

**NORTH DAKOTA
RAYMOND TOWNSHIP
BOARD OF SUPERVISORS**

**NUSTAR PIPELINE OPERATING
PARTNERSHIP L.P.: CONDITIONAL USE
CERTIFICATE, FLOODPLAIN PERMITS, AND
OTHER PERMITS AND APPROVALS FOR
PIPELINE**

**FINDINGS AND RESOLUTION FOR
CONDITIONAL USE CERTIFICATE,
FLOODPLAIN PERMITS, AND OTHER PERMITS
AND APPROVALS**

INTRODUCTION

On November 13, 2015, NuStar Pipeline Operating Partnership L.P. (“NuStar”) filed for a Conditional Use Certificate, a Floodplain Development Permit, and all other permits and approvals required for an eight-inch pipeline and associated facilities, a portion of which is to be located in Raymond Township. On July 7, 2016, NuStar filed for the following and any amendments to any previously issued: Conditional Use Certificate, Floodplain Development Permit, and any and all other permits and approvals (“Filing”).

The Filing incorporated the November 13, 2015 filing for the project, and proposed modifications, including moving the pump station and the following: (1) originating the eight-inch pipeline from a direct interconnect with Cenex Pipeline, LLC’s (“Cenex”) existing Laurel Pipeline at a location southeast of Prosper, North Dakota and installing associated facilities, piping, components, valves, traps and other appurtenances; and (2) installing loop line piping, components, valves, traps and other appurtenances as an associated facility to the eight-inch pipeline, a portion of which will be located in Raymond Township.

On August 1, 2016, the Raymond Township Zoning Commission (“Zoning Commission”) and the Raymond Township Board of Supervisors (“Board”) met to consider the Filing. The Zoning Commission recommended approval of the Filing.

Having heard, reviewed and considered the Filing, all information presented, and the Zoning Commission’s recommendation, the Board hereby makes the following:

FINDINGS OF FACT

1. NuStar proposes to construct an eight-inch pipeline and associated facilities extending from Cenex's existing Laurel Pipeline, located southeast 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 that has been referred to as Mapleton Junction. The pipeline and associated facilities are referred to as the NuStar Laurel Interconnect Pipeline Project ("Laurel Project").

2. The Laurel Project previously included proposed construction of a pump station and other facilities on the then proposed Cenex terminal site, located southeast of Prosper in Raymond Township. NuStar has now identified a need to modify the Laurel Project ("Modifications"), including moving the pump station and as follows: (1) originating the eight-inch pipeline from a direct interconnect with Cenex's existing Laurel Pipeline at a location southeast of Prosper, North Dakota, and installing associated facilities, piping, components, valves, traps and other appurtenances; and (2) installing loop line piping, components, valves, traps and other appurtenances as an associated facility to the eight-inch pipeline, a portion of which will be located in Raymond Township.

3. On July 7, 2016, NuStar submitted a Filing for the following and any amendments to any previously issued: Conditional Use Certificate, Floodplain Development Permit, and any and all other permits and approvals for the Laurel Project and Modifications. In the Filing, NuStar provided mapping and information regarding the Laurel Project and Modifications. All other relevant information, such as legal descriptions of the tracts to be crossed, including dimensions and shapes; the existing land uses of the pipeline route tracts; the existing zoning classifications of the pipeline route tracts; designs for the pipeline crossings of township roads, undeveloped section lines, certain waterbodies and ditches, Interstate 94, and a railroad; and a typical cross section of the pipeline relative to natural ground, was previously provided or has been incorporated into the Filing.

4. NuStar representatives presented information and answered questions at the August 1, 2016 Raymond Township meeting.

5. Based on the Filing and information presented, Raymond Township hereby makes and incorporates all the findings required by the Raymond Township Zoning Ordinance, and finds NuStar has satisfied the requirements of the Raymond Township Zoning Ordinance necessary to grant the following, and any amendments to any previously issued, authorizing the Laurel Project and Modifications: Conditional Use Certificate; Floodplain Development Permit; all crossing approvals; all township road-related approvals; and any and all other permits and approvals.

6. NuStar has complied with all notice and hearing requirements, and paid all applicable permit fees.


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

RESOLUTION

1. Raymond Township hereby grants to NuStar the following, and any amendments to any previously issued, authorizing the NuStar Laurel Project and Modifications: Conditional Use Certificate; Floodplain Development Permit; all crossing approvals; all township road-related approvals; and any and all other permits and approvals.

2. No other permits, certificates, amendments, notices, hearings, or approvals from Raymond Township are required for NuStar to construct, operate, and maintain the NuStar Laurel Project, including the Modifications.

3. NuStar will maintain own access to 32nd Ave SE from 166th Ave SE to Rail Crossing.

APPROVED: , Chairman

SUPERVISOR MOTION
Barry Bowne
SUPERVISOR 2nd
Erin Wan

ATTEST: 
Township Clerk

DATE: 8-1-16

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

All

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