

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-15-97

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

September 30, 2015

Appearances

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

John W. Morrison, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501, on behalf of Bridger Pipeline LLC.

John M. Schuh, Special Assistant Attorney General, on behalf of the North Dakota Public Service Commission, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

Wade C. Mann, Administrative Law Judge, Office of Administrative Hearings, 2911 North 4th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On February 17, 2015, Bridger Pipeline LLC (Bridger) filed applications for a certificate of corridor compatibility and a route permit concerning approximately 15 miles of 16-inch diameter crude oil pipeline, known as the "Heart River Pipeline", in Billings and Stark Counties, North Dakota (Project).

Also on February 17, 2015, Bridger 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 separate filings, separate notices, separate hearings, and certain time schedules concerning the certificate of corridor compatibility application, the route permit application, and the waiver of procedures and time schedules application.

On February 25, 2015, on March 2, 2015, and again on April 27, 2015, Bridger filed supplemental information in support of its 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 July 9, 2015, at 10:00 a.m. Central Time at Belfield City Hall, 107 2nd Avenue NE, Belfield, North Dakota 58622.

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 July 9, 2015, the hearing was held as scheduled.

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. Bridger is a Wyoming limited liability corporation authorized to do business in the State of North Dakota, as evidenced by corporate papers filed with the Commission on April 22, 2015, in Case No. PU-15-98.

Size, Type, and Preferred Location of Facility

2. The Project consists of approximately 15 miles of 16-inch crude oil pipeline, to be located in Billings and Stark Counties, North Dakota.

3. The Project will originate at Bridger's Skunk Hills Station and terminate at Bridger's Fryburg Station, and will parallel an existing 8-inch crude oil pipeline also owned by Bridger.
4. The pipe to be installed will be API 5L-X52 fusion bond epoxy-coated steel, with a wall thickness of 0.312 inches. Pipe to be bored will have a wall thickness of 0.375 inches and will additionally be coated with a 30-mil abrasion-resistant overlay.
5. The maximum operating pressure of the Project will be 1,440 pounds per square inch gauge.
6. The maximum capacity of the Project will be 125,000 barrels per day.
7. The total anticipated cost of the Project is approximately \$10.4 million.

Need for Facility

8. Bridger testified there is a need for the Project in order to alleviate a bottleneck in the capacity of the overall Four Bears Pipeline System, which serves the Midwest United States.
9. Bridger testified that benefits of the Project include reducing the pressure and eliminating the need for drag-reducing additives in Bridger's adjacent 8-inch pipeline.

Study of Preferred Location

10. Bridger evaluated a two-mile-wide study area centered on the route (Study Area) for natural resources, including wildlife, wetlands and waterbodies, and vegetation. Field surveys were conducted on a 500-foot-wide area centered on the route for botany and on a one-mile-wide area centered on the route for protected species and critical habitats.
11. Bridger conducted an aerial raptor survey on the Study Area.
12. Bridger conducted a Class I cultural resources literature search on the Study Area and a Class III cultural resources field survey on a 150-foot-wide area centered on the route.
13. The following agencies were contacted by Bridger: the United States Army Corps of Engineers (USACE), the United States Fish and Wildlife Service, the United States Forest Service (USFS), the North Dakota Game and Fish Department (NDGFD), the North Dakota Parks and Recreation Department (NDPRD), the North Dakota State Water Commission (NDSWC), and the North Dakota State Historic Preservation Office (NDSHPO).

14. In a response dated September 25, 2014, the USACE directed Bridger to submit an application for a Department of the Army permit for the Project.
15. In a response dated October 9, 2014, the NDSWC indicated that mapped floodplains and Southwest Pipeline Project infrastructure exist within the Project area.
16. In a response dated October 20, 2014, the NDGFD indicated that the Project should not have any significant adverse effects on wildlife or wildlife habitat, including species of conservation priority.
17. 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 the NDPRD. The NDPRD further indicated that one animal species of concern and several significant ecological communities are documented within sections in and adjacent to the Project.
18. In a response dated February 25, 2015, the NDSHPO concurred with a "no significant sites" determination for the Project.
19. In a response dated May 15, 2015, the NDDOH indicated that impacts from the proposed construction are anticipated to be minor and can be controlled by proper construction methods.

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. Bridger 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.
23. Two cultural resources were identified during the Class III field survey, both of which were determined to not be eligible for inclusion in the National Register of Historic Places.
24. No exclusion areas will be impacted by the Project.
25. 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.

26. 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.

27. Bridger has submitted an application to the USFS for the portion of the route that crosses the Little Missouri National Grasslands, an Avoidance Area. To achieve the Project's intent to transport crude oil between Bridger's Skunk Hills and Fryburg Stations while minimizing the environmental impact of this route by paralleling Bridger's existing 8-inch pipeline, the Commission finds there is no reasonable alternative to the proposed corridor and route crossing this Avoidance Area.

28. No other Avoidance Areas will be impacted by the Project.

29. 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.

30. The route will cross eight drainages, three wetlands, and an intermittent tributary to the Heart River. Bridger testified that an application has been made to the USACE for a Nationwide 12 Permit for the jurisdictional crossings.

31. Bridger has committed to maintaining the integrity of the wetlands and water bodies crossed by using best management practices as identified in Bridger's Emergency Management Plan.

32. Bridger has analyzed the impacts of the Project in relation to all of the relevant Selection Criteria and indicates that the Project will have no significant adverse effects on the Commission's Selection Criteria.

Measures to Minimize Impact

33. Bridger 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.

34. A supervisory control and data acquisition system to provide continuous monitoring of pressures, temperatures, and flow rates within the pipeline will be installed as part of the Project.
35. Operations will be continuously monitored by a control center located in Casper, Wyoming.
36. Bridger testified that the Project will be collocated with an existing 8-inch pipeline owned by Bridger between Skunk Hills and Fryburg Stations.
37. Bridger testified that the Heart River crossing and all section line and roadway crossings will be horizontally directionally drilled.
38. Bridger has committed to x-raying 100% of all field welds.
39. Bridger has committed to contacting each landowner along the Project one year after Project completion to identify and address any unresolved reclamation issues.

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. Bridger 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.

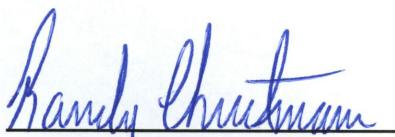
From the foregoing Findings of Fact and Conclusions of Law, the Commission now issues the following:

Order

The Commission orders:

1. Bridger's application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 172 is issued to Bridger, designating a corridor for the construction, operation, and maintenance of approximately 15 miles of 16-inch diameter crude oil pipeline and associated facilities in Billings and Stark Counties, North Dakota. The Corridor will consist of a 150-foot-wide area centered on the route.
3. Route Permit No. 184 is issued to Bridger designating a route for the construction, operation, and maintenance of 15 miles of 16-inch diameter crude oil pipeline and associated facilities in Billings and Stark Counties, North Dakota. The designated route for this purpose is illustrated in Tab 4, Map 1 of Hearing Exhibit 1.
4. The July 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 Bridger's applications and the Certification, the Certification provisions control.
6. Bridger 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.

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 172

This is to certify that the Commission has designated a transmission facility corridor for Bridger Pipeline LLC for the construction, operation, and maintenance of approximately 15 miles of 16-inch diameter crude oil pipeline and associated facilities in Billings and Stark Counties, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated September 30, 2015, in Case No. PU-15-97 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, September 30, 2015.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit Number 184

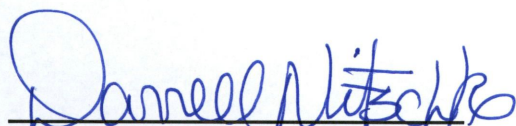
This is to certify that the Commission has designated a transmission facility route for Bridger Pipeline LLC for the construction, operation, and maintenance of approximately 15 miles of 16-inch diameter crude oil pipeline and associated facilities in Billings and Stark Counties, North Dakota.

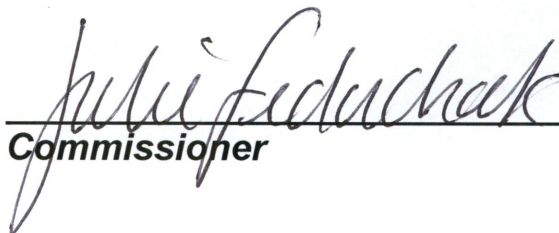
This permit is issued in accordance with the Order of this Commission dated September 30, 2015, in Case No. PU-15-97 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, September 30, 2015.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


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

LATE FILED 2

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 9th day of July, 2015.

[COMPANY NAME]

Bridger Pipeline LLC.

By


H. A. Tad True ML

Its Vice President