

Caliber Midstream NGL Pipeline – McKenzie County  
Caliber Midstream Partners, L.P.  
*ND PSC Case No. PU-14-689*  
*Keitu Project #569-1054*

Post-Construction Inspection Report

*September 2015*



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**Caliber Midstream Partners, L.P.**  
**Caliber Midstream NGL Pipeline**  
**McKenzie County, ND**

Prepared by Keitu Engineers & Consultants, Inc.

## **Executive Summary**

The State of North Dakota, acting through its North Dakota Public Service Commission, Division of the Public Utilities, has acquired Keitu Engineers & Consultants, Inc. to perform consulting services to perform construction inspections applying engineering and science principles for the purpose of ensuring that energy conversion and transmission facilities authorized by the NDPSC are constructed in compliance with the siting laws (N.D.C.C 49-22) and rules (N.D. Administrative Code Article 69-09) and applicable Commission orders for Case No. PU-14-689. Prior to the inspection, Keitu reviewed construction standards and issues and developed a PSC field observation report to be complete at an inspection for a crude oil pipeline.

The State of North Dakota, acting through its North Dakota Public Service Commission (PSC), Division of Public Utilities, has contracted Keitu Engineers & Consultants, Inc. (Keitu) to perform consulting services for post-construction siting inspections. This report addresses the Orders established by the PSC and issues established in File No. PU-14-689. The Natural Gas Liquids Pipeline (Project) is located in McKenzie County, ND. The pipeline is owned and operated by Caliber Midstream Partners, L.P. (Caliber). Construction for the Project began in November 2013 and was completed in April 2014. The purpose of the post-construction inspection was to ensure the Project was constructed in compliance with the siting laws, rules, and the applicable PSC Orders for the Project. Prior to the post-construction inspection, Keitu reviewed all Project documents to identify any and all aspects requiring site verification.

The site was visually inspected on September 29, 2015 by Keitu staff. Overall, the project was maintained and in acceptable condition. It appeared to be constructed as planned.

## **Introduction**

The construction of the Natural Gas Liquids (NGL) Pipeline (Project) was completed in April 2014. The Project is operated by Caliber Midstream Partners (Caliber). The Project comprises of an approximately 4.4 mile long, 6-inch outside diameter underground NGL pipeline that extends from the Caliber Hay Butte Gas plant near Alexander, North Dakota, to the ONEOK Partners' Bakken NGL pipeline in McKenzie County, North Dakota. The Project is located entirely in McKenzie County. The Project is under the jurisdiction of the North Dakota Public Service Commission (PSC), which issued its Findings of Fact, Conclusions of Law, and Order on Case No. PU-14-689 on April 8, 2015, granting Certificate of Corridor Compatibility No. 164 and Route Permit No. 176 for the Project.

## **Purpose and Scope of Inspection**

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

The North Dakota PSC retained Keitu Engineers & Consultants, Inc. (Keitu) to complete a post-construction inspection of the Project. The inspection process included a review of the Application for Corridor Compatibility and Route Permit, Order, and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings. This report includes, but is not limited to, site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

## **Methods**

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

Samantha Swanberg, Staff Consultant, and Ryan Schaner, Field Technician, of Keitu visited the Project area on September 29, 2015. The site was visually inspected along portions of the transmission line route by accessing as many points as feasible where road access was available.

The inspection began at the Hay Butte Plant in Section 36 of Township 150N, Range 101W, and followed the line to Section 8 of Township 149N, Range 100W in McKenzie County. Digital photographs were taken showing typical Project infrastructure and documenting any problem areas (Appendix A). Geographic coordinates were recorded at observation points or potential problem areas using a handheld Global Positioning System (GPS) (Trimble GeoExplorer 6000 series). A map showing the location of the observation points is attached as Figure 1 in Appendix B.

## **Observations/Findings of Commission Orders**

The following section includes discussion of a list of components of the Project that were asserted in the Application and Orders which could be documented during the post-construction inspection to verify compliance with siting laws, rules and the Orders for the Project, via either written documentation or physical site verification. Included are detailed findings and observations from Keitu personnel involved in the post-construction inspection for the Caliber Midstream Partners, L.P. NGL Pipeline – McKenzie County.

### **1. Caliber's application for a waiver of procedures and time schedules is granted.**

In a November 6, 2014 motion (Docket #13), Julie Prescott moved the Commission to deem the applications complete and issue a Notice of Filing and Notice of Hearing in the request of Caliber for a waiver of procedures and time schedules, a corridor certificate and a route permit for the construction of approximately 4.4 mile long, 6 inch underground NGL pipeline in McKenzie County, ND, Case No. PU-14-689.

Observation #1 is deemed complete.

### **2. First Amended Certificate of Corridor Compatibility No. 164 is issued to Caliber, designating a 100-foot-wide corridor centered on the route for the construction, operation, and maintenance of approximately 4.4 miles of 6-inch natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota.**

On April 29, 2015 the Commission designated a transmission facility corridor for Caliber Midstream Partners, L.P.'s approximately 4.4 miles of 6-inch outside diameter pipeline in McKenzie County, North Dakota for the transmission of NGL. The certificate (Docket #44), was issued in accordance with the Order of the Commission dated April 8, 2015 in Case No. PU-14-689 and was subject to the conditions and limitations noted in the Order.

Observation #2 is deemed complete.

### **3. First Amended Route Permit No. 176 is issued to Caliber, granting authority to construct, operate, and maintain approximately 4.4 miles of 6-inch natural gas liquids transmission pipeline and associated facilities in McKenzie County, North Dakota.**

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On April 29, 2015 the Commission designated a transmission facility route for Caliber Midstream Partners, L.P. for the construction of approximately 4.4 miles of 6-inch outside diameter pipeline in McKenzie County, North Dakota. The permit (Docket #44) was issued in accordance with the Order of the Commission dated April 29, 2015 in Case No. PU-14-689 and was subject to the conditions and limitations noted in the Order.

Observation #3 is deemed complete.

- 4. To The Certification Relating to Order Provisions – Transmission Facility Siting (Certification) with accompanying Tree and Shrub Mitigation specification as executed by Caliber and filed with the Commission on February 31, 2015, is incorporated by reference and attached to this Order.**

On February 11, 2015, Dave Scobel of Caliber Midstream Partners, L.P. signed the Certification Relating to Order Provisions-Transmission Facility Siting and accompanying Tree and Shrub Mitigation Specifications (Docket # 34, 44), binding Caliber to requirements set forth by the Commission in its Order.

Observation #4 was followed.

- 5. To the extent there are any conflicts or inconsistencies between the Application and the Certification provisions, the Certification provisions control.**

Observation #5 was followed.

## **Order Provisions/ Facility Siting**

- 1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission 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.**

On April 8, 2015 and April 29, 2015 the Commission designated a corridor for Caliber Midstream Partners, L.P., for the construction, operation, and maintenance of the proposed pipeline and associated facilities in McKenzie County, North Dakota. The certificate (Docket # 34, 44) was issued in accordance with the Order of the Commission dated April 8, 2015 and April 29, 2015 in Case No. PU-14-689 and was subject to the conditions and limitations noted in the order.

Order #1 is deemed complete.

- 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.**

A preconstruction meeting was held on September 14, 2015 via conference call (Docket #57). The following personnel were included: Skip Vest (Caliber Midstream), Julie Prescott (The ND Public Service Commission), Nathan Gaffrey (Keitu Engineering), Samantha Swanberg (Keitu Engineering), and Deb Autrey (Caliber Midstream).

The conference included a review of the Certification Relating to Order Provisions – Transmission Facility Siting, NDCC application to replant trees or shrubs, certificate of reclamation, landowner notification and who they contact for complaints.

Order #2 is deemed complete.

- 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.**

On August 15, 2014, Jillian Rupnow provided the Commission with an Application for Waiver or Reduction of Procedures and Time Schedules & Certificate of Corridor Compatibility & Route Permit as prepared by CH2M Hill Engineers, Inc. (Docket # 1). Within the report, numerous State and Federal agencies including; but not limited to, State Historical Society of North Dakota, North Dakota Game and Fish Department, North Dakota Geological Survey, North Dakota Department of Human Services, North Dakota State Water Commission, North Dakota Department of Agriculture and the U.S. Fish and Wildlife Service were contacted.

Order #3 is deemed complete.

- 4. Company certifies that it has obtained or is in the process of obtaining all necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission.**

According to the preconstruction meeting held on September 14, 2015, Caliber has obtained all the necessary licenses and permits to the Commission (Docket #57).

Order #4 is deemed complete.

- 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.**

Caliber filed with the Commission on August 15, 2014 for the operation of a 4.4 mile, 6 inch diameter Natural Gas Liquid pipeline (Docket #1). The Commission issued a Certificate of Corridor Compatibility No. 164 and Route Permit No. 176 to Caliber Midstream Partners, L.P. on

April 8, 2015 (Docket #34). Caliber filed a request to amend the Findings or Fact, Conclusions of Law and Order to change the capacity of the project from 21,000 barrels per day to 2,100 per day on April 13, 2015 (Docket #40). Since filed within fifteen days of the decisions, the request was treated as a petition for reconsideration according to ND Century Code section 28-32-40 and ND Administrative Code section 69-02-06-02. The Commission granted the request on April 29, 2015 and issued the First Amended Certificate of Corridor Compatibility No. 164 and First Amended Route Permit No. 164 (Docket #44).

Order #5 is deemed complete.

- 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, 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.**

Caliber Midstream Partners supplied the Commission with a map and table displaying the depth of the pipeline along the entire route (Docket #28).

No exposed piping existed along the route or at road crossings at the post-construction site observation points. Potholing to find the exact depth of pipe was not performed during the post-construction inspection.

Order #6 is complete.

- 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.**

Company has complied with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies to date. The Company's Certificate of Corridor Compatibility or Route Permit was not found to have been suspended or revoked for failure to comply with the Commission's order.

Order #7 is deemed complete.

- 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.**

Based on the Commission's project files there is no documentation that records were maintained throughout the project. The records may have been kept by the Caliber, but not docketed or submitted the PSC for docketing. The records may possibly be available upon request from the Caliber.

Order #8 is deemed complete; however, the Commission has the option of requesting the documentation from the Company.

**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.**

Caliber constructed the pipeline in accordance with the application and supplemental materials. On September 29, 2015 a post construction inspection was conducted by Keitu Engineers and Consultants. Based on the inspection, the project was constructed as proposed to the Commission. The construction and operation of the facility is in accordance with the company's application.

Order #9 is deemed complete.

**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.**

Initially, Caliber Midstream did not have to previously report any critical habitat or threatened species to the Commission before construction because it was not under PSC jurisdiction by Chapter 49-22 of the ND Century Code during construction (Docket #1). Caliber then filed with the PSC after construction of all five pipelines. This filing was due to the decision to have one line transport natural gas liquids.

Sunbird Biological Consultants (Sunbird) was contracted to conduct a habitat assessment, raptor nest survey and sensitive species review of the project area. No active raptor nests were found within the 1 mile wide study area. No sensitive, threatened or endangered species were identified during the field surveys. Sunbird concluded it is unlikely that federally listed threatened or endangered species would regularly occur within the project area.

Order #10 is deemed complete.

**11. Company certifies that all cultural resource mitigation plans have been submitted to and approved by the North Dakota State Historic Preservation Office.**

Alpine Archaeological Consultants, Inc. performed a Class I and Class III cultural resource inventory for the proposed project on June 28, 2014. The survey resulted in the identification of one prehistoric isolated find (IF) (32MZX1415). The IF was recommended as not eligible for inclusion in the National Register of Historic Places and clearance to proceed as planned was granted (Docket #24, Part 1).

The North Dakota State Historic Preservation Office (ND SHPO) reviewed the ND SHPO REF.:14-1625 PSC “A Class III Cultural Resource Inventory of the Caliber Natural Gas Liquids Pipeline Project, McKenzie County, North Dakota.” The ND SHPO concurred a “No Significant Sites” determination for the project, provided the project remains as described and mapped in the given area (Docket #4).

Order #11 is deemed complete.

**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.**

The Caliber Midstream pipeline project was not under Public Service Commission (PSC) jurisdiction by Chapter 49-22 of the ND Century Code during initial construction (Docket #1). Caliber filed with the PSC after completion of the installation of five pipelines, which were intended to be water and gathering lines, the decision to have one line transport natural gas liquids. This prompted the submission to the PSC. Cultural resource surveys were performed after the construction in June 2014. Only one prehistoric site was found (refer to Order #11).

Order #12 is deemed complete.

**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.**

From the post-construction site observation points, it appears that all road crossings were bored. The roads over the pipe crossings appeared undisturbed and to grade.

Order #13 is deemed complete.

**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.**

According to the Route Permit (Docket #1), the project was constructed parallel and adjacent to county roads to minimize the need for new access roads. Ten two-track access roads were used to transport equipment from the county roads to the Right-of-Way during construction. From the post-construction site observation points, it appears that all pre-existing roads and lanes used for construction were restored to their previous conditions. These areas also appear to be revegetated from the observation points.

Order #14 is deemed complete.

**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.**

The Caliber Midstream pipeline project was not under Public Service Commission (PSC) jurisdiction by Chapter 49-22 of the ND Century Code during construction (Docket #1). Based on the Commission's project files, there is no documentation that construction activities were suspended due to weather conditions or that adverse weather conditions existed.

Order #15 is deemed complete.

**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.**

According to the Certificate of Corridor Compatibility Application, topsoil along the Right-of-Way (ROW) was segregated, stored and replaced to actual depth (Docket #1).

During the post-construction inspection, the vegetation along the pipeline route was in favorable condition in most areas, there were a few areas where it was sparse and/or full of weeds. These areas along the pipeline observed were to grade evenly to the adjacent soil level which would indicate that this Order was followed properly. There was some soil subsiding at the horizontal direct drilling bore location for the tributary of Antelope creek along both sides. Jeff Skaare with Caliber told on-site Keitu staff that they had work orders in to get these areas fixed.

Order #16 is deemed complete.

**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.**

Vegetation within the project area is predominantly agricultural with active and inactive fields. The pipeline corridor crosses two wetland areas. A tributary of Antelope Creek was bored by horizontal direct drilling to avoid impacts (Docket #50). Approximately 0.15 acres of wetland were temporarily impacted at the unnamed tributary due to open-cut crossing. Grading and rehabilitation of the impacted wetland should be designed to adhere to the General Conditions of the Nationwide Permit Program including, returning the area to preconstruction contours and maintaining flows (Docket #1).

Documentation at the request of the ND PSC of revegetation surveys and noxious weed surveys will be required for Order #17 to be complete.

**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.**

Regular maintenance and inspection are performed during the life of the facility to ensure its continued integrity. Inspections are limited to the right-of-way. When problems are found, repairs will be scheduled. If damages to crops occurred during maintenance and repairs, reimbursement is be made to the landowner, consistent with the terms of the easement.

Based on the post construction inspection, Caliber has performed reclamation and maintenance of the right-of way and they have continued this since the facilities have been placed in operation.

Order #18 has been followed to date.

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

Regular maintenance and inspections are performed for the life of the facility to ensure its continued integrity. When problems are found, repairs will be scheduled. If damages to crops occurred during maintenance and repairs, reimbursement is made to the landowner, consistent with the terms of the easement.

Based on the post-construction inspection, Caliber has performed reclamation and maintenance of the facility.

Order #19 has been followed to date.

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

On March 31, 2015, Caliber provided the Commission with Tree and Shrub Mitigation Specifications (Docket #31). According to the pre-construction meeting, Caliber did not need to complete the NDCC application to replant trees or shrubs due to no clearance of trees or shrubs in the project area (Docket #57).

Order #20 is deemed complete.

**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.**

During the post construction investigation on September 29, 2015, all fences and gates were in good condition along the pipeline corridor.

Order #21 is deemed complete.

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

Landowners were contacted about the pipeline prior to the pipeline installation and there is no documentation in the Commission's files of a drainage tile encounter.

Order #22 is deemed complete.

**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.**

A review of the project files indicates that construction remained in the Right-of-Way which consisted of a 40 foot temporary workspace and a 60 foot permanent easement (Docket #1). The temporary workspace was used as an access road along the length of the pipeline and to store materials.

Order #23 is deemed complete.

**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.**

During the post construction investigation on September 29, 2015, no waste was observed at the project site. One can infer that it was properly disposed.

Order #24 is deemed complete.

**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.**

Caliber states in the Route Permit Application that all impacted land will be restored to pre-construction conditions and re-vegetated (Docket #1).

A post-construction site visit was performed on September 29, 2015 by Keitu. Re-seeding is needed in a few areas. Jeff Skaare of Caliber Midstream verbally mentioned to on-site Keitu staff that there was a re-seeding work order in to address any areas in need of re-seeding.

Order #25 is deemed complete.

**26. Company certifies that it provided any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.**

Based on the post-construction inspection, Caliber restricts public access to the facility. Signs and a chain-link fence surround the main facility and the above ground valve stations.

Order #26 is deemed complete.

**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 but not limited to injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.**

During construction the Caliber Midstream pipeline project was not under PSC jurisdiction by Chapter 49-22 of the ND Century Code (Docket #1). A review of the Commission's files indicate no extraordinary events took place on site to date.

Order #27 is deemed complete; however, the Commission has the option of requesting the documentation from the Company.

**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.**

A list of all the landowners is located in Appendix B in the Certificate of Corridor Compatibility Application (Docket #1). After a review of the Commission's online docketed project files, it appears that landowner waivers may not have been supplied to the Commission or were not docketed.

Order #28 is deemed complete; however, the Commission has the option of requesting the documentation from the Company.

**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.**

According to the preconstruction meeting Julie Prescott (ND PSC) did not find documentation of who a landowner can contact should they have a complaint. Ms. Prescott requested that Skip Vest (Caliber Midstream) provide her a contact name, phone number and facility name via email (Docket #57).

Order #29 is deemed complete.

**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.**

The installation of the five pipelines was not under PSC jurisdiction by Chapter 49-22 of the ND Century Code (Docket #1) at the time of construction. Subsequently, Caliber filed with the PSC after construction due to the decision to have one line verified to transport Natural Gas Liquids. There is no documentation in the Commission's project files for modification to the transmission facility or site plan.

Order #30 is deemed complete.

**31. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within three 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 Order. 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.**

The project was not under PSC jurisdiction during construction. Once construction was completed Caliber filed with the PSC with the intent to have one of the five pipelines transport Natural Gas Liquids. Caliber initially provided sufficient design specifications in the Application and Exhibits

to understand and verify the proposed transmission facility on August 15, 2014 (Docket #1). The Commission was provided with both paper and electronic copies. The Commission granted the proposed transmission facility and issued a Certificate of Corridor Compatibility and Route Permit on April 29, 2015 (Docket 44).

Order #31 is deemed complete.

**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.**

A review of the project files did not indicate that any authorizations granted by Certificate of Corridor Compatibility or Route Permit for a transmission facility were modified by the Commission to date.

Order #32 is deemed complete.

**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.**

A review of the project files did not indicate that any other authorizations granted by Certificate of Corridor Compatibility for a transmission facility or energy conversion facility desire to construct within the existing other than those originally included Route Permit or Site Certificate.

Order #33 is deemed complete.

**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.**

The Caliber Midstream pipeline project was not under Public Service Commission (PSC) jurisdiction by Chapter 49-22 of the ND Century Code during construction (Docket #1). Based on the project files, there is no documentation that and damage occurred to underground facilities during construction.

Order #34 is deemed complete.

**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.**

The Commission has not 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. Caliber has complied with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies to date.

Order #35 is deemed complete.

**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.**

Based on an online PSC docketed search for the project, it appears that Caliber did not need to institute the "footprint rule".

Order #36 is deemed complete.

## Conclusions

Overall, the Project appeared to be constructed as designed with minimal impacts to the surrounding natural and human environment. The Project site was in acceptable condition and well maintained.

The project has been constructed in compliance with the siting laws and rules and applicable Commission orders. I declare that, I have the specific qualifications based on education, training, and experience to assess a project of this nature.

Sincerely,

A handwritten signature in blue ink that reads "Nathan J. Gaffrey".

Nathan J. Gaffrey, PE  
Project Engineer

## **Appendix A: Site Photos**



**Photo 1** – “PIG” launcher at Hay Butte Plant, pipeline start.



**Photo 2 – Hay Butte Plant, pipeline start.**



**Photo 3** – Shows revegetated fields along pipeline.



**Photo 4** – Bore location, where soil has subsided, wheat is taller where farmer had to lift up equipment to go through area.



**Photo 5** – Bore location, where soil has subsided, wheat is taller where farmer had to lift up equipment to go through area.



**Photo 6** – Typical pipeline marker at road crossing.



**Photo 6** – Pipeline marker at fence crossing.



**Photo 7** – Vegetated agricultural field along pipeline ROW.



**Photo 8** – Sparse vegetation along pipeline ROW.



**Photo 9** – Sparse vegetation along pipeline ROW. Future reseeding area.



**Photo 10** – Weeds along pipeline ROW, near end valve, connecting to ONEOK Partners' Bakken NGL pipeline.



**Photo 11** – End valve, connecting to ONEOK Partners’ Bakken NGL pipeline.

**Appendix B: Figure**

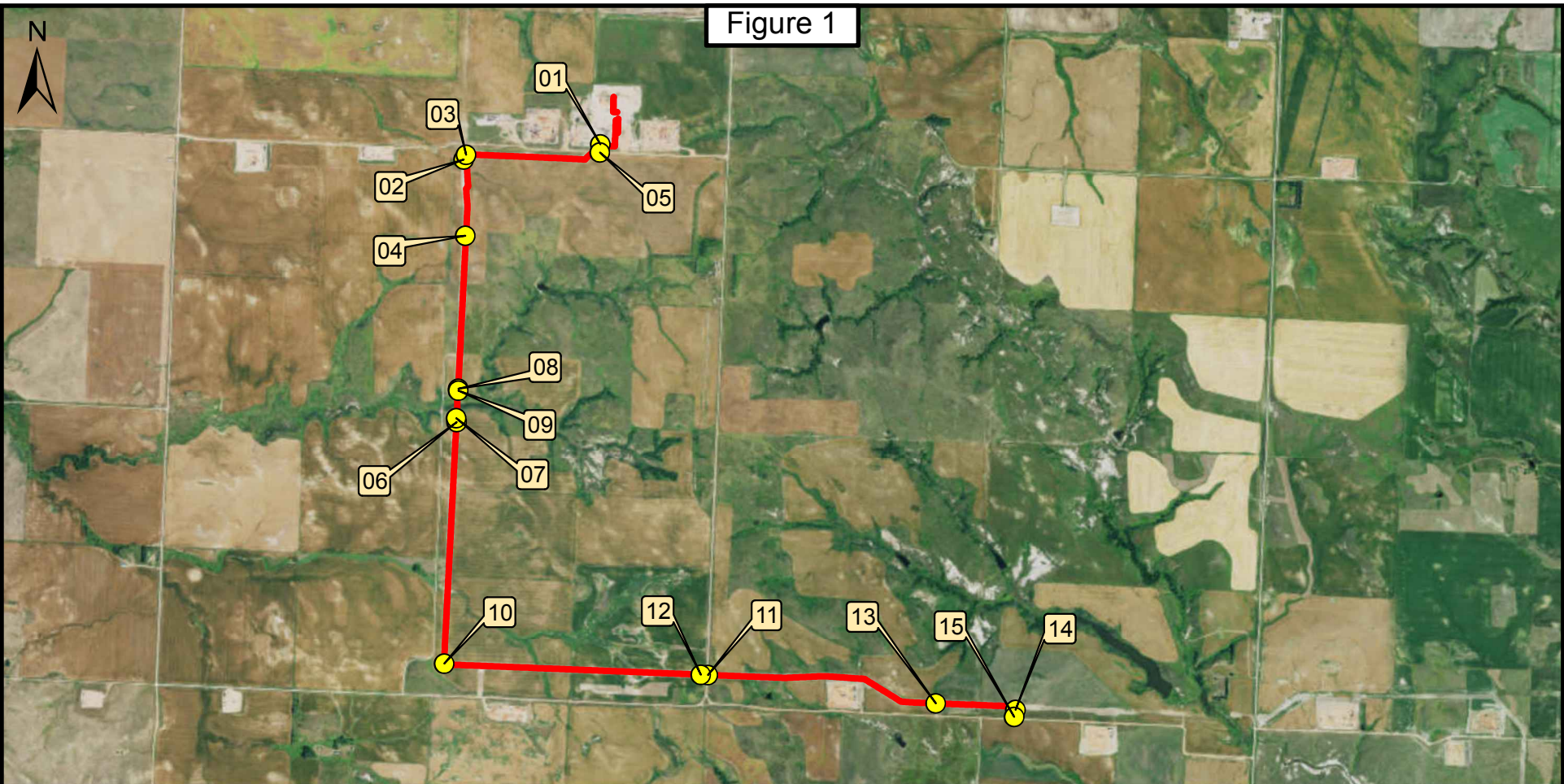


Figure 1

ND PSC Case Number PU-14-689  
 Caliber Midstream Partners, L.P.

6" Natural Gas Liquids Pipeline Project  
 McKenzie County, North Dakota

**Legend**

- Project Centerline
- Observation Points

