

August 30, 2016

VIA 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 my August 26, 2016 letter to the Commission, enclosed please find the original Certification Relating to North Dakota Century Code § 49-22-16.3, with exhibits, in connection with the above-referenced case.

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/59391048v3
Enclosures

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

Compatibility and Route Permit, Section 16.4.10 (Hearing Exhibit No. 1). NST Express included the Dore Junction valve site in the Project as a potential third-party interconnection point. NST Express now has an opportunity to interconnect the Project with the Dakota Access Pipeline, which crosses the Project at the Dore Junction valve site.

5. To interconnect the two pipelines, NST Express plans to install the following equipment and appurtenances: a meter, a prover, pumps, control valves, piping, foundations, fencing, and electrical equipment (including, transformer(s) and a motor control center (“MCC” building), and upgrades to an existing access road. A preliminary plot plan showing the planned location of the associated facilities is attached as **Exhibit A**.

6. To install the facilities for the interconnection, NST Express needs to adjust the Designated Route so that it includes an area approximately 306 feet (east/west) by approximately 400 feet (north/south) at the interconnection location. The southern portion of the route adjustment is located within the Project’s 200-foot-wide Designated Corridor. The majority of the remaining area located outside of the Designated Corridor (approximately 200 feet by 306 feet) is within the 400-foot-wide corridor designated by the Commission for the Dakota Access Pipeline Project (*see* Case No. PU-14-842), which is currently under construction. As such, only approximately 0.12 acres of the route adjustment area is outside of a previously designated corridor. A map depicting the Project’s Designated Corridor and Designated Route, the Dakota Access Pipeline Project’s designated corridor, and the Project’s route adjustment and associated corridor adjustment is attached as **Exhibit B**.

7. NST Express plans to begin construction within the route adjustment as soon as possible in order to complete grading activities and foundation installation before winter.

8. Only one set of landowners (already crossed by the Project) is affected by the route adjustment, and NST Express is in the process of finalizing a revised easement agreement with those landowners. With respect to the portion of the route adjustment outside of the Designated Corridor, no owner of real property on which an adjustment is to be located and no applicable governmental entity with an interest in the same adjustment area oppose the adjustment.

9. The route adjustment is less than one and one-half miles in length outside of the Designated Corridor.

10. Project construction activities for the route adjustment will not affect any known exclusion or avoidance areas within or outside of the Designated Corridor. SWCA Environmental Consultants ("SWCA") conducted the necessary field studies to confirm the same, as set forth in a letter from SWCA, attached hereto as **Exhibit C**. As discussed in SWCA's letter, the Adjusted Corridor shown in Exhibit B to this Certification aligns with the area surveyed by SWCA.

11. NST Express will comply with the Commission's October 14, 2015 Order, laws, and rules designating the corridor and designating the route.

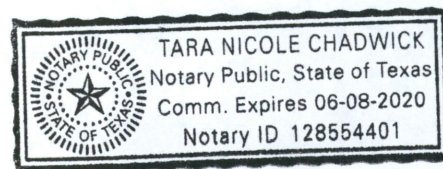
FURTHER AFFIANT SAYETH NOT.

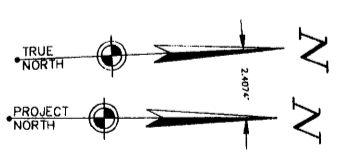
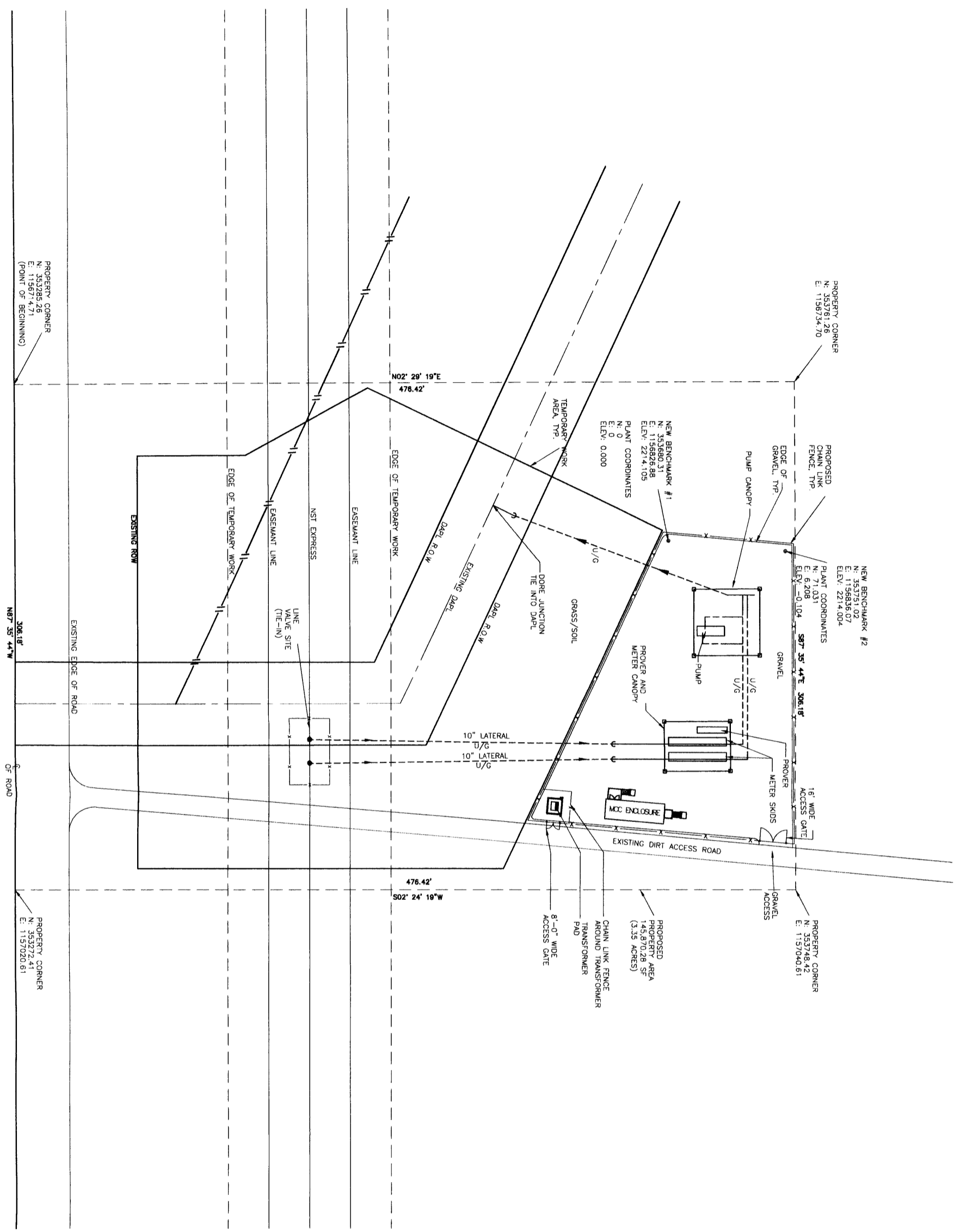


Chip Lang

Subscribed and sworn to before me
this 24th day of August, 2016.

Tara Nicole Chadwick
Notary Public



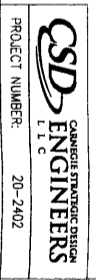


**PRELIMINARY
NOT FOR
CONSTRUCTION**

NO	LOC	DESCRIPTION OF REVISION	DATE	BY	APPR
0					
1					
2					
3					
4					

WORK ORDER NO. **NSI EXPRESS**

CIVIL
ARRANGEMENT PLAN
DORE JUNCTION, NORTH DAKOTA
DRAWN: JLR SCALE: 1"=30' DATE: NO. DORECAD001L REV: 0
APPROVED: CHECKED:





NST Express Pipeline

- Yellowstone River HDD
- Valve Location
- Approved Route
- Existing Road
- Adjusted Route

Yellowstone River

- Approved Corridor
- Adjusted Corridor
- Additional Survey Area
- DAPL Corridor
- Proposed Facility Location
- Surface Tract

Boundary

- Township/Range Boundary
- Section Boundary

Scale

Kilometers: 0, 0.25, 0.5
 Miles: 0, 0.25, 0.5

Base Map: 2015 Aerial Imagery
 Source: USDA/FSA - Aerial Photography Field Office
 Quadrangle: Cartwright NE (1991)
 Township/Range: T. 151N, R. 103W
 McKenzie County, North Dakota
 Projection: NAD 1983 UTM Zone 13N

SWCA[®]
 ENVIRONMENTAL CONSULTANTS

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August 24, 2016

Chip Lang
NST Express, LLC
10077 Grogan's Mill Road
The Woodlands, TX 77380

Re: NST Express Pipeline Project / Interconnect Route Adjustment

Dear Mr. Lang:

SWCA Environmental Consultants (SWCA) provides this letter in support of NST Express, LLC's (NST Express) route adjustment filing for the NST Express Pipeline Project in McKenzie County, North Dakota. In order to accommodate a third-party pipeline interconnection at the Dore Junction valve site, NST Express plans to make a route adjustment within and less than 1.5 miles in length outside of the corridor designated for the Project (Designated Corridor) by the North Dakota Public Service Commission (Commission).

SWCA has completed field surveys of all areas that will be affected by construction of the route adjustment, including all of the Adjusted Corridor outside of the Designated Corridor (see Exhibit B to NST Express's Certification Relating to North Dakota Century Code § 49-22-16.3). The field survey results are discussed below:

- **Cultural Resources:** SWCA previously conducted a Class III cultural resource inventory for the portion of the route adjustment within the Designated Corridor, and no cultural resources were identified in the relevant area. The results were previously provided in the Cultural Resources Inventory Report in Appendix F to the Combined Certificate of Corridor Compatibility and Route Permit Application (Application) (see Hearing Exhibit No. 1). The concurrence letter from the State Historical Society of North Dakota (SHSND) for that report was included in Appendix E to the Application (see Hearing Exhibit No. 1).

On July 28, 2016, SWCA conducted a Class III cultural resource inventory of the portion of the route adjustment outside of the Designated Corridor, as well as a buffer around the area (depicted as the Additional Survey Area in Exhibit B to NST Express's Certification Relating to North Dakota Century Code § 49-22-16.3). No cultural resources were observed during the course of the inventory. SWCA prepared a North Dakota Negative Results Cultural Resources Report, dated August 3, 2016, in which SWCA recommended a determination of No Significant Sites Affected. A copy of the report is attached as Exhibit 1. In a letter dated August 8, 2016, the SHSND found the report acceptable. A copy of the letter is attached as Exhibit 2.

- **Other Surveys:** SWCA previously conducted a natural resources field survey of the portion of the route adjustment within the Designated Corridor, and no wetlands, woody vegetation, noxious weeds, or threatened or endangered species or habitat were observed in the relevant area. A Natural Resources and Wetland Determination Report summarizing the results was previously provided in Appendix D to the Application (see Hearing Exhibit No. 1).

On July 28, 2016, SWCA conducted a natural resources field survey of the portion of the route adjustment outside of the Designated Corridor, as well as a buffer around the area. No wetlands, woody vegetation, noxious weeds, or threatened or endangered species or habitat were observed within the area surveyed. The results are

summarized in an Addendum to the Natural Resources and Wetland Determination Report, dated August 24, 2016, which is attached as Exhibit 3.

Please note that only approximately 0.12 acres of the route adjustment falls outside of either the Project's Designated Corridor or the corridor designated for the Dakota Access Pipeline Project (see Case No. PU-14-842); however, for purposes of the route adjustment, SWCA's surveys covered any portion of the adjustment not previously surveyed for the Project, as well as a buffer area.

Based on SWCA's review, the construction activities associated with the route adjustment, both within and outside of the Designated Corridor, will not affect any known exclusion or avoidance areas, as set forth in N.D.A.C. §§ 69-06-08-02(1) and (2).

If you have any questions or need further information, please contact me at (701) 258-6622 or jdawson@swca.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Dawson". The signature is fluid and cursive, with a long horizontal stroke at the end.

James W. Dawson
Senior Project Manager

Enclosures



STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

August 8, 2016

North Dakota
State Historical Board

Margaret Puetz
Bismarck · President

Gereld Gerntholz
Valley City · Vice President

Albert I. Berger
Grand Forks · Secretary

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New Town

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Kelly Schmidt
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Secretary of State

Mark Zimmerman
Director
Parks and Recreation Department

Grant Levi
Director
Department of Transportation

Claudia J. Berg
Director

Accredited by the
American Alliance
of Museums since 1986

Mr. William Harding
Principal Investigator
SWCA
116 North 4th, Suite 200
Bismarck, ND 58501

NDSHPO REF.: 16-1368 "A Class I and Class III Cultural Resource Inventory of the Dore Valve Site, McKenzie County, North Dakota," in portions of [T151N R103W Section 1]

Dear Mr. Harding,

We reviewed NDSHPO REF.: 16-1368 "A Class I and Class III Cultural Resource Inventory of the Dore Valve Site, McKenzie County, North Dakota," and find the report acceptable. There has been a good faith effort to identify and avoid impacts to "Significant Sites," provided the project remains as described and mapped in this report dated August 3, 2016.

Thank you for the opportunity to review the project. If you have questions please contact Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

Claudia J. Berg
Director, State Historical Society of North Dakota



ENVIRONMENTAL CONSULTANTS
Sound Science. Creative Solutions.

August 24, 2016

Mr. Chip Lang
NST Express, LLC
10077 Grogans Mill Road, Suite 530
The Woodlands, TX 77380

RE: Addendum to the Natural Resources and Wetland Determination Report for the NST Express Pipeline, McKenzie County, North Dakota

Dear Mr. Lang,

This addendum letter presents changes to the natural resources report prepared by SWCA Environmental Consultants (SWCA) for the NST Express Pipeline. NST Express, LLC contacted SWCA and requested professional natural and cultural resource services be conducted in order to identify exclusion and avoidance areas, as specified in North Dakota Administrative Code § 69-06-08-02.

SWCA conducted natural resources field surveys of the approximately 2.5-acre Dore Junction Valve Site location and buffer zone (Figure 1) on July 28, 2016, to determine the potential presence and extent of wetlands and waterbodies. This includes jurisdictional waters of the U.S., commonly referred to as wetland and ordinary high water mark (OHWM) determinations. Concurrently with the wetland and waterbody determinations, SWCA conducted a cursory threatened and endangered species survey and habitat assessment; a tree, sapling, and shrub enumeration survey; and a noxious weed survey.

This letter is written in support of the natural resources and wetland determination report submitted by SWCA for the Natural Resources and Wetland Delineation Report for the NST Express Pipeline, McKenzie County North Dakota (Persinger, A., Karvel-Fuller, B. 2015¹).

¹ Persinger, Ashley, Fuller-Karvel, Bronte 2015. *Natural Resources and Wetland Delineation Report for the NST Express Pipeline, McKenzie County, North Dakota*. Prepared by SWCA Environmental Consultants for NST Express, LLC.

Mr. Chip Lang
August 24, 2016
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Results

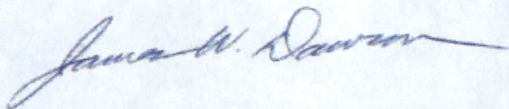
The survey area was found in non-native grasslands and in agricultural production lands (Figure 2 and Figure 3). Wetlands, woody vegetation, noxious weeds, threatened and endangered species or habitat were not observed within the survey area.

Summary

SWCA did not record any wetlands, woody vegetation, noxious weeds, threatened and endangered species or habitat within the proposed 2.5-acre Dore Junction Valve Site location.

If you have any questions or require further analysis, please contact me at (701) 258-6622, or via email at jdawson@swca.com.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson". The signature is fluid and cursive, with a long horizontal stroke at the end.

James W. Dawson, PG, CHMM
Senior Project Manager

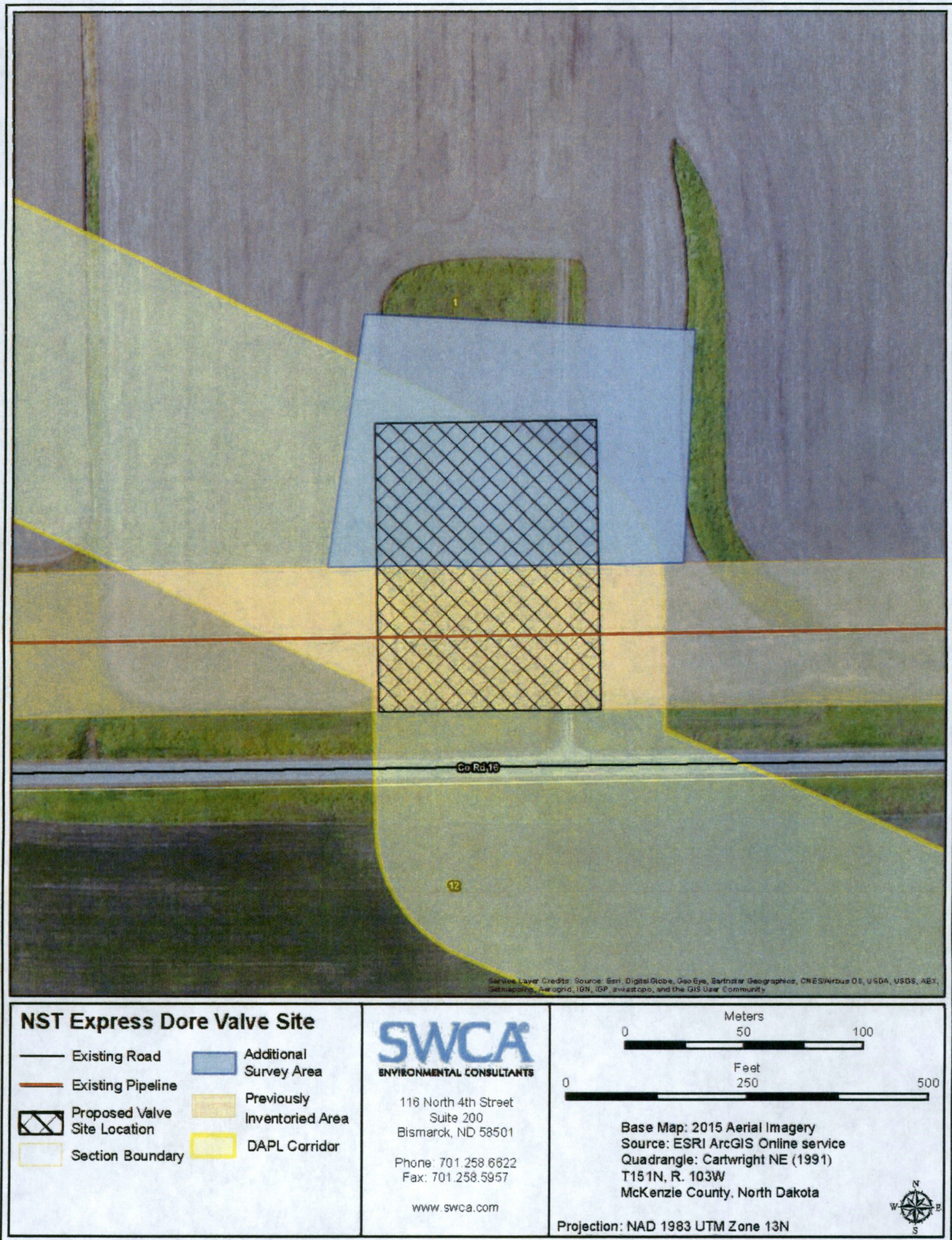


Figure 1. NST Express Pipeline Dore Junction Valve Site



Figure 2. Project area overview depicting general topography within survey area, facing north (photograph taken July 28, 2016).



Figure 3. Project area overview depicting general topography within survey area and soil stockpile from NST Express Pipeline construction, facing south (photograph taken July 28, 2016).