

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Plains Pipeline, L.P.  
8-inch Crude Oil Pipeline – Bison Pipeline Project  
Siting Application

Case No. PU-15-035

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of June, 2016**, 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 Original Of:

- **Certificate of Corridor Compatibility Number 176**

And Original Of:



- **Route Permit Number 188**

The envelope was addressed as follows:

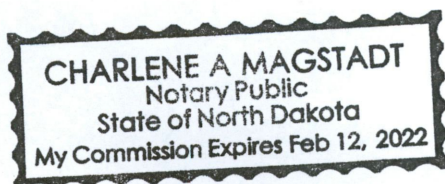
Lawrence Bender  
Fredrikson & Byron, P.A.  
1133 College Drive, Suite 1000  
Bismarck, ND 58501-1215  
**Cert. No. 7015 3010 0000 6559 5564**

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

Subscribed and sworn to before me  
This **10th day of June, 2015**.

  
  
Notary Public

SEAL



43 PU-15-35 Filed: 6/10/2016 Pages: 19  
Affidavit of Service, Cert. Mail – Findings of Fact,  
Conclusions of Law and Order

Public Service Commission

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Plains Pipeline, L.P.**  
**8-inch Crude Oil Pipeline – Bison Pipeline Project**  
**Siting Application**

**Case No. PU-15-35**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**June 8, 2016**

**Appearances**

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

Lawrence Bender, Attorney at Law, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, North Dakota 58501, on behalf of Plains Pipeline, L.P.

Zachary E. Pelham, Special Assistant Attorney General, 314 East Thayer Avenue, Bismarck, ND 58502, on behalf of the North Dakota Public Service Commission.

Patrick J. Ward, Administrative Law Judge, Office of Administrative Hearings, 2911 North 4<sup>th</sup> Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

**Preliminary Statement**

On January 16, 2015, Plains Pipeline, L.P. (Plains) filed a consolidated application for a certificate of corridor compatibility and a route permit concerning approximately 10 miles of 8-inch diameter crude oil pipeline, known as the "Bison Pipeline Project", to be located in Mountrail County, North Dakota (Project).

Also on January 16, 2015, Plains filed an application for waivers of procedures and time schedules established under North Dakota Century Code sections 49-22-07.2, 49-22-08, 49-22-08.1, 49-22-13, and North Dakota Administrative Code chapter 69-06-06 and section 69-06-01-02, requiring certain time schedules, separate filings, separate notices, and separate hearings on the certificate of corridor compatibility and route permit applications.

On April 29, 2015, the Commission found the applications for a certificate of corridor compatibility and a route permit complete, and issued a Notice of Filings and Notice of Hearing (Notice) scheduling a hearing for June 24, 2015, at 9:00 a.m. Central Time at Stanley City Hall, 208 South Main Street, Stanley, North Dakota 58784.

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

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects such 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 identified the following issues to be considered with respect to the applications for certificate of corridor compatibility and route permit:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities 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 June 24, 2015, the hearing was held.

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

### **Findings of Fact**

1. Plains is a Texas limited partnership authorized to do business in the State of North Dakota, as evidenced by corporate papers filed with the Commission on April 23, 2015 in Case No. PU-11-568.

#### **Size, Type, and Preferred Location of Facility**

2. The Project consists of approximately 10 miles of 8-inch diameter crude oil pipeline, to be located in Mountrail County, North Dakota. The Project will originate at Whiting Oil and Gas Corporation's Robinson Lake Facility, located approximately eight miles northeast of New Town, North Dakota, and will terminate at Plains' Van Hook Rail Facility, located approximately five miles east of New Town, North Dakota.
3. Aboveground facilities will include one automated block valve.

4. The maximum capacity of the Project will be 25,000 barrels per day.
5. The total cost of the Project is estimated to be \$9 million.
6. The portion of the Project within the Fort Berthold Indian Reservation will be constructed entirely on land owned in fee.

#### Study of Preferred Location

7. Plains evaluated a one-mile-wide study area centered on the route (Study Area) for natural resources, including soils, land use, wetlands and waterbodies, noxious weeds, trees and shrubs, and protected species and habitats.
8. Plains conducted a Class I cultural resources literature search on the Study Area.
9. Field surveys were conducted on a 200- to 400-foot-wide area centered on the route to inventory wetlands and water bodies, noxious weeds, trees and shrubs, and protected species and critical habitats.
10. Plains conducted a Class III cultural resources field inventory on a 200-foot-wide area centered on the route (Survey Area).
11. The following agencies were contacted by Plains and provided comments regarding the Project: the United States Fish and Wildlife Service (USFWS), the United States Air Force Cable Affairs Division (USAF), the North Dakota Game and Fish Department (NDGFD), the North Dakota Parks and Recreation Department (NDPRD), the North Dakota Department of Trust Lands (NDDTL), the North Dakota State Historic Preservation Office (NDSHPO), and the North Dakota Department of Health (NDDOH).
12. In a response dated November 13, 2014, the NDDTL indicated that no North Dakota School Trust lands are affected by the Project.
13. In a response dated December 5, 2014, NDGFD indicated that the Project should not have any significant adverse effects on wildlife or wildlife habitat, including species of conservation priority.
14. In a response dated December 10, 2014, the NDPRD indicated that the Project will not affect state park lands managed by or Land and Water Conservation Fund recreation projects coordinated by their agency, and that no documented occurrences of species of concern or other significant ecological communities are known to occur within the Study Area.
15. In a response dated December 22, 2014, the NDSHPO concurred with a "no significant sites affected" recommendation for the Project.

16. In a response dated May 15, 2015, the NDDOH indicated that impacts from the proposed construction are anticipated to be minor.

17. In a response dated June 22, 2015, the USAF indicated that the Project is outside of the USAF's restrictive easement area, that the pipeline route will cross buried USAF cable at two locations, and that all concerns regarding the Project have been addressed.

18. In a response dated May 23, 2016, the USAF requested that any crossing of buried USAF cable not take place within 50 feet of an existing buried cable splice, that a 12-inch separation be maintained between the installed pipeline and the buried cable, that the minimum crossing angle of the buried cable be 30 degrees, that a minimum of 4 inches of backfill material containing rocks no greater than 3 inches must surround the buried cable during backfill activities, that a USAF Cable Affairs representative be present whenever earth is moved onto USAF right-of-way, and that the USAF Cable Affairs Office be contacted 72 hours prior to crossing the buried cable.

19. In a response dated May 24, 2016, the USAF indicated that it has no concerns regarding the Project, provided the route information provided by Plains to the USAF in December 2014 has not changed.

#### Siting Criteria

20. 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 a certificate of corridor compatibility and route permit. The criteria, as set forth in North Dakota Administrative Code section 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

21. Plains evaluated the Project for the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

22. A transmission facility route must not be sited within an Exclusion Area. Exclusion Areas may be located within a corridor, but at no given point may such area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative.

23. Three cultural resources were identified during the Class III field inventory. Two resources remain unevaluated as to their eligibility for inclusion in the National Register of Historic Places. Plains has committed to protecting the integrity of these resources by placement of a fifty-foot buffer fence around the sites to avoid potential impacts. One resource has been determined to be not eligible for inclusion in the National Register of Historic Places.

24. The proposed corridor and proposed route cross an area thirty feet on either side of a direct line between Intercontinental Ballistic Missile (ICBM) launch or launch control facilities. The USAF has reviewed the applications and has stated that no concerns exist regarding the Project. Burial of the pipeline as it crosses under a direct line between ICBM launch or launch control facilities will provide a buffer sufficient to protect the integrity of the ICBM facilities.

25. No other Exclusion Areas are present within the Survey Area.

26. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

27. A transmission facility must not be sited within an Avoidance Area unless the applicant demonstrates that under the circumstances there are no reasonable alternatives. Economic considerations alone are not sufficient to establish no reasonable alternative.

28. Areas within five hundred feet of a residence, school, or place of business are Avoidance Areas. Pursuant to North Dakota Century Code section 49-22-05.1, the five hundred foot avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing.

29. Plains identified two inhabited rural residences within five hundred feet of the proposed route. Plains has obtained written waivers from the owners of both residences and has filed copies of the waivers in this proceeding.

30. No other Avoidance Areas are present within the Survey Area.

31. In accordance with the Commission's Selection Criteria, a transmission facility route shall be designated if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum or managed and maintained at an acceptable minimum.

32. Plains testified that eleven wetlands have been identified within the Survey Area, of which one wetland is potentially jurisdictional under the United States Army Corps of Engineers' Nationwide Permit 12 process. Plains has committed to maintaining the integrity of the wetlands by avoiding, boring, and using best management practices to minimize potential for adverse impacts during construction.

33. Plains has analyzed the impacts of the Project in relation to all of the relevant Selection Criteria. Plains testified that no significant adverse impact will result from the location, construction, and operation of the Project.

#### **Measures to Minimize Impact**

34. Plains has agreed to a number of steps to mitigate the impact of the Project as indicated by the Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications filed in this proceeding, which is incorporated by reference and attached to this Order.

35. Plains testified that a supervisory control and data acquisition system will be installed as part of the Project, and operations will be continuously monitored by a control center located in Midland, Texas.

From the foregoing Findings of Fact, and subject to the conditions explained therein, the Commission now makes the following:

#### **Conclusions of Law**

1. The Commission has jurisdiction over Plains and the subject matter of these applications under North Dakota Century Code chapter 49-22.
2. Plains 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 location, construction, and operation of the Project are compatible with the environmental preservation and the efficient use of resources.
6. 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.
7. The Project is of such design and location that it will produce minimal adverse effects, as defined under 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 in the Application pursuant to North Dakota Century Code section 49-22-07.2.

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

### Order

The Commission orders:

1. Plains Pipeline, L.P.'s application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 176 is issued to Plains Pipeline, L.P., designating a corridor for the construction, operation, and maintenance of approximately 10 miles of 8-inch crude oil transmission pipeline and associated facilities in Mountrail County, North Dakota. The Corridor will consist of a 200-foot-wide area centered on the designated route.
3. Route Permit No. 188 is issued to Plains Pipeline, L.P. designating a route for the construction, operation, and maintenance of 10 miles of 8-inch crude oil transmission pipeline and associated facilities in Mountrail County, North Dakota. The designated route for this purpose is depicted as "Centerline" in Appendix B of Hearing Exhibit 1, "Combined Certificate of Corridor Compatibility and Route Permit Application.
4. The October 9, 2015, Certification Relating to Order Provisions – Transmission Facility Siting (Certification) with accompanying Tree and Shrub Mitigation specifications is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between Plains Pipeline, L.P.'s applications and the Certification, the Certification provisions control.
6. Plains Pipeline, L.P. is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the application within the corridor granted in this proceeding.
7. United States Air Force buried cable must not be crossed within 50 feet of an existing buried cable splice, and must not be crossed at an angle of less than 30 degrees.
8. A 12-inch separation distance must be maintained between the pipeline authorized in this proceeding and buried United States Air Force cable.
9. A minimum of 4 inches of backfill material containing rocks no greater than 3 inches must surround the buried United States Air Force cable during backfill activities associated with this Project.
10. The United States Air Force Cable Affairs Office must be contacted 72 hours prior to crossing buried United States Air Force cable, and a United States Air Force

Cable Affairs representative shall be present when earth is moved onto right-of-way under the jurisdiction of the United States Air Force

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Randy Christmann**  
Commissioner

  
\_\_\_\_\_  
**Julie Fedorchak**  
Chairman

  
\_\_\_\_\_  
**Brian P. Kalk**  
Commissioner

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 176**

*This is to certify that the Commission has designated a transmission facility corridor for Plains Pipeline, L.P. for the construction, operation, and maintenance of approximately 10 miles of 8-inch diameter crude oil pipeline and associated facilities in Mountrail County, North Dakota.*

*This certificate is issued in accordance with the Order of the Commission dated December June 8, 2016 in Case No. PU-15-35 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, June 8, 2016.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

*Diana A. Jeffcoat Sacco*  
**Executive Secretary**  
*Acting*

*Julie Fedorick*  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Route Permit Number 188**


*This is to certify that the Commission has designated a transmission facility route for Plains Pipeline, L.P. for the construction, operation, and maintenance of approximately 10 miles of 8-inch diameter crude oil pipeline and associated facilities in Mountrail County, North Dakota.*

*This permit is issued in accordance with the Order of this Commission dated June 8, 2016 in Case No. PU-15-35 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, June 8, 2016.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**  
*Acting*

  
**Commissioner**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC  
16-Inch Crude Oil Pipeline – Billings & Stark  
Siting Application

Case No. PU-15-97

CERTIFICATION RELATING TO ORDER PROVISIONS  
TRANSMISSION FACILITY SITING

I am H.A. Tad True, a representative of Bridger ("Company") with authority to bind it 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 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.
3. 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.
4. 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 or federal agencies.
5. 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.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for

EXHIBIT

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the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

**Construction:**

7. 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.
8. 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.
9. 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 monthly basis.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

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 are taken by Company.

**Restoration and Maintenance:**

16. 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.
17. 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.
18. 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.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, 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 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.
22. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

**Communication with Landowners and PSC:**

23. 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.
24. 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.
25. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
26. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person,.
27. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.
28. 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.
29. 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.

30. 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.

**Route Adjustments Before or During Construction:**

31. 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:
32. 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.
33. **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.
34. **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.

**35. 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

**36. 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.


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

Dated this 9<sup>th</sup> day of July, 2015.

[COMPANY NAME]

Bridger Pipeline LLC.

By

  
H. A. Tad True <sup>KL</sup>

Its Vice President