste 4300
Houston TX 77002


David McQuade
Targa Badlands LLC
1000 Louisiana Ste 4300
Houston TX 77002

Tom Meriwether
Targa Badlands LLC
1000 Louisiana Ste 4300
Houston TX 77002

Each address shown is the respective addressee's last reasonably ascertainable post office address.

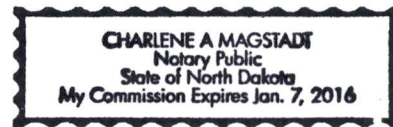
Subscribed and sworn to before me
this **28th day of January, 2015**.





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Targa Badlands LLC
8-Inch Crude Pipeline Project – Mountrail County
Siting Application

Case No. PU-14-625

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

January 26, 2015

Appearances

Commissioners Julie Fedorchak, Randy Christmann and Brian P. Kalk.

Lawrence Bender and Danielle M. Krause, Attorneys at Law, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, North Dakota 58501, on behalf of Targa Badlands LLC.

Zachary E. Pelham, Special Assistant Attorney General, Legal Counsel for Public Service Commission, 314 E. Thayer Avenue, Bismarck, North Dakota 58502.

Wade Mann, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503.

Preliminary Statement

On July 18, 2014, Targa Badlands LLC (Targa) filed with the Commission applications for a certificate of corridor compatibility and a route permit to authorize the conversion of an existing 31.7-mile, 8-inch diameter crude oil gathering pipeline and associated facilities in Mountrail County, North Dakota, to a transmission system (Project).

Also on July 18, 2014, Targa filed an application for a waiver of procedures and time schedules established under North Dakota Century Code sections 49-22-07.2, 49-22-08, 49-22-08.1, 49-12-13, and North Dakota Administrative Code section 69-06-01-02, requiring separate filings, separate notices, and separate hearings on corridor certificate and route permit applications.

On September 19, 2014, the Commission deemed complete the applications for a certificate of corridor compatibility and a route permit. Also on September 19, 2014, the Commission issued a Notice of Filings and Notice of Hearing, scheduling a hearing

for December 11, 2014, at 9:00 a.m. CDT, Stanley City Hall, 208 South Main Street, Stanley, North Dakota, 58784.

The Notice of Filings and Notice of Hearing identified the following issues to be considered with respect to the application for a waiver of procedure and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice of Filings and Notice of Hearing identified the following issues to be considered with respect to the application for a certificate of corridor compatibility and a route permit:

1. 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?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. 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?

On December 11, 2014, the hearing was held as scheduled.

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

Findings of Fact

1. Targa is a Delaware limited liability company. Targa is authorized to do business in the State of North Dakota, as evidenced by corporate papers filed with the Commission on September 10, 2014, in Case No. PU-14-711.

Size, Type and Preferred Location of Facility

2. The Project consists of approximately 31.7 miles of pipeline and associated facilities, including a 30,000-barrel storage tank near New Town, North Dakota, and a 25,000-barrel storage tank near Stanley, North Dakota, and is located in Mountrail County, North Dakota. The Project transports crude oil originating from the Van Hook Peninsula on the Fort Berthold Indian Reservation from near New Town to the storage tank at Stanley. From the Stanley storage tank, the crude oil is then delivered to North Dakota Pipeline Company LLC's terminal, also at Stanley.

3. Targa indicated that the Project was originally planned to accommodate contracted delivery points in New Town and Stanley; however, the planned delivery points were not completed and Targa proposes instead to utilize the tank at New Town for operational storage.

4. Targa testified that the portion of the Project constructed within the boundary of the Fort Berthold Indian Reservation is located entirely on property owned in fee.

5. The Project utilizes 8-inch diameter steel crude oil pipeline capable of transporting a maximum of 48,960 barrels per day. The pipeline has a maximum operating pressure of 1,480 pounds per square inch and was designed and constructed in compliance with Code of Federal Regulations Title 49 Part 195 hazardous liquids pipeline safety standards.

6. The Project was completed in 2014. With the exception of the storage tank at New Town that is not yet in operation, the Project commenced operating as a gathering system in 2013.

7. The anticipated cost of the Project is approximately \$41 million.

8. Targa states there is a need for the facility based on the increase of crude oil production in the Van Hook Peninsula area of the Fort Berthold Indian Reservation.

Study of Preferred Location(s)

9. Targa evaluated a two-mile-wide study area (Study Area) centered on the existing pipeline route.

10. Targa conducted a Class I Cultural Resources Literature Search on the Study Area and determined that 174 cultural resources were previously recorded within the Study Area.

11. Field surveys were conducted on the 30-acre New Town tank site and a 100-foot wide area centered on the existing pipeline route for the length of the pipeline (Survey Area). The purpose of the field surveys was to inventory any potential resource issues

such as wetlands, water bodies, protected species, critical habitats, and cultural resources.

12. Targa performed a Class III Cultural Resource Inventory field study and identified twelve cultural resources within the Survey Area.

13. Targa performed desktop studies on the Study Area and field studies on the Survey Area for wetlands, wildlife, and vegetation.

14. Targa contacted the United States Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (USACE), the North Dakota Game and Fish Department (NDGFD), the North Dakota Parks and Recreation Department (NDPRD), the North Dakota State Historic Preservation Office (NHSPO), the North Dakota State Water Commission (NDSWC), and the North Dakota Department of Health (NDDOH) regarding potential impacts to environmental resources.

15. In a response dated February 11, 2014, the SHPO concurred with Targa's Class III study report recommendation of "No Historic Properties Affected" and "No Significant Sites."

16. In a response dated June 4, 2014, the NDSWC indicated that no floodplains have been mapped or sole-source aquifers identified in Mountrail County.

17. In a response dated June 11, 2014, the NDGFD indicated that the Project should have no significant adverse effects on wildlife or wildlife habitat.

Siting Criteria

18. The Commission has established criteria pursuant to North Dakota Century Code section 49-22-05.1 to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria, as set forth in North Dakota Administrative Code section 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

19. Targa evaluated the Study Area and the Survey Area for the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

20. The Project is located within 1,200 feet of an ICBM missile launch center. Targa has obtained an easement from the United States Air Force for the Project.

21. Fifteen residences and one business are located within 500 feet of the pipeline route. Waivers have been obtained from all sixteen parties.

22. Twelve cultural resources were identified within the 100-foot-wide Survey Area, of which three have not been recommended as eligible for the National Register of Historic Places. The remaining cultural resources were avoided by the Project.

23. The pipeline route crosses the Little Knife River at a point upstream of the Stanley Reservoir, an avoidance area. In its testimony, Targa stated that the location for the crossing was selected in consultation with the city and in order to avoid cultural resources in the vicinity. Targa further indicated that the pipeline was bored by means of horizontal directional drilling in order to avoid impacts to the Little Knife River at areas at or below its ordinary high-water mark. The Commission finds no reasonable alternative exists to the pipeline route crossing the Little Knife River at this location.

24. No other Exclusion or Avoidance Areas are present within either the Study Area or the Survey Area.

Measures to Minimize Impact

25. As an alternative to the Project, Targa evaluated trucking the crude oil as the primary alternative. However, Targa concluded that utilizing trucks to transport additional volumes of crude oil could result in increased risk to the public safety and the environment through transportation-related incidents.

26. Targa has made other representations and covenants as indicated in the Certification Relating to Order Provisions – Transmission Facility Siting as executed by Targa and filed with the Commission.

27. Targa has a comprehensive North Dakota emergency response plan that includes the Project. Targa testified that the company is a member of the Sakakawea Area Spill Response LLC consortium.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over Targa and the subject matter of this application under North Dakota Century Code chapter 49-22.

2. Targa is a utility as defined in North Dakota Century Code section 49-22-03(13).

3. The Project is a transmission facility as defined in North Dakota Century Code section 49-22-03(12).

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

5. The Project 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.

6. The Project is compatible with environmental preservation and the efficient use of resources.

7. The Project is of such design and location that it will produce minimal adverse effects, pursuant to North Dakota Century Code section 49-22-07.2.

8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested by Targa.

9. From the foregoing Findings of Fact and Conclusions of Law, the Commission now issues the following:

Order

1. Targa's application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 162 is issued to Targa, designating a 100-foot corridor centered on the pipeline route for the operation and maintenance of the Project.
3. Route Permit No. 174 is issued to Targa, granting authority to operate and maintain approximately 31.7 miles of 8-inch diameter crude oil pipeline and associated facilities in Mountrail County.
4. The Certification Relating to Order Provisions - Energy Conversion Facility Siting executed on January 26, 2015, is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between Targa's Application and the January 26, 2015 Certification, the Certification provisions control.

PUBLIC SERVICE COMMISSION

Absent

Randy Christmann
Commissioner

Julie Fedorchak

Julie Fedorchak
Chairman

Brian P. Kalk

Brian P. Kalk
Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 162


This is to certify that the Commission has designated a transmission facility corridor for Targa Badlands LLC for the operation and maintenance of approximately 31.7 miles of 8-inch diameter crude oil pipeline in Mountrail County, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated January 26, 2015, in Case No. PU-14-625 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, January 26, 2015.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit Number 174

This is to certify that the Commission has designated a transmission facility route for Targa Badlands LLC for the operation and maintenance of approximately 31.7 miles of 8-inch diameter crude oil pipeline in Mountrail County, North Dakota.

This permit is issued in accordance with the Order of this Commission dated January 26, 2015, in Case No. PU-14-625 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, January 26, 2015.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Targa Badlands LLC
8-Inch Crude Pipeline Project – Mountrail County
Siting Application

Case No. PU-14-625

**CERTIFICATION RELATING TO ORDER PROVISIONS - TRANSMISSION FACILITY
SITING**

I am J. Steve Hopson, a representative of Targa Badlands LLC ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify 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.
2. Company agrees to hold a construction conference prior to initiating operation of the facility as a transmission facility, 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.
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.
4. Company certifies that it has obtained all necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission.
5. Company agrees to inform the Commission and the Commission's third-party construction inspector immediately prior to the Company initiating operation of the facility as a transmission facility.
6. Company certifies that the pipeline has been 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 section lines. Company agrees that if any pipeline is not buried 72 inches across undeveloped section lines, and the section line is later developed into a roadway, it will incur all costs related to burying the pipeline 48

inches below the bottom of the ditch, which shall inure and be binding upon any successor or assignee of the Company and shall not cause any unreasonable delay of any roadway project.

7. Company understands and agrees that any 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, tribal, or federal agencies.
8. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
9. Company has constructed and will 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.
10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.
11. Company certifies that all cultural resource mitigation plans have been submitted to and approved by the North Dakota State Historic Preservation Office.
12. Company certifies that any cultural resource, paleontological site, archeological site, historical site, or grave site discovered during construction was marked, preserved and protected from further disturbances until a professional examination could be made and a report of such examination, if applicable, was filed with the Commission and the State Historical Society and clearance to proceed was given by the North Dakota State Historic Preservation Office.
13. Company certifies that all buried facility crossings of graded roads were bored unless the responsible governing agency specifically permitted Company to open cut the road. In one instance, a landowner specifically requested the pipeline not be bored across a private section of road, which occurred between Township 155N, Range 91W, Section 23 and Township 155N, Range 91W, Section 14, Mountrail County, North Dakota.

14. Company certifies that all pre-existing township and county roads and lanes used during construction were, or are being, repaired or restored to a condition equal to or better than the condition prior to the construction of the transmission facility and accommodates their previous use, and that areas used as temporary roads or working areas during construction were, or are being, restored to their original condition.
15. Company certifies that construction was suspended when weather conditions were such that construction activities would cause irreparable damage to roads or land. Company agrees to provide information regarding any work on the pipeline performed under such weather conditions and the measures taken to provide adequate protection.
16. Company certifies that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts were made, was stripped and segregated from the subsoil. Any area on which excavated subsoil was placed was also stripped of topsoil. After backfilling was completed, any excess subsoil was placed over the excavation area, blending the grade into existing topography. Topsoil was replaced over areas from which it was stripped only after the subsoil was replaced.
17. Company certifies that reclamation, fertilization, and reseeding was, or is being, done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
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.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
21. Company certifies all fences and gates removed or damaged during all phases of construction were repaired or replaced, and all fences and gates removed or damaged during operation of the transmission facility shall be repaired or replaced.
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 transmission facility.


23. Company certifies that staging areas or equipment were not located on land owned by a person other than the Company unless otherwise negotiated with landowners.
24. Company certifies that it has removed all waste that was a product of construction and has properly disposed of it. Company understands and agrees that it shall remove all waste that is a product of operation, restoration, and maintenance of the site, and will properly dispose of it.
25. Company understands and 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.
26. Company certifies that it provided any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.
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, or the death of any threatened or endangered species on the site within five business days of such event.
28. Company understands and agrees that, prior to operating its facility as a transmission facility, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
29. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
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. Approval may be granted after notice and opportunity for hearing.
31. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility 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

commencement of operation of the facility as a transmission facility. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of commencement of operation of the facility as a transmission facility. 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.

32. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
33. 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.
34. Company certifies that no damage, as defined by North Dakota Century Code Chapter 49-23, occurred to underground facilities during construction. In the event of any damage to underground facilities did occur during the construction, Company shall report to the Commission what was done to correct the damage.
35. 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.
36. In the event the Company seeks application of NDCC 49-22-03(3)(a), colloquially known as the "footprint rule," the Company certifies it will comply with the provisions contained in Exhibit A to this Certification.

Dated this 26th day of January, 2015.

TARGA BADLANDS LLC

By 
J. Steve Hopson TSM

Its Senior Vice President

EXHIBIT A

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.
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.
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.
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 transmission facility that requires said license or permit.
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 on construction activities on a weekly basis.
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 section lines.
7. Company understands and agrees that any 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, tribal, or federal agencies.
8. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.

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.
10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.
11. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
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 and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.
13. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.
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.
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.
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 trench areas where cuts will be made, must be stripped and segregated from the subsoil. 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 excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

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.
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.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
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.
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 transmission facility.
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.
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.
25. Company understands and 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.
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.
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, or the death of any threatened or endangered species on the site within five business days of such event.

28. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
29. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
30. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
31. 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. Approval may be granted after notice and opportunity for hearing.
32. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility 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 corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built 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.
33. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
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.

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.
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.
37. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22-16.3:
38. Company will specifically identify which subsection of NDCC 49-22-16.3 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
39. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22-16.3(1), the Company will file:
 - a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
 - b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
 - c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.
40. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(2), within the designated corridor that may affect an avoidance

area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

41. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route

42. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22-16.3(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

- 1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the

Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.

2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

43. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Targa Badlands LLC
8-Inch Crude Pipeline Project – Mountrail County
Siting Application

Case No. PU-14-625

Tree and Shrub Mitigation Specifications

Inventory

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), must be inventoried before cutting. The inventory must record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height (dbh) or greater must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation

population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

Clearing for Construction

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

Replacement

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-

noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).