

April 28, 2016

**VIA E-MAIL AND FEDERAL EXPRESS**

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



**RE: NST Express, LLC's Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and Waiver Application  
Case No. PU-15-232**

Dear Mr. Nitschke:

In accordance with Certification Provision No. 3 of the North Dakota Public Service Commission's October 14, 2015 Findings of Fact, Conclusions of Law and Order issuing a Certificate of Corridor Compatibility and Route Permit for the NST Express Pipeline Project, NST Express, LLC hereby submits two (2) copies of the following documents:

1. Sovereign Land Permit No. S-1975, dated April 21, 2016;
2. North Dakota Department of Transportation Utility Occupancy Permit, dated April 22, 2016;
3. Charbon Township Road Crossing Authorization Acknowledgment, dated April 25, 2016;
4. McKenzie County Utility Crossing Permit (Tri Township), dated April 2016; and
5. McKenzie County Utility Crossing Permit (Yellowstone Township), dated April 4, 2016.

Electronic copies of the above-referenced documents and this letter are provided on the enclosed CD. A copy of this letter is also enclosed.

Attorneys & Advisors	Fredrikson & Byron, P.A.
main 612.492.7000	200 South Sixth Street, Suite 4000
fax 612.492.7077	Minneapolis, Minnesota
www.fredlaw.com	55402-1425

Mr. Darrell Nitschke  
April 28, 2016  
Page 2

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/58543995v2  
Enclosures

cc: Patrick Fahn (*via e-mail, w/o encl.*)  
Emmy Baskerville (*via e-mail, w/o encl.*)  
Chip Lang (*via e-mail, w/o encl.*)



Utility Company as noted on reverse hereinafter referred to as "Utility Company", having requested permission from McKenzie County, a political subdivision of the State of North Dakota, to cross an existing road or section line with a buried transmission facility designed to carrying or conduct oil, gas, water, electricity, telephone or any other substance or service whatsoever, and McKenzie County having considered the request does grant consent to cross the existing road or section line, as noted on reverse, up the terms and conditions herein stated.

**Consent to cross such existing road or section line is granted on these terms and conditions:**

1. Utility company must pay for all damage to the existing road caused by its activities, including but not limited to slumping in of trenches and collapse of pipe.
2. Utility company is responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities in crossing any existing road or section line in McKenzie County. Furthermore, utility company agrees to indemnify and hold harmless McKenzie County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against McKenzie County on account of the activities conducted by the utility company in crossing any existing road or section line.
3. When the utility company crosses an existing road or a section line, the utility company shall be responsible to pay for all costs of moving, relocating, or reconstructing the buried transmission facility should McKenzie County deem it necessary or advisable, in its sole discretion, to repair or reconstruct existing roads or to build new roads on section lines or off section lines as allowed by North Dakota law. Should the utility company fail to take necessary steps to relocate or reconstruct its buried transmission facility, the County may take steps to have the same accomplished, and the utility company agrees to reimburse the County for all expenses incurred by McKenzie County in moving, relocating or reconstructing the buried transmission facility so the existing roads may be repaired or reconstructed, or new roads may be built on the section line or off the section line as allowed by North Dakota law.
4. The buried transmission facility to be installed by the utility company in crossing any existing road shall at a minimum comply with the following engineering standards:
  - i) Pipe shall be cased or heavy wall pipe used.
  - ii) County paved roads or County roads treated with road stabilization materials may **ONLY** be **BORED**.
  - iii) All crossings of existing roads not trenched as in Section 5 below shall be bored to a depth of five (5) feet below original ground or ditch elevations.
  - iv) All parallel borings must be a minimum of thirty (30) feet from road centerline.
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  - vi) All disturbed ground within right-of-way must be rehabilitated by covering with black dirt and seeding with an approved mix.
  - vii) If vent pipes are not used within the (10) feet of both sides of right-of-way, the transmission facility must have markers on the right-of-way line or 33 foot line, whichever is greater, on both sides of the road.
  - viii) The Company's plan to bury a transmission facility filed with the County Engineer must show at a minimum, in plain view and cross sectional view, the location of the crossing from a section or quarter line; section, township and range the crossing is located in; the location of vent pipes, if any, in proximity to the crossing; and the angle of crossing.
  - ix) The Company's plan must be submitted to the Office of the County Engineer for review prior to consideration by the Board at least two (2) weeks prior to the commencement of the project.
5. Any crossing installed by trenching or plowing in may be no more than eight (8) inches in width. The Company will apply surfacing materials and pack the site, returning it as close as possible to the original compaction. The Company will be responsible for all such crossings for a period of three (3) years, repairing during those three (3) years any damages to the road resulting from their activity. Any crossing which cannot be accomplished with this method must be bored.
6. Utility company must comply with all terms and conditions stated herein, with particular attention to the minimum engineering standards. Failure to comply with this **CONDITIONAL CONSENT** shall cause the consent to be rescinded and utility company must remove facility from right-of-way immediately or be responsible for the costs incurred by the County in removing the same. The County specifically reserves the right to remove the buried transmission facility from right-of-way for non-compliance and reimbursement will be made to the County by utility company for doing the same.

**\*\* Attach Maps and Construction Plans\*\***

**At a minimum, acceptable plans will include method of crossing existing roads or section lines and size and material used for the buried facility.**

# McKenzie County

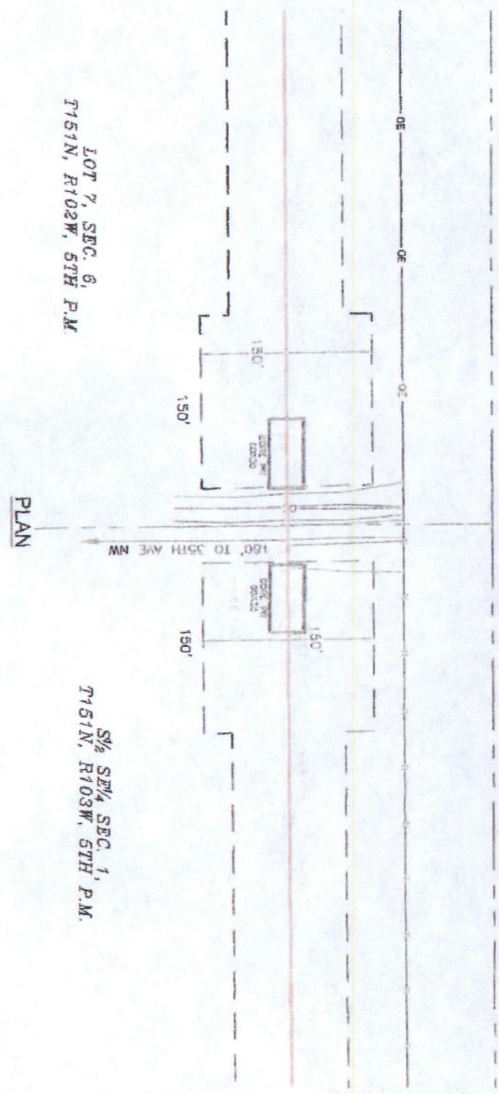
## Fee Schedule

as of May 15, 2012

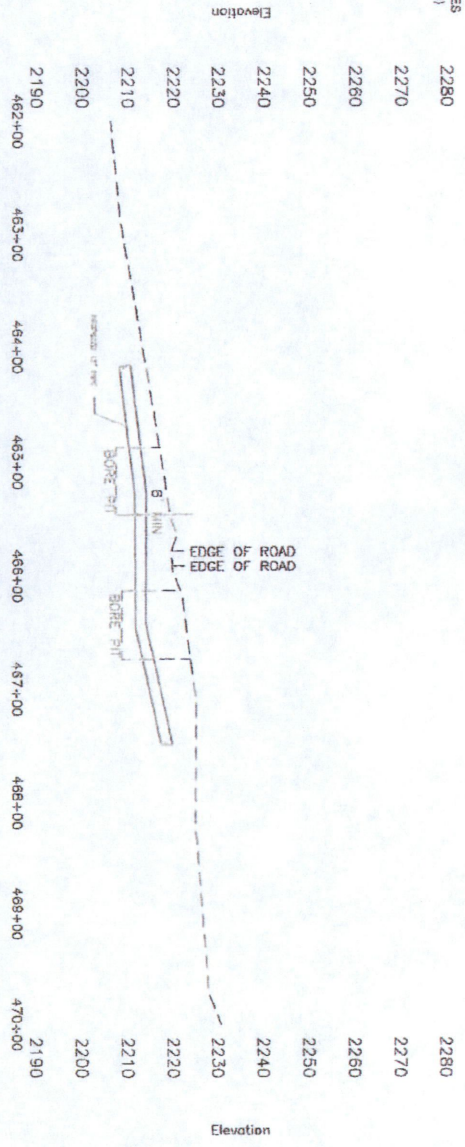
<u>Type</u>	<u>Fee</u>
<b>Approach Applications</b>	
Farm / Field	\$50
Single-Family Residential	\$100
Multi-Family Residential	\$200
Oil Pad	\$250
Commercial/Industrial	\$300
Fee for unmarked approach location	\$50
Fee for unauthorized approach	\$2,500
<b>Section Line Crossing - Utility Application</b>	
Per Section Line Crossed	\$25
<b>Road Crossing - Utility Application</b>	
Buried Cable - Plow	\$50
Buried Cable - Bored	\$75
Buried Cable, less than 8" trench width - Open Cut	\$2,000
Pipeline, less than 8" trench width - Open Cut	\$2,000
Pipeline, less than 8" diameter - Bored	\$250
Pipeline, greater than 8" diameter - Bored Only	\$500
<b>Cattle Guard Applications</b>	
Mainline	\$100
Approach	\$50
<b>Road Encroachment - Temporary Utility Application</b>	
Crossing through existing culvert only	\$100
Bored - Steel cased, minimum 0.3" wall thickness	\$250

# FIELD ROAD CROSSING EXHIBIT

- NOTES:
- 1 ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  - 2 CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 48 CODE OF FEDERAL REGULATIONS, PART 195.
  - 3 EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MISS DIG AT 1-800-858-5889 OR THE NATIONAL ONE CALL NUMBER 811 AND OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.

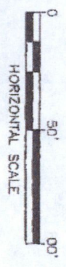


CONTENTS	GRADE OIL
MATERIAL SPEC	API SL X52
WALL THICKNESS	0.500"
CARRIER (C/D)	13.75"
INSIDE DIAMETER(I-D)	11.75"
MATERIAL	CARBON STEEL
MAX OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FBE, ABO



LEGEND

---	SECTION LINE
---	OVERHEAD ELECTRIC
---	EDGE OF GRAVEL ROAD
---	TEMPORARY WORKSPACE

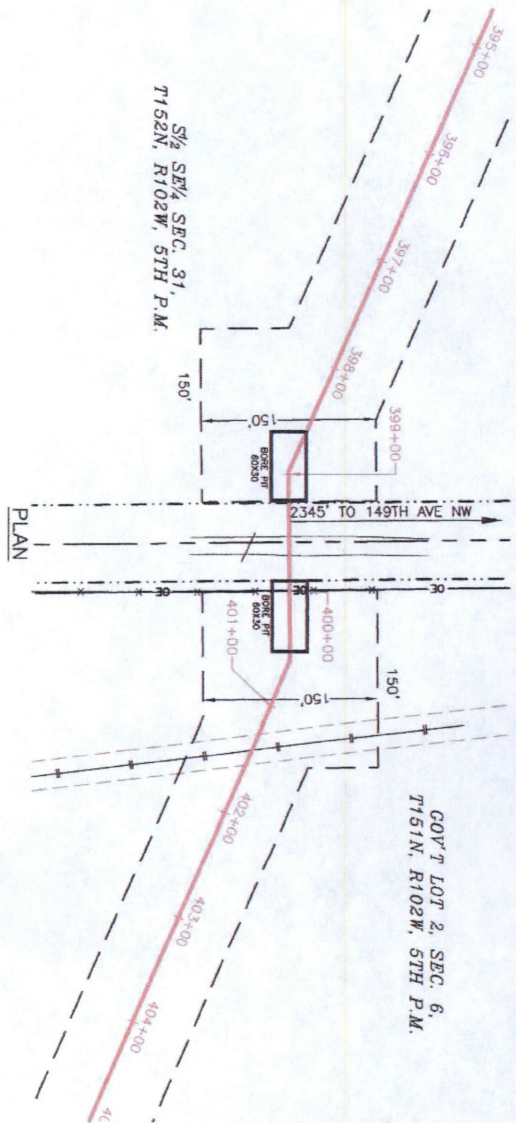


NO.	REVISIONS	BY	DATE

505 ZANG STREET, SUITE 210  
 OCEAN SPRING, MISSISSIPPI 39566  
 PHONE: 505.988.5182  
 FAX: 505.988.2195  
 EMAIL: INFO@SAM SURVEYING AND MAPPING L.L.C (SAM)  
 TEXAS FIRM REGISTRATION NO. 1000645300

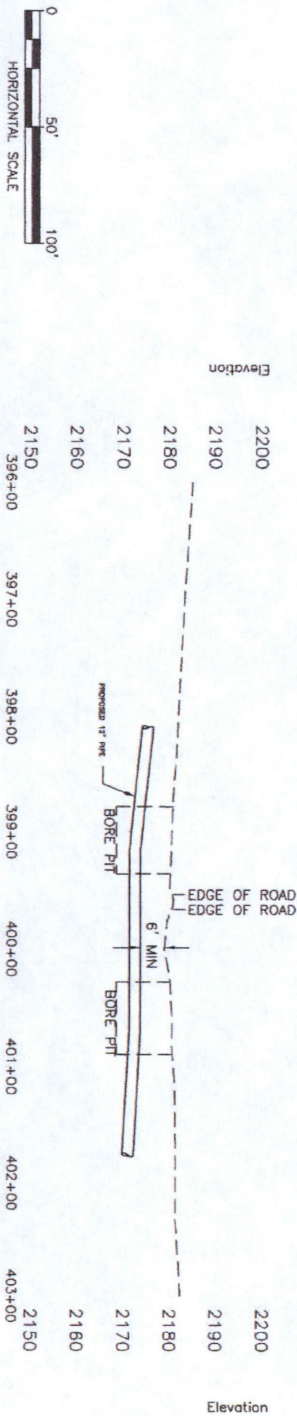
FIELD ROAD CROSSING EXHIBIT

# 36TH AVE NW CROSSING EXHIBIT



CONTENTS	GRADE DIT.
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX OPERATING PRESSURE	1440 psig
INSTALLATION	BONE
COATING TYPE	FBE, ABO

- NOTES:
1. ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  2. CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 49 CODE OF FEDERAL REGULATIONS, PART 195.
  3. EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION. GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MISS DIG AT 1-800-798-5665 OR THE NATIONAL ONE CALL NUMBER 811 AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.



LEGEND

---	SECTION LINE
---	FOREIGN PIPELINE
---	OVERHEAD ELECTRIC
---	EDGE OF GRAVEL ROAD
---	TEMPORARY WORKSPACE
---	ROAD R.O.W.

NO.	REVISIONS	BY	DATE

JOB NUMBER: 1014030148  
 PROJECT: NST EXPRESS PRELIME  
 SCALE: 1"=100'  
 TRACT ID:    
 DRAWN BY: WMM  
 CHECKED BY:    
 DATE: 6/12/2013

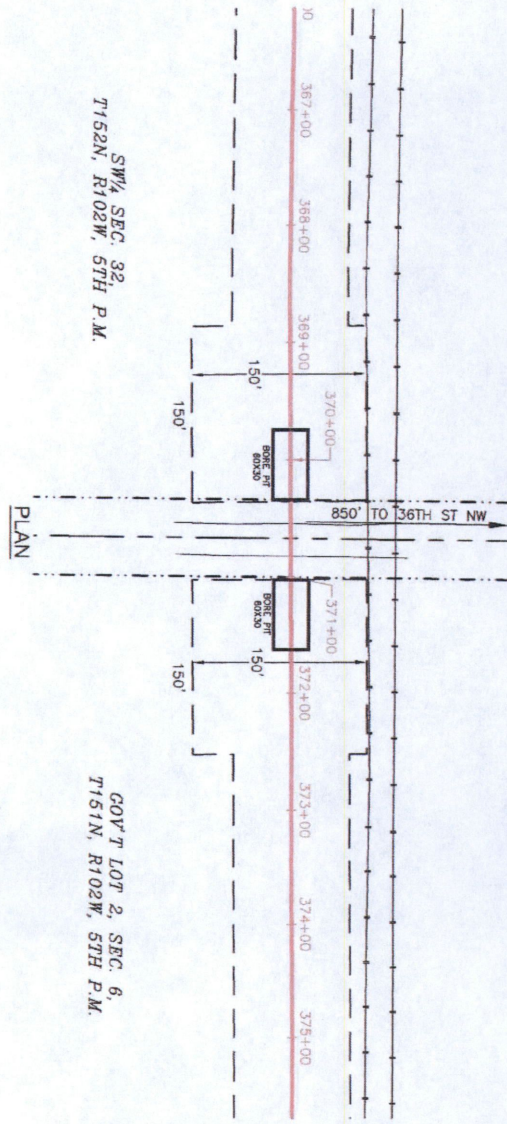
**SAM**  
 SURVEYING AND MAPPING, LLC (SAM)  
 555 ZANG STREET, SUITE 210  
 LANEWOOD, COLORADO 80228  
 OTC: 303.988.5852  
 FAX: 303.988.2193

TEXAS FIRM REGISTRATION NO. 100645300

**NST EXPRESS**  
 NST EXPRESS, LLC

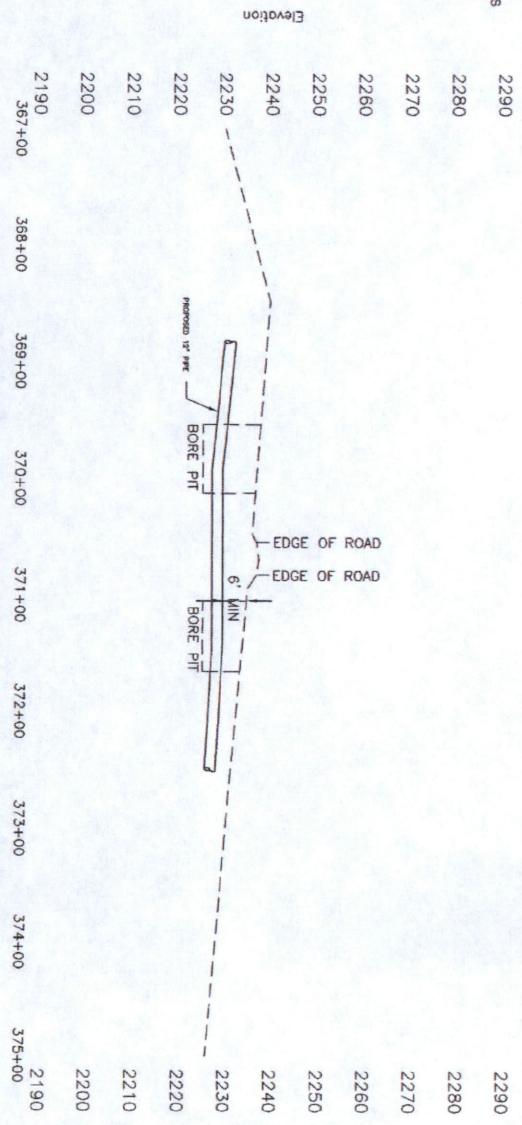
36TH AVE NW CROSSING EXHIBIT

# 149TH AVE NW CROSSING EXHIBIT



CONTENTS	GRADE OIL
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
CONTING TYPE	FIBR. ARO

- NOTES:**
1. ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  2. CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 49 CODE OF FEDERAL REGULATIONS, PART 195.
  3. EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MISS DIG AT 1-800-795-0555 OR THE NATIONAL ONE CALL NUMBER 811 AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.



**LEGEND**

---	SECTION LINE
---	FOREIGN PIPELINE
---	OVERHEAD ELECTRIC
---	EDGE OF GRAVEL ROAD
---	TEMPORARY WORKSPACE
---	ROAD R.O.W.

NO.	REVISIONS	BY	DATE

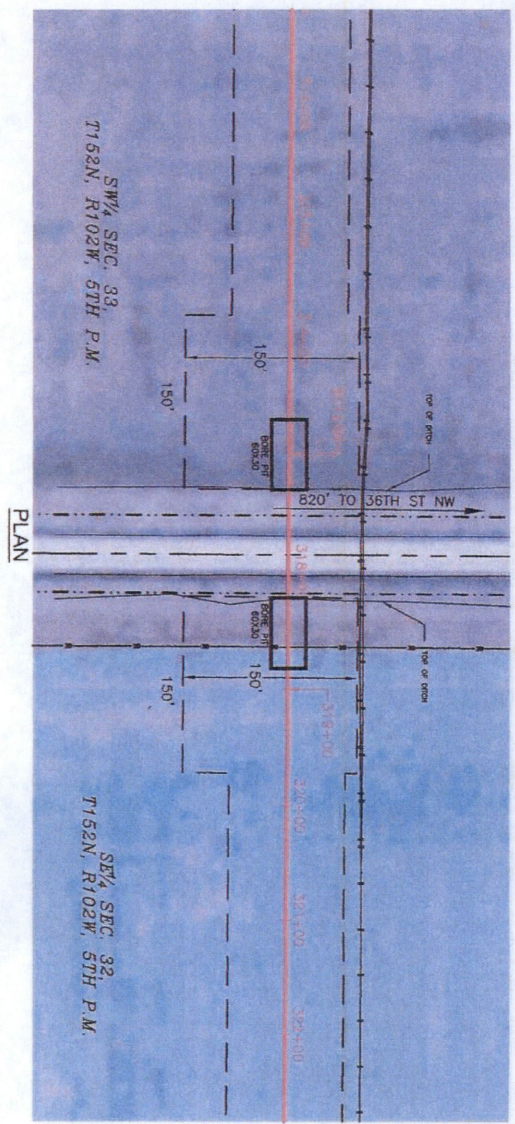
PROJECT NO. 104282146  
 SHEET 1 OF 1  
 SCALE: 1"=100'  
 DRAWN BY: WJM  
 CHECKED BY: WJM  
 DATE: 6/12/2015

**SAM**  
 SURVEYING AND MAPPING LLC (SAM)  
 555 ZANG STREET, SUITE 210  
 LAKEWOOD, COLORADO 80228  
 P.O. BOX 988 98832  
 EMAIL: INFO@SAM.BIZ  
 TEXAS FIRB REGISTRATION NO. 10064.500

**NST EXPRESS**  
 NST EXPRESS, LLC

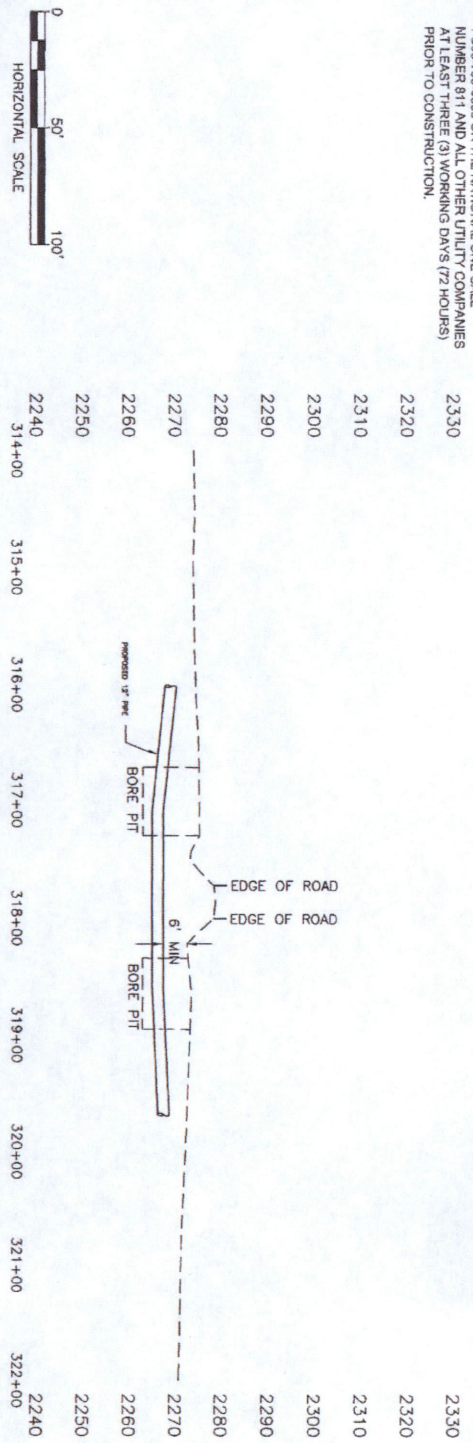
149TH AVE NW CROSSING EXHIBIT

# CO RD 16 CROSSING EXHIBIT



CONTENTS	CRUDE OIL
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FBE, APO

- NOTES:
1. ALL HORIZONTAL DISTANCES ARE REPRESENTED IN FEET AND VALUES MEASURED IN INTERNATIONAL FEET AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  2. CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 49 CODE OF FEDERAL REGULATIONS, PART 198.
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LEGEND

---	SECTION LINE
---	FOREIGN PIPELINE
---	OVERHEAD ELECTRIC
---	EDGE OF GRAVEL ROAD
---	TEMPORARY WORKSPACE
---	ROAD R.O.W.

NO.	REVISIONS	BY	DATE

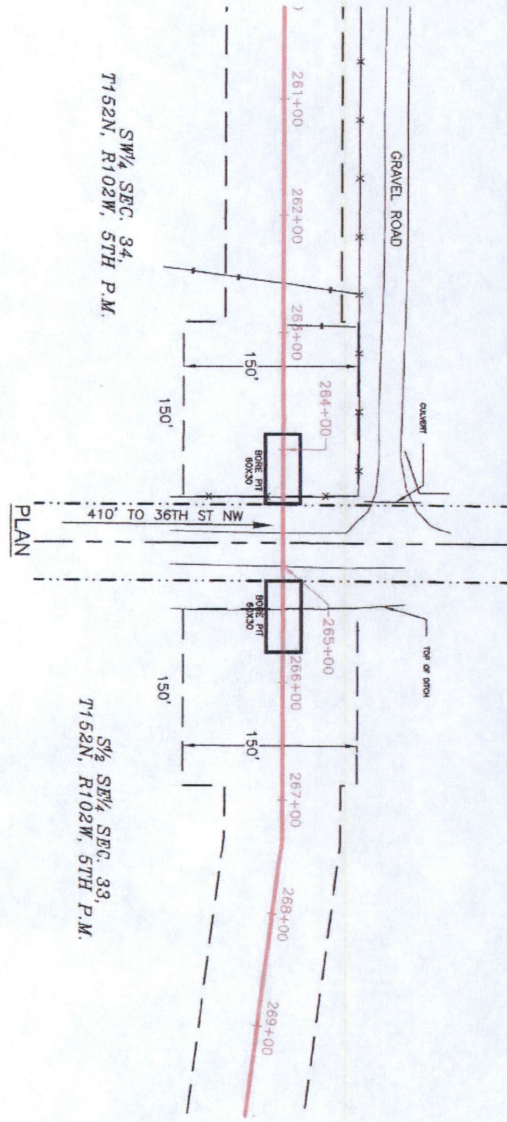
SURVEYING AND MAPPING, L.L.C. (SAM)
   
 555 ZANG STREET, SUITE 210
   
 LAVENOW, COLORADO 80228
   
 O.P.C.: 303.988.5852
   
 F.A.X.: 303.988.2815
   
 E.M.A.I.L.: SAM@SAMI-MAPPING.COM
   
 TEXAS FIRM REGISTRATION NO. 10064300

NST EXPRESS, LLC

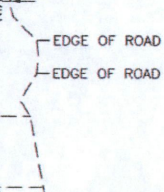
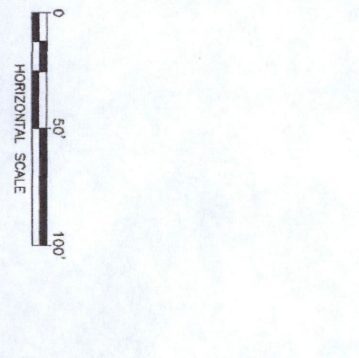
CO RD 16 CROSSING EXHIBIT

# CO RD 13 CROSSING EXHIBIT

- NOTES:
1. ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAD 88.
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CONTENTS	INCLUDE DTL
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FBE, ARO



NO.	REVISIONS	BY	DATE

**STAM**  
SURVEYING AND MAPPING ENGINEERING

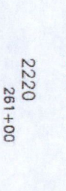
**NSI EXPRESS**  
NSI EXPRESS, LLC

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PROJECT: CROSSING PRELIM  
SHEET OF 1  
SCALE: 1"=100'  
TRACT ID:  
DRAWN BY: WMM  
CHECKED BY:  
DATE: 11/2/2015

SURVEYING AND MAPPING LLC (SAM)  
555 ZANG STREET, SUITE 210  
LAKEWOOD, COLORADO 80228  
P: 303.988.5852  
F: 303.988.5852  
E: INFO@SAM.BIZ  
TEKAR FIRM REGISTRATION NO. 10064300

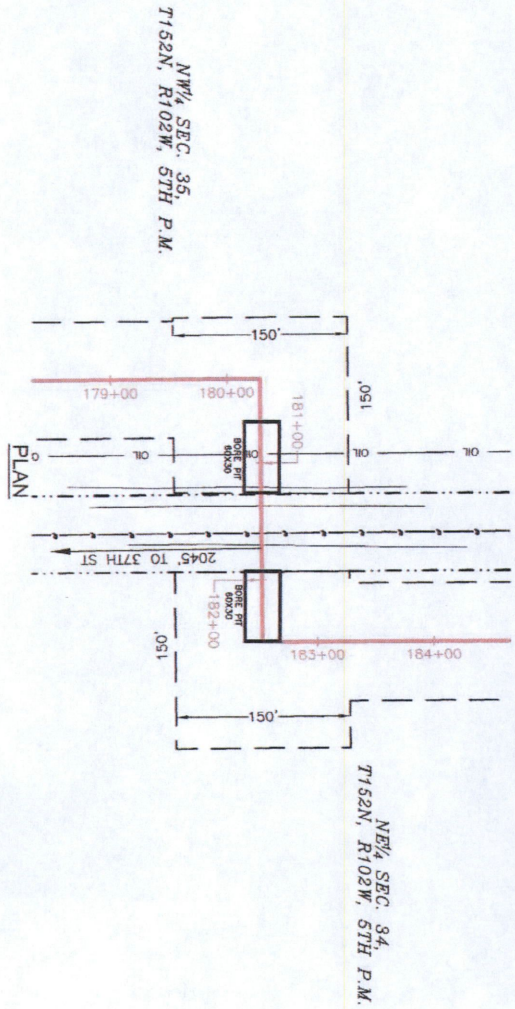
**NSI EXPRESS**  
NSI EXPRESS, LLC

CO RD 13 CROSSING EXHIBIT

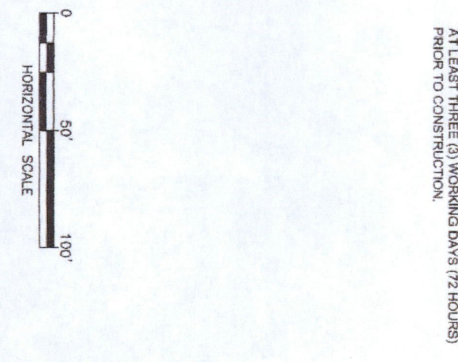


# 146TH AVE NW CROSSING EXHIBIT

- NOTES:**
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CONTENTS	CRUDE OIL
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MATERIAL	CARBON STEEL
MAX OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	ARO



Station	Elevation
178+00	2240
179+00	2250
180+00	2260
181+00	2270
182+00	2280
183+00	2290
184+00	2300
185+00	2310
186+00	2320
187+00	2330

- LEGEND**
- PROPERTY LINE
  - FENCE
  - OIL PIPELINE
  - EDGE OF GRAVEL ROAD
  - TEMPORARY WORKSPACE
  - ROAD R.O.W.

NO.	REVISIONS	BY	DATE

**JOB NUMBERS: 1014032146**  
**PROJECTED EXPRESS PIPELINE**  
 SCALE: 1"=100'  
 TRACT ID: 09AWN 871 WM  
 CHECKED BY: 15/12/2015



**SAM SURVEYING AND MAPPING LLC (SAM)**  
 555 ZANG STREET SUITE 210  
 LAKEWOOD, COLORADO 80228  
 OFF: 303 986 5852  
 FAX: 303 986 2192  
 TEXAS FIRM REGISTRATION NO. 10064200



**NST EXPRESS, LLC**

146TH AVE NW CROSSING EXHIBIT







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**\*\* Attach Maps and Construction Plans\*\***

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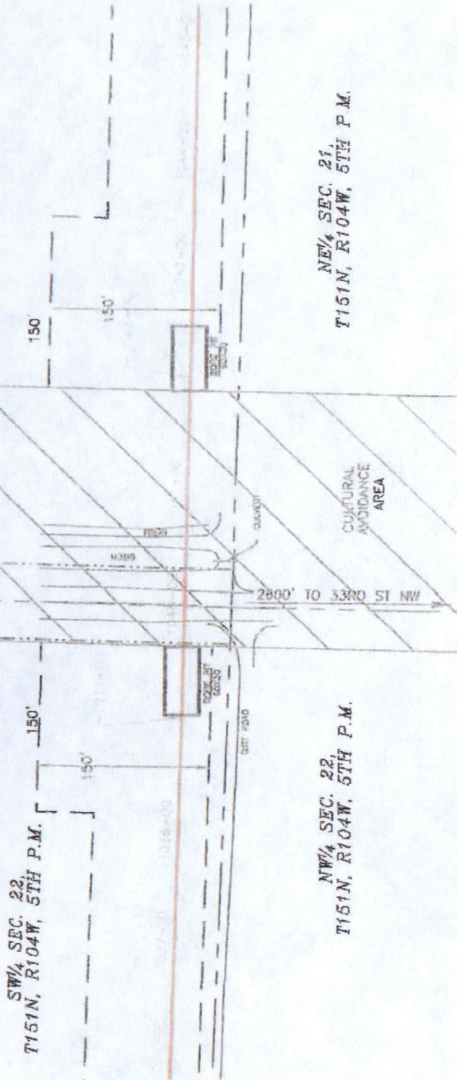
# McKenzie County

## Fee Schedule

as of May 15, 2012

<u>Type</u>	<u>Fee</u>
<b>Approach Applications</b>	
Farm / Field	\$50
Single-Family Residential	\$100
Multi-Family Residential	\$200
Oil Pad	\$250
Commercial/Industrial	\$300
Fee for unmarked approach location	\$50
Fee for unauthorized approach	\$2,500
<b>Section Line Crossing - Utility Application</b>	
Per Section Line Crossed	\$25
<b>Road Crossing - Utility Application</b>	
Buried Cable - Plow	\$50
Buried Cable - Bored	\$75
Buried Cable, less than 8" trench width - Open Cut	\$2,000
Pipeline, less than 8" trench width - Open Cut	\$2,000
Pipeline, less than 8" diameter - Bored	\$250
Pipeline, greater than 8" diameter - Bored Only	\$500
<b>Cattle Guard Applications</b>	
Mainline	\$100
Approach	\$50
<b>Road Encroachment - Temporary Utility Application</b>	
Crossing through existing culvert only	\$100
Bored - Steel cased, minimum 0.3" wall thickness	\$250

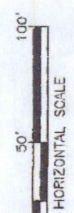
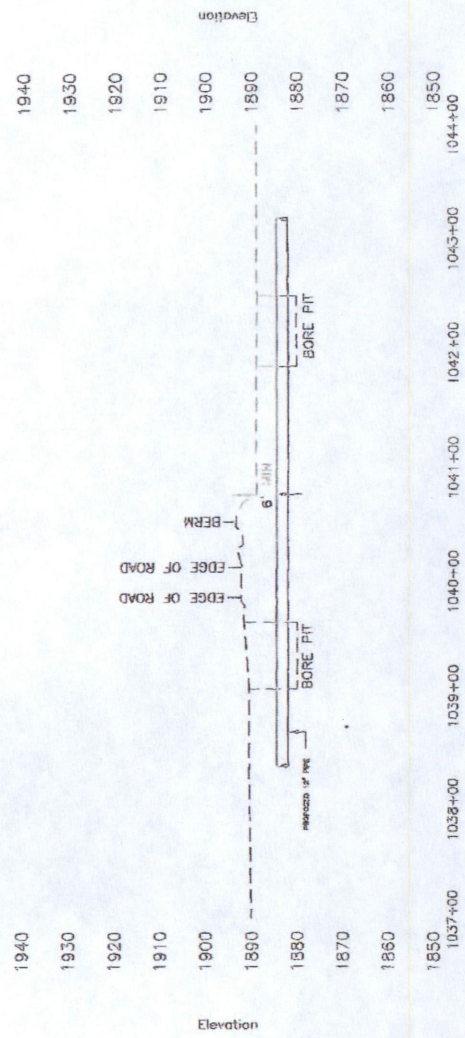
# 159TH AVE NW CROSSING EXHIBIT



CONTENTS	CRUDE OIL
MATERIAL SPEC	API EL. #52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FEE, APO

LEGEND	
---	SECTION LINE
---	TEMPORARY ROW/PSY
---	ROAD ROW

- NOTES:**
- ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 83.
  - CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 48 CODE OF FEDERAL REGULATIONS, PART 195.
  - EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION DERIVED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL M.S.S. DIG CALL 1-800-798-0555 OR THE NATIONAL ONE CALL NUMBER 811 AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.



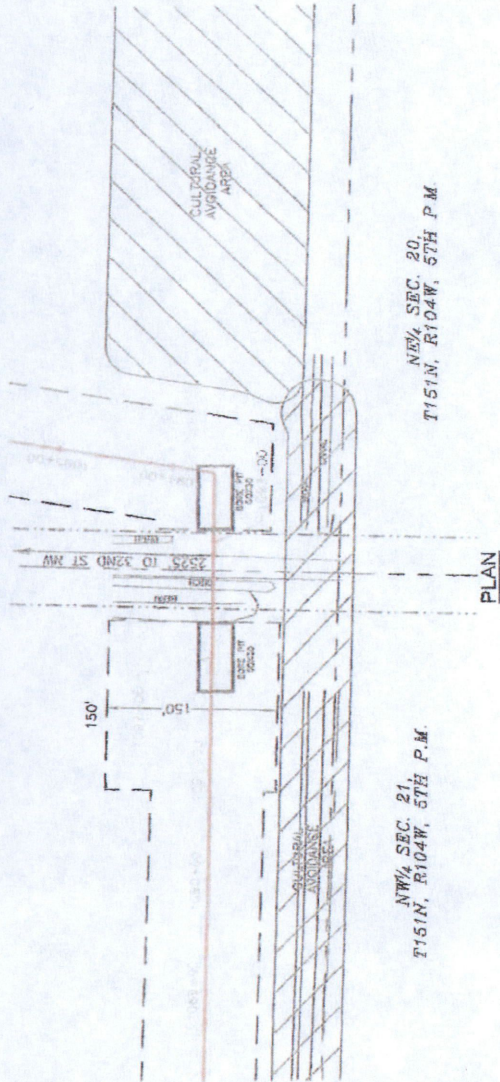
## PROFILE

NO.	REVISIONS	BY	DATE

**SAM**  
SURVEYING AND MAPPING LLC (SAM)  
555 ZANG STREET, SUITE 210  
DENVER, COLORADO 80228  
TEL: 303 688 2195  
FAX: 303 688 2195  
EMAIL: INFO@SAM.MZ  
TELEAS FIRM REGISTRATION NO 10064300

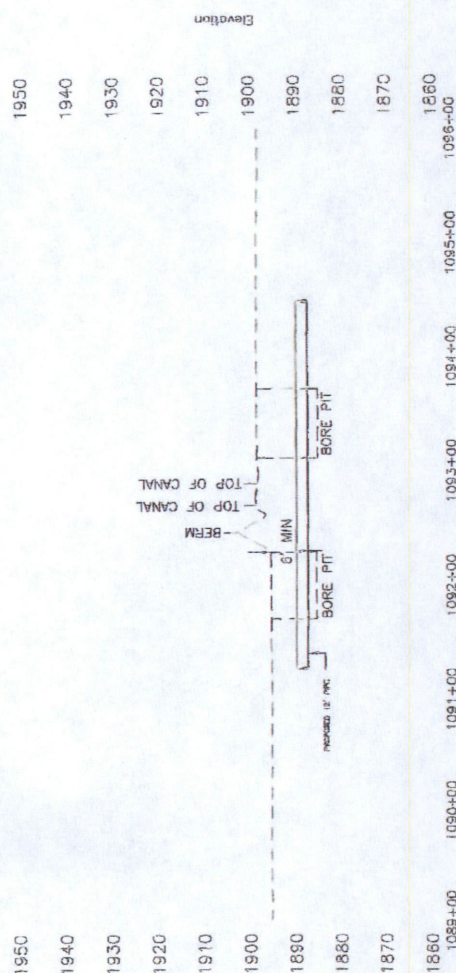
**Xpress**  
FAST EXPRESS LLC  
159TH AVE NW CROSSING EXHIBIT

# 160TH AV NW CROSSING EXHIBIT



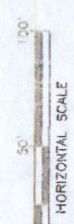
CONTENTS	CRUDE OIL
MATERIAL SPEC	API 5L X62
WALL THICKNESS	0.500"
CARRIER (C.D.)	12.75"
INSIDE DIAMETER (I.D.)	75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1,440 psig
INSTALLATION	BORE
COATING TYPE	FBE, ARO

LEGEND	
	SECTION LINE
	TEMPORARY #06/SP
	ROAD ROW



## PROFILE

- NOTES:**
- ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  - CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 49 CODE OF FEDERAL REGULATIONS, PART 195.
  - EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND CONTRACTOR SHALL VERIFY EXACT LOCATION AND DEPTH OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MISS DIG 1-800-798-0655 OR THE NATIONAL ONE CALL NUMBER 811 AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.



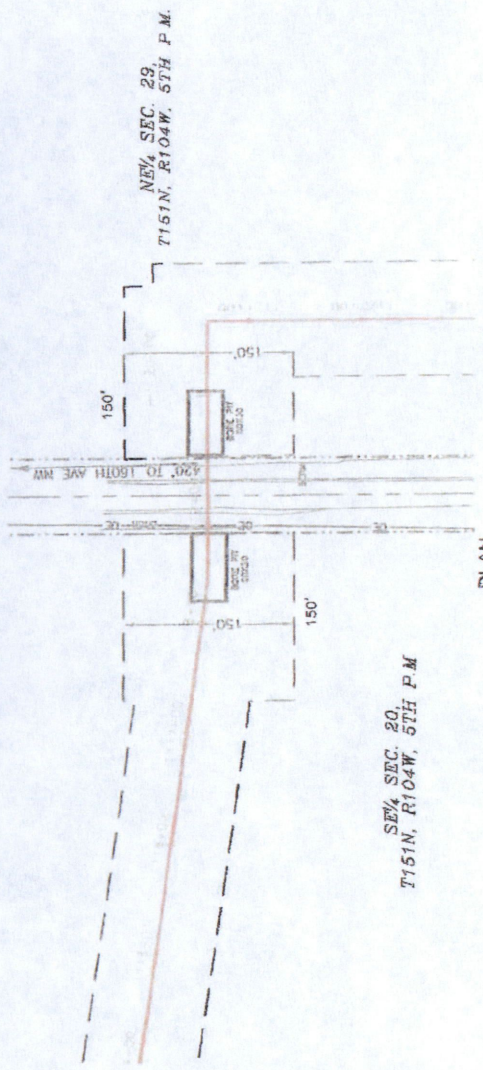
NO.	REVISIONS	BY	DATE

**SAM**  
SURVEYING AND MAPPING LLC (SAM)  
555 ZANE STREET SUITE 210  
DALLAS, TEXAS 75226  
PHONE: 303.988.8882  
FAX: 303.988.2195  
EMAIL: INFO@SAM.ME  
TELEAS FIRM REGISTRATION NO. 00064300

**XMPRESS**  
XMPRESS, LLC

160TH AV NW CROSSING EXHIBIT

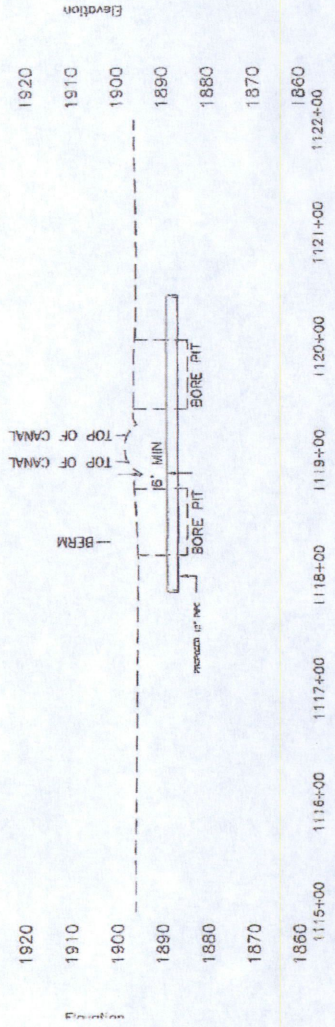
# 32ND ST NW CROSSING EXHIBIT



CONTENTS	CRUDE OIL
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING PIPE	FBE, ARO

PLAN

- NOTES:**
1. ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  2. CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 9 CODE OF FEDERAL REGULATIONS, PART 195
  3. EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND EL ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL WORKING BIG CALL 1-800-795-0565 OR THE NATIONAL ONE CALL NUMBER 811, AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION



PROFILE



**LEGEND**

	SECTION LINE
	TEMPORARY WORKS
	ROAD ROW
	OVERHEAD ELECTRIC

NO.	REVISIONS	BY	DATE

**SAM**

TECHNICAL SURVEYING & MAPPING LLC (SAM)  
 555 ZANG STREET SUITE 210  
 CARROLLTON, TEXAS 75006  
 PHONE: 972.988.2195  
 FAX: 972.988.2195  
 SMALL BUSINESS BIZ  
 TEXAS FIRM REGISTRATION NO. 00064300

**EXPRESS**

EXPRESS, LLC

## NST Express Road Crossing Authorization Acknowledgment

NST Express, LLC, 10077 Grogans Mill, The Woodlands, TX 77381, plans to cross the Charbon Township roads and section lines listed below with a pipeline:

- 36<sup>th</sup> St NW – From Section 31, Township 152 N, Range 102 W to Section 6, Township 151 N, Range 102 W
- Section Line Rd – From Section 6, Township 151 N, Range 102 W to Section 1, Township 151 N, Range 102 W

Exhibits of the road crossings are attached hereto.

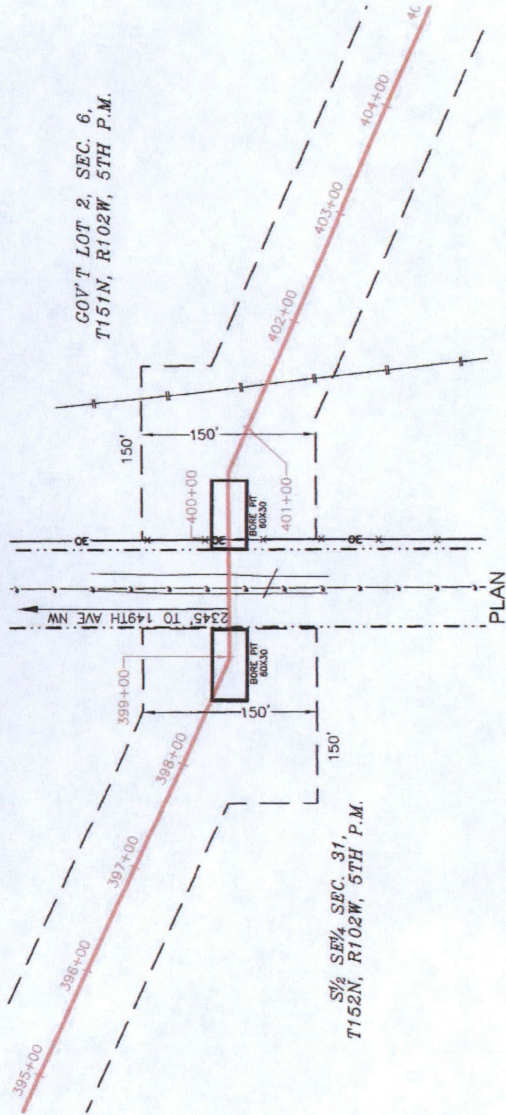
Charbon Township only requires that NST Express, LLC obtain permission from the landowners on each side of a road or section line crossing, which NST Express, LLC has obtained. Therefore, the undersigned, being an authorized representative of Charbon Township, North Dakota, does hereby acknowledge authorization for NST Express, LLC to cross the roads and section lines listed above with its pipeline.

  
\_\_\_\_\_  
Signature of Authorized Township Representative

4/25/16  
\_\_\_\_\_  
Date

Cameron Wahlstrom  
\_\_\_\_\_  
Printed Name of Authorized Township Representative

# 36TH AVE NW CROSSING EXHIBIT



COV'T LOT 2, SEC. 6,  
T151N, R102W, 5TH P.M.

1/2 SEC. 31,  
T152N, R102W, 5TH P.M.



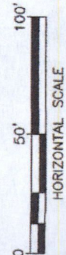
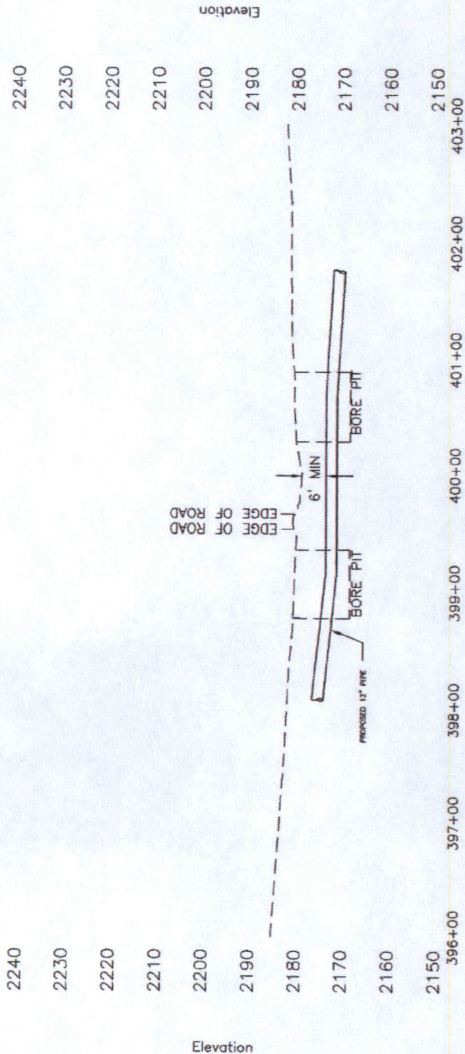
CONTENTS	CRUDE
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (O.D.)	12.75"
INSIDE DIAMETER (I.D.)	11.75"
MATERIAL	CARBON STEEL
MAX. OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FBE, AFO

**NOTES:**

- ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE, NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
- CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 48 CODE OF FEDERAL REGULATIONS, PART 195.
- EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MRS DIG AT 1-800-795-0655 OR THE NATIONAL ONE CALL NUMBER 811 AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.

**LEGEND**

	PROPERTY LINE
	FOREIGN PIPELINE
	OVERHEAD ELECTRIC
	EDGE OF GRAVEL ROAD
	TEMPORARY WORKSPACE
	ROAD R.O.W.



**PROFILE**

NO.	REVISIONS	BY	DATE

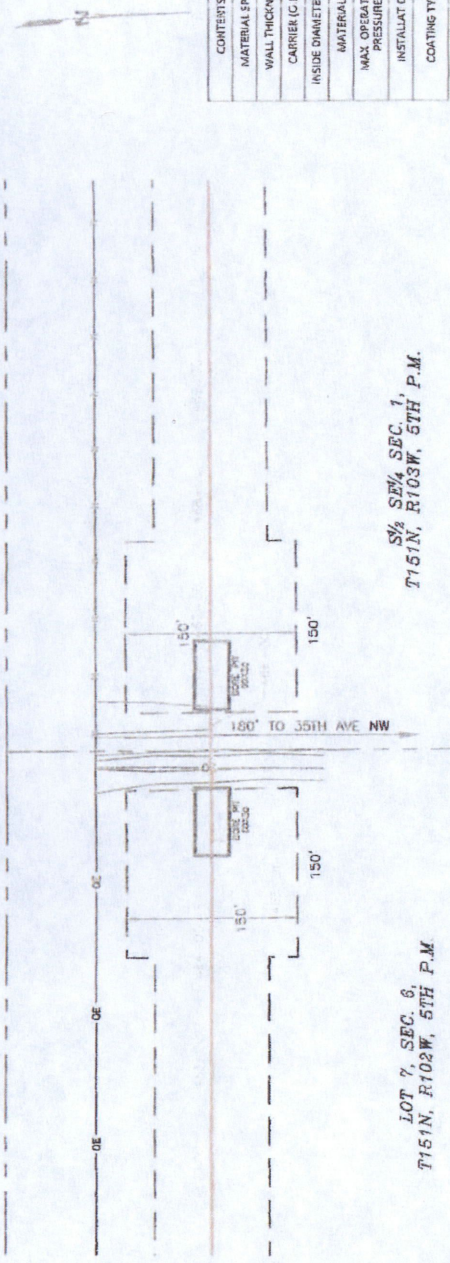
**SAM**  
SURVEILING AND MAPPING ENGINEERS  
BUREAU OF SURVEYING

**NSI EXPRESS**  
NSI EXPRESS, LLC

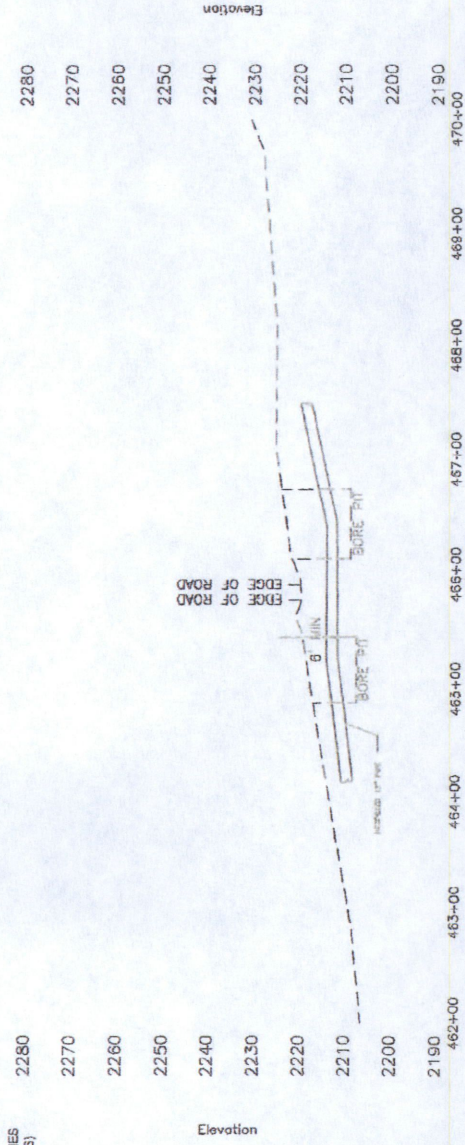
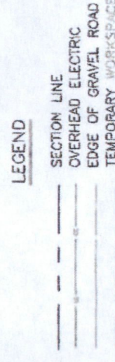
SURVEILING AND MAPPING LLC (SAM)  
555 7th St. N  
LAKESWOOD, COLORADO 80228  
OFC: 303.988.5882  
FAX: 303.988.2195  
EMAIL: INFO@SAM.BIZ  
TEXAS FIRM REGISTRATION NO. 10064300

36TH AVE NW CROSSING EXHIBIT

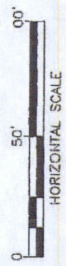
# FIELD ROAD CROSSING EXHIBIT



CONTENTS	CRUDE OIL
MATERIAL SPEC	API 5L X52
WALL THICKNESS	0.500"
CARRIER (G D)	12.75"
INSIDE DIAMETER (I D)	11.75"
MATERIAL	CARBON STEEL
MAX OPERATING PRESSURE	1440 psig
INSTALLATION	BORE
COATING TYPE	FBE, ARO



- NOTES:**
- ALL HORIZONTAL DISTANCES ARE REPRESENTED IN GRID VALUES, MEASURED IN INTERNATIONAL FEET, AND ARE BASED ON NAD83 NORTH DAKOTA STATE PLANE NORTH ZONE. ALL VERTICAL DISTANCES ARE BASED ON NAVD 88.
  - CROSSING DESIGNED AND TO BE CONSTRUCTED IN ACCORDANCE WITH TITLE 49 CODE OF FEDERAL REGULATIONS, PART 165.
  - EXISTING UTILITIES ARE SHOWN IN APPROXIMATE LOCATION GENERATED FROM PREVIOUS MAPS AND SURVEY. CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE AREA OF WORK PRIOR TO CONSTRUCTION AND CALL MISS DIG AT 1-800-785-0865 OR THE NATIONAL ONE CALL NUMBER 811, AND ALL OTHER UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS (72 HOURS) PRIOR TO CONSTRUCTION.



NO.	REVISIONS	BY	DATE



**SURVEYING AND MAPPING LLC (SAM)**  
 505 ZANG STREET, SUITE 210  
 LAKEWOOD, COLORADO 80228  
 OPC 303 988 5652  
 FAX 303 988 2195  
 EMAIL: info@saminc.com  
 TEXAS FIRM REGISTRATION NO. 100943100



FIELD ROAD CROSSING EXHIBIT

# UTILITY OCCUPANCY APPLICATION AND PERMIT

North Dakota Department of Transportation, Design  
SFN 7995 (2-2016)

## FOR STATE USE ONLY (Type or Print)

RIMS Document Number <b>73098</b>	Contract Number <b>6711601679</b>	District Tracking Number <b>7-058-000.8953</b>
--------------------------------------	--------------------------------------	---

## APPLICANT INFORMATION

### Authorized Utility Agent (must be same as signatory for permit)

Company Name NST Express, LLC	Contact Name Chip Lang	Telephone Number (713) 244-5999	
Mailing Address 10077 Grogans Mill Rd	City The Woodlands	State TX	ZIP Code 77380

### Preparer - Consultant

Company Name Contract Land Staff, LLC	Contact Name John Trepl	Telephone Number (832) 331-2546	
Mailing Address 113 East Broadway	City Williston	State ND	ZIP Code 58801

### Utility Contractor

Company Name Loenbro	Contact Name Tye Whitlock	Telephone Number (406) 681-4746	
Mailing Address 1900 32nd Ave NE	City Black Eagle	State MT	ZIP Code 59414

## TYPE OF FACILITY (Complete appropriate space only.)

Description of Proposed Facility 12.75" OD crude oil pipe. Pipeline will be constructed of .500" carbon steel with an ARO & FBO coated and installed via HDD. It crosses ND58 at a depth of 35' and will be protected using cathodic protection.		
Size of Facility 12.75" OD	Number of Cables	Length of Down Guys
Pipeline Pressure 1440psig Max Operating Pressure	Size of Casing	Length of Casing
Location of Pole(s)	Location of Appurtenances	Location - Others

**TERMS AND CONDITIONS:** Installation and maintenance of said facilities on highway right of way shall be subject to the North Dakota Department of Transportation's (NDDOT's) "A Policy for Accommodation of Utilities on State Highway Right of Way", current edition, and the following terms and conditions, attached hereto and made a part hereof.

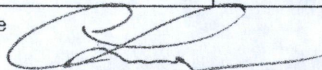
The installation shall be completed on or before: 

Date 12/31/2016
--------------------

See page 2 for additional Terms and Conditions.

## APPROVAL

**\*\* VERIFY THAT THIS LINE IS NOT IN CONFLICT W/ THE ND58 CONSTRUCTION IN 2016 & 2017**

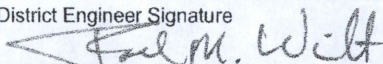
Company Name (Utility Agency) NST Express, LLC	Authorized Utility Agent Name (Type or Print) Chip Lang	Authorize Agent Title Vice President Operations & Engineering
Date 03/02/2016	Authorized Agent's Signature 	

To be signed by Owner, Partner, Corporate President, Vice President, or other authorized Corporate Officer. If signed by other authorized Corporate Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.

The Owner is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto, and made a part hereof. 

NDDOT Approved Date 4/22/16
--------------------------------

## NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

District Engineer (Type or Print) <b>JOEL M. WILT</b>	District Engineer Signature 
--	---

R 72732

- (A) Installation/maintenance of said facilities shall be done in a manner satisfactory to the NDDOT district engineer.
- (B) Owner shall notify the NDDOT district engineer forty-eight (48) hours prior to installing, maintaining, relocating, or removing said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the NDDOT district engineer.
- (C) The owner shall be required to wear an ANSI/ISEA 107-2010 Class II high visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.
- (D) Owner shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said facilities on highway right of way.
- (E) The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
- (F) Owner shall promptly remove said facilities from highway right of way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by NDDOT. The owner may be held responsible for delay costs caused by the owner's failure to use reasonable efforts to relocate or adjust facilities in a timely manner.
- (G) NDDOT specifically reserves the right to revoke, or change the terms and conditions of, this Permit with or without cause and upon notice to the Owner.
- (H) The Owner, for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person, on the grounds of race, color, national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the Owner will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and regulations, such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities set forth in this Assurance.  
  
That in the event of breach of any of the above Non discrimination covenants, the NDDOT will have the right to terminate this Permit and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said Permit had never been made or issued.
- (I) If the utility facility includes drain tile, a "Request for Drainage on Highway Rights of Way", state form number 50909, must be made in conjunction with this permit.
- (J) The Department's review and subsequent approval of this permit request does not relieve the applicant of the responsibility to comply with all Federal and State laws and regulations that govern, but are not limited to, the protection of wetlands, threatened and endangered species, and migratory birds. The applicant is responsible to comply with all Federal and State laws and regulations that govern the protection of cultural resources within the permit application area (e.g., S.106 of the National Historic Preservation Act, 36 CFR Part 800; ND Century Code 55-02-07; ND Century Code 55-03-01.1). The applicant shall be aware of the ND State burial law (ND Century code 23-06-27; Administrative Rule 40-02) and ensure compliance for any discovery of human remains within the permit request area.
- (K) The Contractor agrees that NDDOT's review of the utility relocation plans, specifications, calculations, and field inspections shall be solely for NDDOT purposes and not for the benefit of the Utility or any third party and shall not be deemed to mean that the Utility's design and construction is structurally sound and appropriate or meets applicable federal and state regulations, laws, or local ordinances, codes, or industry standards (collectively, "Requirements"). The Utility affirms that it has taken all of the actions necessary and required for the construction, operation, and maintenance of its facility authorized hereunder, including compliance with all Requirements."
- (L) Detailed location maps showing lateral offsets from roadway centerlines are required for a permit.

For State Use Only

District Tracking Number

Please attach detail location map for each Utility Location. Use multiple utility locations when changing lateral offsets.

Highway Number ND 58	Utility Location <input type="checkbox"/> Along or <input checked="" type="checkbox"/> Across	
Nearest City or Hwy Jct. East Fairview	Direction (N, S, E, W) North	Approximate Miles From 1/2 Mile

For State Use Only				
	Begin		End	
Location Number	Reference Pt	Offset	Reference Pt	Offset
	0.8953			

Begin	Reference Marker Mile Marker 0	Direction (N, S, E, W) North	Longitudinal Offset (feet) 4727' / 5280' 0.8953
	Direction From Centerline (N, S, E, W) East		Lateral Offset (feet) 50'

End	Reference Marker Mile Marker 1	Direction (N, S, E, W) South	Longitudinal Offset (feet) 553'
	Direction From Centerline (N, S, E, W) West		Lateral Offset (feet) 50'

1 x in, \$100/ea  
92

**NOTICE:** The Recipient must comply with ALL applicable Federal, State and local laws, rules, regulations, codes, ordinances, etc., including, but not limited to North Dakota Century Code, Chapter 49-23. (ONE-CALL EXCAVATION NOTICE SYSTEM)

**INSTALLATION AND MAINTENANCE:** Installation and maintenance of said facilities on highway right of way shall conform to the following provisions:

1. Within thirty (30) days after construction, maintenance, relocation, or removal of said facilities, any right of way scars shall be removed and disturbed areas restored to original condition. Existing topsoil shall be removed prior to excavation and stockpiled until all disturbed areas are restored to original grade. The stockpiled topsoil shall be evenly and smoothly replaced over the areas disturbed by the trenches or pits.
2. Vehicles and other work equipment used to install or maintain said facilities within highway right of way shall, where possible, use established access points, service roads, driveways and approaches to enter or leave the outer portion of the right of way for the performance of necessary work operations. Such vehicles and work equipment shall not be parked on the through-traffic lanes or shoulders of the highway during installation or maintenance of said facilities. **The parking of equipment, vehicles, and storing of materials in the median on divided roadways is not permitted. On all roadways, parking and storing of materials may be permitted only if equipment, vehicles and material are located a minimum of 60 feet from the outside edge of the driving lane.**
3. Protection to the free and safe flow of the highway traffic shall be as required in accordance with the "Manual on Uniform Traffic Control Devices", current edition.
4. The Recipient will notify the District Engineer of the Department of Transportation forty-eight (48) hours prior to beginning this installation. Immediately following the final clean up of the area, the Recipient shall again notify the District Engineer of the Department of Transportation.
5. The Department of Transportation may not be the total fee owner and does not warrant the title to the highway right of way covered by the terms of this permit. The Recipient shall be responsible for reviewing the public records to determine ownerships and any encumbrances to the title of the properties covered by the terms of this permit.
6. Trenches and pits opened within the right of way shall be cut to O.S.H.A. Standards and shall be of minimum width necessary to accommodate installation of said facilities. **Trenches and Pits shall not be left open overnight, or unattended. Slopes shall not have more than a 2" drop off, all slopes shall be 4:1.**
7. Trenches and pits opened within the right of way shall be backfilled with the same material originally in place, compacted to a density equal to that of the adjacent undisturbed soil and restored to the original grade. The backfill shall be tamped in layers not exceeding six (6) inches in compacted thickness. Consolidation of the backfill by saturation or ponding is not permissible.

8. The pipeline shall have a minimum of thirty-six (36) inches of cover within highway right of way.
9. On longitudinal installations, where the buried cable or pipe is installed by plowing, the plowed ridges shall be mechanically compacted and made flush with the original ground.
10. Casing pipe, where installed, shall extend a minimum of two (2) feet beyond the toe of the highway inslopes. The casing pipe shall be sealed at both ends to prevent formation of a waterway through the casing.
11. The pipeline shall be installed under the surfaced section of the highway by boring or jacking pipe through the roadbed between the clear zone limits. Wet boring or jetting of the pipe under the roadway is not permissible.
12. The diameter of the hole for bored or jacked installations shall not exceed by more than one (1) inch the outside diameter of the facility. Oversized bores, overbreaks, and unused holes shall be backfilled with grout.
13. The location of the pipeline crossing shall be indicated by a marker post installed on each side of the highway at the right of way line. An identification sign shall be attached to one of the marker posts showing the name, address, and telephone number of the pipeline company.
14. The Department of Transportation shall be notified in advance of any proposed change in the type of transmittant carried by the pipeline, or any increase in the maximum working pressure specified in the application for the permit.
15. The casing pipe shall be continuous and shall extend a minimum of two (2) feet beyond the clear zone or two (2) feet beyond the toes of outer inslopes of the highway, whichever is further from the highway center line. The casing pipe shall be adequately sealed at both ends with suitable material that will prevent the formation of a waterway.
16. Casing is not required if approved extra wall thickness pipe is installed.
17. The Recipient shall indemnify, save, hold harmless, the State of North Dakota, its agencies, offices and employees, from any and all claims of any nature arising from any direct, indirect, or consequential damage to real property or business, including all costs, expenses, and attorney's fees, which may in any manner arise out of or result from this project.
18. The topsoil will be replaced on all disturbed areas and seeded as determined below (provide a temporary cover crop):

Seed Class Mix Requirements		
Class II – Early Season		
Grass Species	Variety	Pounds Pure Live Seed Per Acre

Western Wheatgrass	Rodan, Rosana, Walsh, Flintlock, W.R. Poole, Recovery	9.6
Switchgrass	Dacotah, Forestburg, or Sunburst, Summer	3.2
Green Needlegrass	Lodorm, AC Mallard, Fowler	2.4
Sideoats Grama	Killdeer, Pierre, Butte	3.6
Slender Wheatgrass	Revenue, Primar, Adanac, Pryor, Firststrike	5.0
<b>Total</b>		<b>23.8</b>

<b>Seed Class Mix Requirements</b>		
<b>Class II – Late Season</b>		
<b>Grass Species</b>	<b>Variety</b>	<b>Pounds Pure Live Seed Per Acre</b>
Western Wheatgrass	Rodan, Rosana, Walsh, Flintlock, W.R. Poole, Recovery	9.6
Switchgrass	Dacotah, Forestburg, or Sunburst, Summer	1.6
Green Needlegrass	Lodorm, AC Mallard, Fowler	3.6
Canada Wild-rye	Mandan	5.2
Slender Wheatgrass	Revenue, Primar, Adanac, Pryor, Firststrike	5.0
<b>Total</b>		<b>25.0</b>

DF

### Risk Management Appendix

#### Permits and Licenses with Private Individuals, Companies, Corporations, Etc. (referred to as Recipient):

Recipient agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Recipient to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Recipient also agrees to defend, indemnify, and hold the State harmless for all costs, expenses and attorneys' fees incurred if the State prevails in an action against the Recipient in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Recipient shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required are **\$250,000 per person and \$1,000,000 per occurrence.**
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The State of North Dakota and its agencies, officers, and employees (State) shall be endorsed as an **additional** insured on the commercial general liability and automobile liability policies.
- 4) Said endorsements shall contain a **"Waiver of Subrogation"** in favor of the state of North Dakota.
- 5) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

Recipient shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4 above to the undersigned State representative prior to commencement of this agreement.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. If Recipient's insurance will expire prior to the term of this agreement, Recipient shall renew the above requirements and furnish a certificate of insurance evidencing the renewal to the undersigned State representative prior to the expiration of the insurance. Any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of a Contract is sublet, the Recipient shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Recipient and the State as a result of work undertaken by the Subcontractor. In addition, the Recipient shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Recipient. The Recipient shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

Recipient's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the State. Any insurance, self-insurance or self-retention maintained by the State shall be excess of the Recipient's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured Recipient shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Recipient from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Recipient. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Recipient in excess of the minimum requirements set forth above.

April 13, 2016

NST Express, LLC  
10077 Grogans Mill Rd  
The Woodlands, TX 77380

Subject: Insurance Coverage Consistent With Contract  
RIMS Document Number: 73098

You have submitted to the North Dakota Department of Transportation (NDDOT), in connection with your certificate of insurance, additional pages or language on the certificate which either purports to limit or qualify the information reflected on the certificate of insurance or which purports to change, modify or amend your company's insurance policies. NDDOT policy is to not solicit, review or approve contractors' insurance policies, endorsements or amendments to insurance policies, or insurance documents other than properly completed certificates of insurance. NDDOT contracts specify that contractors are responsible for acquiring and maintaining specified coverages and proof of insurance.

Please have a company executive authorized to execute contract documents sign and date the statement below attesting that your company has insurance coverage consistent with the contract provisions and immediately fax and mail it back to us.

Be advised that execution of this contract will be delayed until these issues have been resolved.

Sincerely,

Joel M. Wilt

The following signatory hereby states that the company has, and will maintain in force, insurance coverages (including proof of coverages) consistent with the contract specifications.

Utility Company Name: NST EXPRESS, LLC

Authorized Utility Agent Name (Type or Print): Chip Lang

Authorized Utility Agent Title: VP OPERATIONS + ENGINEER

Date: 4/15/2016

Signature: 

Sovereign Land Permit No. S-1975

Permittee: **NST Express, LLC**  
**10077 Grogans Mill Road, Suite 530**  
**The Woodlands, TX 77380-1022**

Location: **East-west line just north of centerline through Section 23, Township 151 North, Range 104 West, McKenzie County.**

Project Description:

**The Permittee is hereby authorized to install a welded steel pipeline under the Yellowstone River in McKenzie County.**

**The project will involve installing approximately 6,420 lineal feet of one-half inch thick, 12-inch diameter welded steel pipe beneath the Yellowstone River via horizontal directional drilling. The bore will occur a minimum of 50 feet below the bed of the Yellowstone River. The beginning and end points of the bore will be located on private land approximately 3,580 feet and 1,750 feet from the right and left banks of Yellowstone River respectively. The pipeline will include a mainline valve site on each side of the Yellowstone River to allow for isolation of the pipeline. Each valve site will be remotely monitored and controlled with manual override if necessary or in the event of loss of power. Pressure readings would be continuously monitored both upstream and downstream of the valves from a remote operating station and tied into an alarm system to provide notice in the event of a significant change in system pressure.**

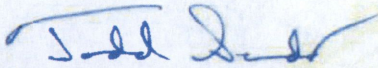
This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

**General Conditions**

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Yellowstone River is of high priority.
2. All construction, testing, operation, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Yellowstone River.
3. The Pipeline shall include mainline valves on each side of the Yellowstone River to allow for isolation of the pipeline. Each valve shall be remotely monitored and controlled with manual override in the event of loss of power.

4. The Permittee shall continuously monitor pipeline pressure both upstream and downstream of the valves from a remote operating system tied to an alarm system to provide immediate notice in the event of a significant change in system pressure.
5. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Yellowstone River during construction.
6. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).
7. No work shall be conducted within the waters of the Yellowstone River from April 15 to June 1 in order to protect fishery resources.
8. The Permittee shall comply with all state regulations with regard to the prevention of introduction of Aquatic Nuisance Species (ANS) into the state's waters. The Permittee shall contact Ms. Jessica Howell, ANS Biologist, North Dakota Game and Fish Department at (701) 253-6480 to schedule an inspection of all vehicles and equipment a minimum of 72 hours prior to those items being launched or placed in the Missouri River.
9. Any construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
10. Any disturbed areas shall be revegetated with species native to the area.
11. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.
12. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
13. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
14. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
15. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.

16. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando  
State Engineer

Date: 4/21/16

