

**NORTH DAKOTA
MAPLETON TOWNSHIP
BOARD OF SUPERVISORS**

**NUSTAR PIPELINE OPERATING
PARTNERSHIP L.P.: APPLICATION FOR
PERMITS, APPROVALS, AND VARIANCES FOR
PETROLEUM PRODUCTS PIPELINE**

**FINDINGS AND RESOLUTION GRANTING
AMENDED PERMITS, APPROVALS, AND
VARIANCES**

INTRODUCTION

On November 10, 2015, NuStar Pipeline Operating Partnership L.P. (“NuStar”) submitted an application for any and all permits, approvals, and variances required (“Application”) for a proposed eight-inch petroleum products pipeline and associated facilities, a portion of which is to be located in Mapleton Township.

On November 24, 2015, the Mapleton Township Zoning Commission (“Zoning Commission”) and the Mapleton Township Board of Supervisors (“Board”) met to consider the Application. The Zoning Commission unanimously recommended approval of the Application, and the Board unanimously approved the Application. The approved project included construction of a control building and other facilities on a one-acre site referred to as the Mapleton Junction.

On June 8, 2016, NuStar submitted applications for an amended conditional use permit, variances, and any and all permits and approvals (“Amended Application”) required to authorize construction of a pump station, and make other facility modifications, on the Mapleton Junction site. On June 28, 2016, NuStar also submitted an application for an amended development/floodplain permit (“Amended Floodplain Permit Application”).

On June 30, 2016, the Zoning Commission and the Board met to consider the Amended Application and the Amended Floodplain Permit Application. At the meeting, NuStar submitted and incorporated into its Amended Application information regarding plans to install a loop line as an associated facility to its proposed eight-inch petroleum products pipeline, a portion of which will be located in Mapleton Township. The Zoning Commission unanimously recommended approval of the Amended Application, including the modifications, and the Amended Floodplain Permit Application.

Having heard, reviewed and considered the Amended Application and the Amended Floodplain Permit Application, all information presented regarding the applications, and the Zoning Commission's recommendation, the Board hereby makes the following:

FINDINGS OF FACT

1. NuStar proposes to construct an eight-inch petroleum products pipeline and associated facilities extending from the Cenex Pipeline, LLC ("Cenex") Pipeline, located east of Prosper, North Dakota in Raymond Township, to NuStar's existing North System Pipeline, located southeast of Mapleton, North Dakota in Mapleton Township, at a site referred to as Mapleton Junction. The pipeline and associated facilities are referred to as the Laurel Interconnect Pipeline Project ("Laurel Project").

2. As set forth above, on November 24, 2015, the Board previously granted the following permits and approvals for the Laurel Project: a Conditional Use Permit; a Floodplain Development Permit; variances and building permits associated with the Mapleton Junction facilities and site; and any township road-related approvals, such as township road and section line crossings. The approved Laurel Project included construction of a control building and other facilities on the one-acre Mapleton Junction site.

3. Since the Board's approval of the Laurel Project, NuStar has identified a need to make modifications, including to construct and operate the following associated facilities in Mapleton Township: (1) a pump station, and other facility modifications, on the Mapleton Junction site ("Mapleton Junction Modifications"); and (2) pipeline modifications, including a portion of a loop line, and associated components, adjacent to the proposed eight-inch petroleum products pipeline ("Loop Line Modifications").

4. On June 8, 2016, NuStar submitted the Amended Application, requesting an amended conditional use permit, variances, and any and all permits and approvals required for the Mapleton Junction Modifications. In the Amended Application, NuStar provided the following: a letter regarding the Mapleton Junction Modifications and the permits, variances, and approvals requested; a preliminary proposed modified Mapleton Junction site plan; a copy of the previously approved Mapleton Junction site plan; a map depicting the existing land uses of the Mapleton Junction site; a list of names and addresses of owners within a one mile radius of the Mapleton Junction site; an application for an amended conditional use permit; an amended application for variances; an application for an amended building permit and zoning certificate; and proposed findings and resolution granting amended permits, approvals, and variances.

5. NuStar also separately submitted the Amended Floodplain Permit Application, requesting an amended development/floodplain permit in connection with the modifications, including the Mapleton Junction Modifications and the Loop Line Modifications.

6. On June 30, 2016, NuStar submitted and incorporated into its Amended Application information regarding the modifications, including the Loop Line Modifications, and maps showing the proposed location of the facilities. NuStar also submitted amended proposed findings and resolution granting amended permits, approvals and variances. Other information relevant to the Loop Line Modifications, such as legal descriptions, a map of existing land uses,

and information regarding zoning district classification of the affected area, was previously provided as part of the original Application.

7. On June 30, 2016, NuStar representatives presented information on, and answered questions regarding, the modifications, including the Mapleton Junction Modifications, the Loop Line Modifications, the Amended Application, and the Amended Floodplain Permit Application.

8. Based on the Amended Application, the Amended Floodplain Permit Application, and other information presented, Mapleton Township hereby makes and incorporates all the findings required by the Mapleton Township Zoning Ordinance, and finds NuStar has satisfied all the requirements of the Mapleton Township Zoning Ordinance necessary to grant the following authorizing the modifications, including the Mapleton Junction Modifications and the Loop Line Modifications: an Amended Conditional Use Permit; an Amended Floodplain Development Permit; an Amended Building Permit; any variances necessary to construct the Laurel Project including the modifications; and any required township road-related approvals, such as township road and section line crossings.

9. NuStar has complied with all notice and hearing requirements, and paid all applicable permit fees required for consideration and approval of the Amended Application and Amended Floodplain Permit Application.

Based on the above Findings of Fact, the Mapleton Township Board of Supervisors hereby adopts the following:

REST OF PAGE LEFT INTENTIONALLY BLANK

RESOLUTION

1. Mapleton Township hereby grants to NuStar the following authorizing the modifications, including the Mapleton Junction Modifications and the Loop Line Modifications: an Amended Conditional Use Permit; an Amended Floodplain Development Permit; an Amended Building Permit; any variances necessary to construct the modifications; and any required township road-related approvals, such as township road and section line crossings.

2. To the extent not superseded herein, the Board's November 24, 2015 Findings and Resolution Granting Permits, Approvals, and Variances remains in full force and effect.

3. No other permits, certificates, notices, hearings, or approvals from Mapleton Township are required for NuStar to construct, operate, and maintain the Laurel Project, or the modifications, including the Mapleton Junction Modifications and the Loop Line Modifications.

APPROVED: John W Rutten
John Rutten, Chairman

ATTEST: Brian A. Bulthuis
Township Clerk

DATE: 6/30/16

The motion for the adoption of the foregoing resolution was made by Supervisor Rutten and duly seconded by Supervisor Folstaed. On roll call vote, the following Supervisors voted aye:

Rutten, Folstaed

The following voted nay: _____

The majority of the Board of Supervisors having voted aye, the motion carried and the resolution was duly adopted.