

August 29, 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 document:

1. June 22, 2016 McKenzie County letter regarding Conditional Use Permit for storage tank capacity change.

A copy of this letter is also enclosed. An electronic copy of the above-referenced document and this letter were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Mollie M. Smith".

MOLLIE M. SMITH

MMS/ms/59562045  
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.)

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PU-15-232 Filed: 8/29/2016 Pages: 3  
Letter from McKenzie County re Conditional Use Permit

June 22, 2016

0019-16 CUP

NST Express, LLC  
10077 Grogans Mill Rd. Suite 530  
The Woodlands, TX 77380  
Attn: Paul Forsting

RE: Conditional Use Permit request to change storage tank sizes from (3) three 50,000 barrels to 80,000 barrels.

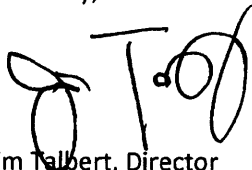
This is to inform you that at the June 21, 2016 meeting, the McKenzie County Board of Commissioners approved the request for a conditional use permit to allow storage tanks of 80,000 barrels.

The following conditions were placed on this permit:

1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures, thirty (30) days from County Commission approval.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
4. The applicant shall continually control dust by applying mag chloride twice a year at access roads, particularly 144<sup>th</sup> Ave. NW. Applicant will supply McKenzie County Planning Department with documentation of these applications.
5. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
6. The emergency plan submitted to the County Emergency Manager shall be updated annually.
7. All above-ground facilities, such as pipe valve stations, stand pipes or electrical and communication buildings shall be painted earth tone colors.
8. This conditional use permit will remain in force, but can be terminated if there are violations or changes of the approved conditions. Any violation can cause this to be placed before the County Commission for revocation.

9. The applicant shall comply with the Screening and Buffering requirements of the zoning ordinance including 6' chain link fence along perimeter of the property, with approved landscaping.
10. The applicant shall provide a bond equaling 150% of an engineer's estimate to remove all pipes and structures and reclaim the site to a productive agricultural setting . The bond shall be in to McKenzie County Planning Department thirty (30) days after County Commission approval.
11. The applicant shall provide the County Planning Department with all State and Federal approvals, along with any violations relating to the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Talbert', written in a cursive style.

Jim Talbert, Director  
McKenzie County Planning