



Public Service Commission

State of North Dakota

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November 1, 2018

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Lawrence Bender
Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215

RE: Dakota Access, LLC, Case No. PU-14-842
Dakota Access Pipeline Project

Dear Mr. Bender:

On September 20-21, 2017, Dakota Access, LLC and the North Dakota Public Service Commission executed a Settlement Agreement to settle pending issues in Case No. PU-14-842. In the Settlement Agreement, Dakota Access agrees to:

1. Develop by December 31, 2017, in cooperation and collaboration with the North Dakota State Historic Preservation Office ("SHPO") and the Commission, an industry reference manual for managing unanticipated discoveries and route changes during construction.
2. Distribute the manual to registered pipeline companies in North Dakota, and conduct training programs on unanticipated discoveries and the Commission's route change process at the 2018 Williston Basin Petroleum Conference and at one other key industry function selected by Dakota Access, and approved by the Commission, by December 31, 2018.
3. Pay the expenses and costs to bring a speaker of national or international renown to present to SHPO staff in Bismarck, North Dakota on a topic agreed to between SHPO and Dakota Access by December 31, 2018.
4. Provide notification of the completion of the items 1 through 3 to Commission staff.
5. A modification of the Tree and Shrub Plan, as contained in the Certification, to provide for a 3:1 replacement ratio for those trees and shrubs removed from the areas identified in the Memorandum (the Tree and Shrub Plan shall remain a 2:1 replacement ratio for trees and shrubs outside of the areas identified in the Memorandum).
6. Provide and plant, or pay for the planting, of twenty thousand (20,000) trees in consultation with various county soil conservation districts traversed by the pipeline by December 31, 2018. The twenty thousand (20,000) additional trees to be provided by Dakota Access shall be at least two-year saplings.

404 PU-14-842 Filed: 11/1/2018 Pages: 2
Request for compliance documents

Item #1: On May 8, 2018, Dakota Access filed with the Commission its second draft of the Energy Transmission Facilities Handbook. Is that document the final draft of the Handbook? If not, please file a copy of the final version of the Handbook with the Commission.

Item #2:

- a. Confirm that a training program on unanticipated discoveries and the Commission's route change process was conducted at the 2018 Williston Basin Petroleum Conference.
- b. List at least one other key industry function where training programs on unanticipated discoveries and the Commission's route change process were conducted.
- c. Provide a list of registered pipeline companies in North Dakota that received the manual.

Item #3: Provide the date, the name of the speaker, and a description of the topic that was presented to SHPO staff in Bismarck.

Item #5:

- a. Confirm that Dakota Access has provided for a 3:1 replacement ratio for those trees and shrubs cleared in excess of 85 feet at 83 sites identified in Advocacy Staff's July 21, 2017 Memorandum.
- b. After quick review, it did not appear the October 1, 2018 and October 3, 2018 tree and shrub planting survival reports, filed by Dakota Access with the Commission, provided information for those areas. Update the two reports to account for the 3:1 replacement plantings.

Item #6: Confirm that Dakota Access has provided and planted, or paid for the planting, of 20,000 additional trees that are at least two-year saplings.

Within 30 days, provide documentation to the Commission describing actions and timelines that have been or will be undertaken.

If you have any questions regarding this letter, please contact me at 701-328-4077.

Best regards,



Patrick Fahh
Director - Public Utilities Division