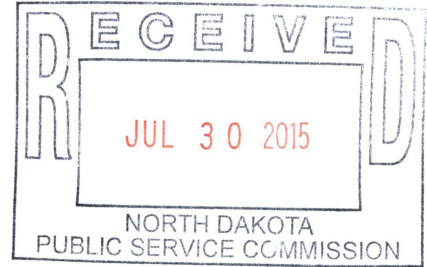


July 30, 2015

**VIA HAND DELIVERY**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480



**RE: Caliber Midstream Partners, L.P. —  
Case Number PU-14-689**

Dear Mr. Nitschke:

Please find enclosed herewith for filing in the above-referenced matter, an original and ten (10) copies of the following:

1. Caliber Midstream Conditional Use Permit Staff Report; and
2. July 20, 2015 Conditional Use Permit approval letter from McKenzie County.

Also enclosed is a CD containing the above-referenced documents in PDF format. If you should have any questions, please advise.

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to read "Lawrence Bender".

LAWRENCE BENDER

LB/dmk  
Enclosures

cc: Mr. Zack Pelham (*via e-mail*)  
Ms. Julie Prescott (*via e-mail*)  
Mr. Skip Vest (*via e-mail*)

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Attorneys & Advisors  
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1133 College  
Bismarck, Nor  
58501-1215

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**PU-14-689**  
**Permits**

Filed: 7/30/2015

Pages: 5

April 13, 2015

## Caliber Midstream Conditional Use Permit

### Staff Report

Caliber Midstream is requesting a Conditional Use Permit to legitimize a previously built industrial gas gathering pipeline. The pipeline is proposed to be converted into a gas transmission line. See map for location.

#### Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to convert an existing industrial gas gathering pipeline into a transmission line.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies approved the project.
7. Appropriate Comprehensive Plan Goals:
  - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
  - b. Enhance and diversify McKenzie County's economy.
8. Part of this line is located in Alex Township and they have given approval.

#### Staff Analysis:

The applicant is requesting a Conditional Use Permit to convert an existing industrial gas gathering line into a transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with pipeline conversion. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

#### Recommended Conditions:

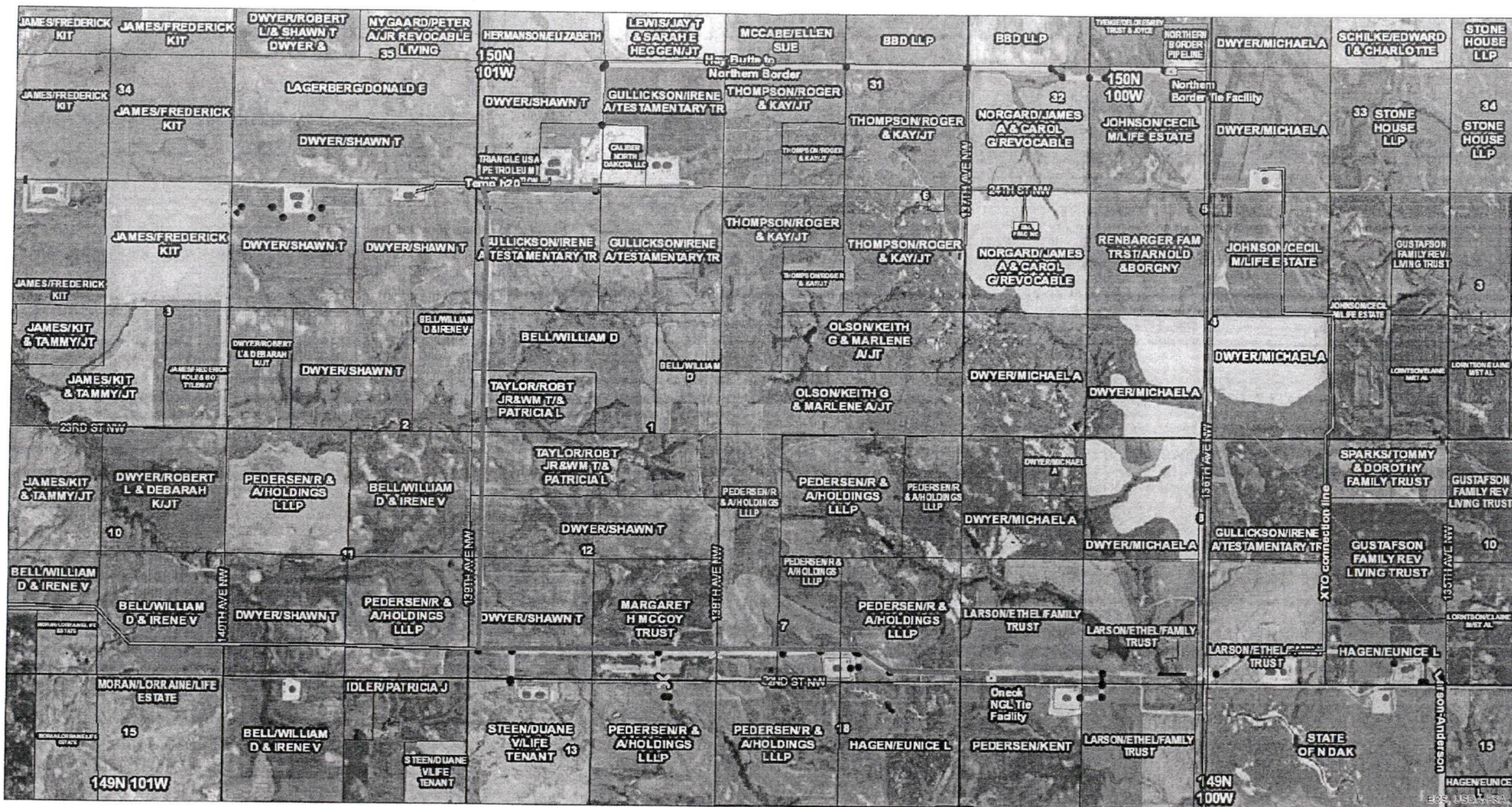
1. The applicant shall obtain a building permit for any proposed structures within the proposed

development.

2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control during construction.
6. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
7. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
8. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
9. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
10. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
12. Any pumping stations shall be painted earth tone colors to better blend in with their surroundings.

Respectfully submitted,

Lindsey Perusich  
Assistant Planner/ Current Planning  
McKenzie County

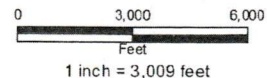


- Comment
- Well Schedule
- Conceptual Route
- Conceptual Area
- Granted

- Granted Conditional
- Denied
- In Process
- No Status
- Ownership

**Legend**

- |                   |                 |                            |                     |
|-------------------|-----------------|----------------------------|---------------------|
| Ownership         | ✕ Crossing      | — CL - Preliminary Staked  | — CL - Undetermined |
| ▼ Active SWD Well | ● PI            | — CL - Construction Staked | — CL - Abandoned    |
| ● Active Well     | ⊗ Setting Valve | — CL - Pipe Tally Complete | — AB - Fiber Optic  |
| ✕ Inactive Well   | — Bore          | — CL - Under Construction  | — AB - Freshwater   |
| ● Facility        | — CL - Proposed | — CL - Asbuilt Complete    | — AB - Gas          |



July 20, 2015

CUP-0036-15

Caliber Midstream  
1200 17<sup>th</sup> Street, Suite 2100  
Denver, CO 80202

This is to confirm that, at their April 21, 2015 meeting, the McKenzie County Board of Commissioners approved the Conditional Use Permit request to convert an existing natural gas gathering line into a natural gas transmission line. This project is to be approximately 4.4 miles long, starting in the area commonly known as Section 36, Township 150, Range 101 (Hay Butte Gas Plant) and ending in Section 8, Township 149, Range 100 (Lonesome Creek Gas Plant).

Keep in mind that the following conditions were placed on the project:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
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10. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

If you have any questions, please feel free to call.

Sincerely,



Lindsey Perusich  
Assistant Planner/ Current Planning  
McKenzie County