

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Plains Terminals North Dakota LLC**  
**24-inch Crude Oil Pipeline, McKenzie County**

**Case No. PU-16-140**

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**CERTIFICATION OF APPLICANT PURSUANT TO NORTH  
DAKOTA CENTURY CODE § 49-22.1-15**

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STATE OF TEXAS

COUNTY OF HARRIS

I, Dean Gore, a duly authorized agent of Plains Terminals North Dakota LLC (“Company”), with authority to bind the Company, do hereby certify under oath:

1. In an order dated August 17, 2016 in the captioned matter, the Public Service Commission (“PSC”) approved Certificate of Corridor Compatibility No. 191 for the designated corridor (“Corridor”) and Route Permit No. 203 designating the route for the construction, operation, and maintenance of a 3.5-mile long crude oil transmission pipeline (the “Project”).

2. I submit this certification in accordance with North Dakota Century Code (“N.D.C.C.”) §§ 49-22.1-15, 49-22.1-15(1), and 49-22.1-15(3) in support of the Company’s route and corridor adjustments for the Project.

3. As a result of a constructability analysis of the pipeline alignment, it was determined by the Company that minor route adjustments and additional temporary workspace (“ATWS”) are required to safely construct the Project. The route adjustments and ATWS are shown in detail on the maps attached hereto as Attachment 1, and as outlined below.

Certification of Applicant  
 Plains Terminals North Dakota LLC  
 24-inch Crude Oil Pipeline, McKenzie County  
 Case No. PU-16-140

Approximate Mileposts	Type	Applicable N.D.C.C. Section	Reasoning
0.0-0.15	Route-within Corridor	§ 49-22.1-15(1)	Minor route adjustment to move the centerline closer to the facility fence, and avoid placing the pipeline in drainage way.
0.15-0.35	Route-within Corridor	§ 49-22.1-15(1)	Route adjustment due to existing terrain, route moved further to the west for constructability reasons.
0.15	ATWS-outside Corridor	§ 49-22.1-15 & § 49-22.1-15(3)	ATWS needed to accommodate route adjustment.
0.6	ATWS-outside Corridor	§ 49-22.1-15 & § 49-22.1-15(3)	Additional space needed to safely complete construction.
0.65-1.13	Route-within Corridor	§ 49-22.1-15(1)	Line needs to move to avoid the Sacagawea pipeline and other buried utilities.
1.13-1.15	Route-outside Corridor	§ 49-22.1-15(3)	Line needs to move to avoid the Sacagawea pipeline and other buried utilities. The length of the route adjustment outside of the Corridor is approximately 0.02 miles or 125-feet.
0.97-1.15	ATWS outside Corridor	§ 49-22.1-15 & § 49-22.1-15(3)	Additional workspace required to construct proposed route adjustments and avoid existing utilities.
1.15-2	ATWS-outside Corridor	§ 49-22.1-15 & § 49-22.1-15(3)	Additional space required to avoid other utilities (overhead powerline) and safely complete construction.
3.38-End	Route-within Corridor	§ 49-22.1-15(1)	Relocate due to installation of other pipelines.

4. All construction activities for the route adjustments under N.D.C.C. § 49-22.1-15(1) will be within the designated Corridor. *See Attachment 1.*

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Plains Terminals North Dakota LLC  
24-inch Crude Oil Pipeline, McKenzie County  
Case No. PU-16-140

5. The route adjustments inside the Corridor are covered by the previous studies conduct for the Project included in the original siting application. *See* Consolidated Application for Certificate of Corridor Compatibility and Route Permit, PSC Docket No. 1. Construction activities for the route adjustments under N.D.C.C. § 49-22.1-15(1) will not affect any known exclusion or avoidance areas within the designated Corridor.

6. The length of the route adjustment under N.D.C.C. § 49-22.1-15(3) extending outside of the Corridor is less than one and one-half miles in length.

7. Cultural and Natural Resource surveys have been completed of those areas associated with the requested adjustments that would occur outside of the designated Corridor. The Natural Resource and Cultural Resource Survey Reports are attached hereto as Attachments 2 and 3, respectively. The Cultural Resource Report was submitted to the North Dakota State Historic Preservation Office and concurrence has been received. *See* Attachment 3.

8. Construction activities for the route adjustment and ATWS outside the designated Corridor will not affect any known exclusion or avoidance areas.


9. Appropriate landowner coordination has occurred. 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.

10. The Company will continue to comply with the Commission's order, law and rules designating the corridor and designating the route.

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Plains Terminals North Dakota LLC  
24-inch Crude Oil Pipeline, McKenzie County  
Case No. PU-16-140

Dated this 5<sup>th</sup> day of September 2017.

**Plains Terminals North Dakota LLC**  
By: PACON3, LLC, its Sole Member  
By: Plains Marketing, L.P., its Sole Member  
By: Plains GP LLC, its General Partner

By:   
\_\_\_\_\_  
Dean Gore  
Vice President – Environmental and Regulatory  
Compliance

Certification of Applicant  
Plains Terminals North Dakota LLC  
24-inch Crude Oil Pipeline, McKenzie County  
Case No. PU-16-140

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of September 2017, by Dean Gore, Vice President – Environmental and Regulatory Compliance, on behalf of Plains Terminals North Dakota LLC, by PACON3, LLC, its Sole Member, by Plains Marketing, L.P., its Sole Member and by Plains GP LLC, its General Partner.



*Katherine Glover*

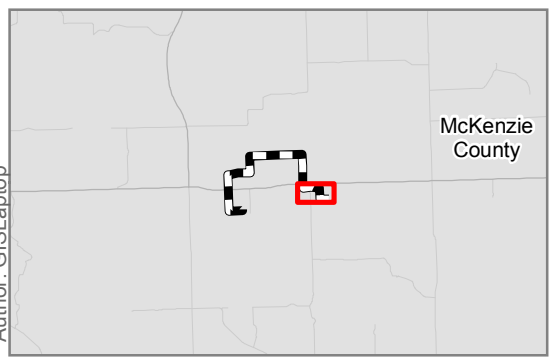
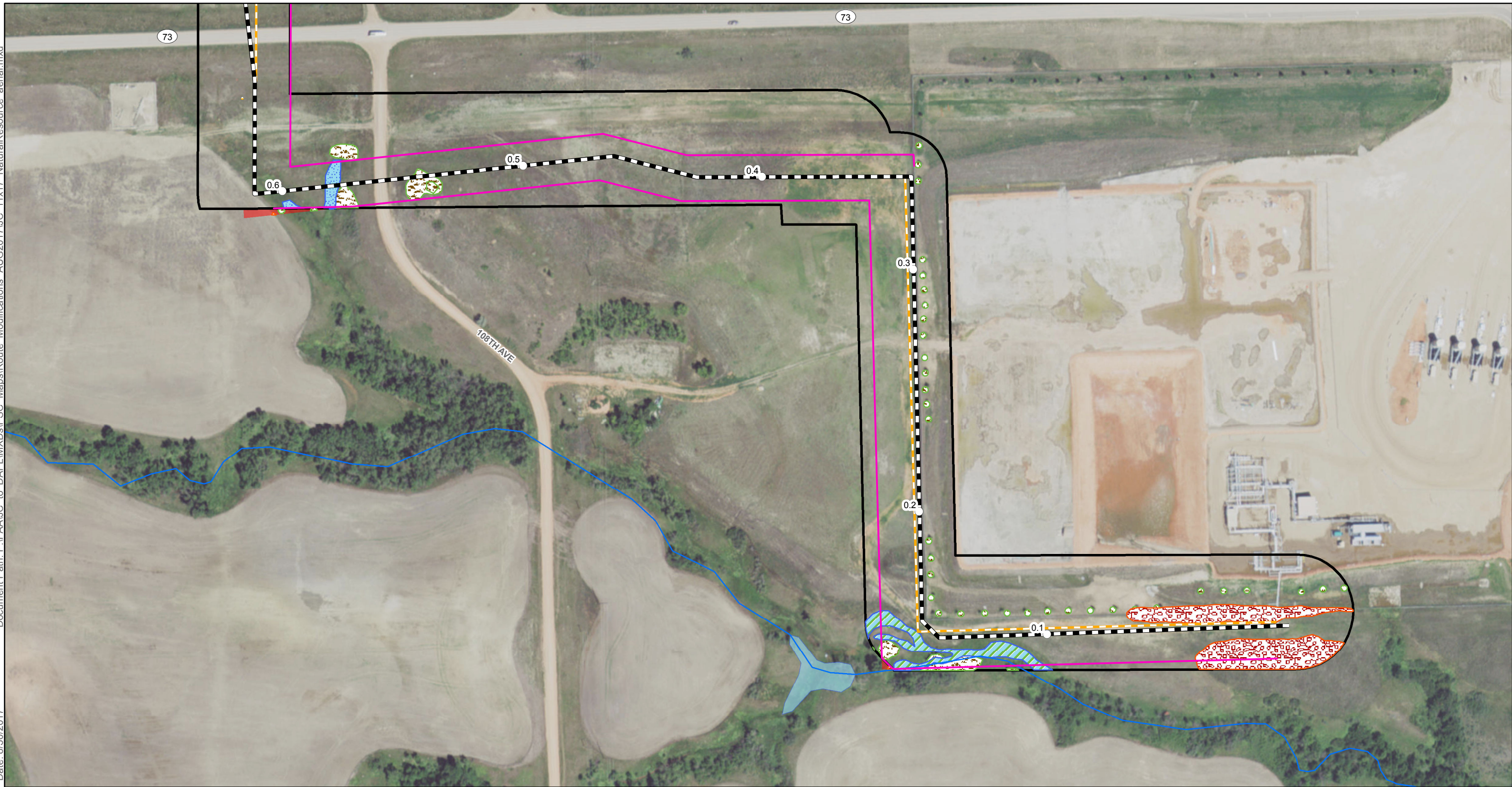
Notary Public  
My Commission Expires: 4/24/2021

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# **Attachment 1**

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## Project Maps



○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.

**E3 ENVIRONMENTAL**  
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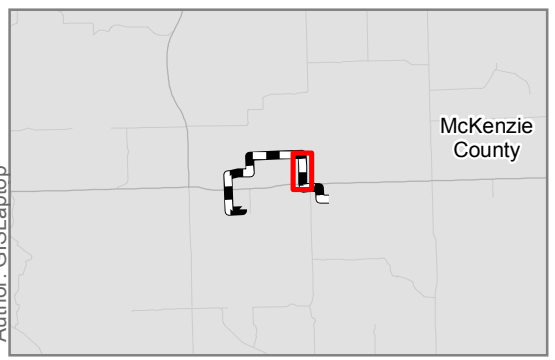
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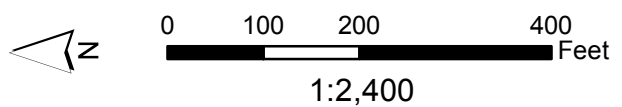
Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 1 of 7  
 McKenzie County, North Dakota



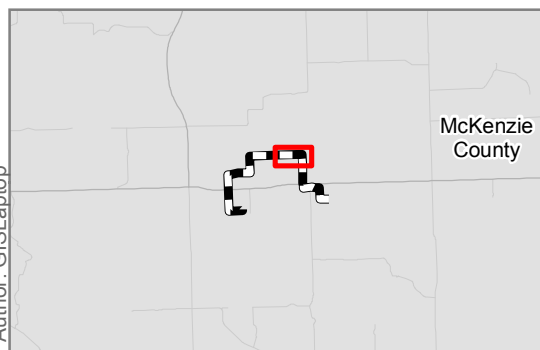
○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.



Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 2 of 7  
 McKenzie County, North Dakota



○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.

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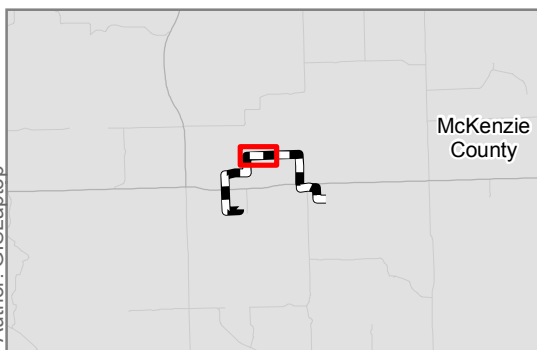
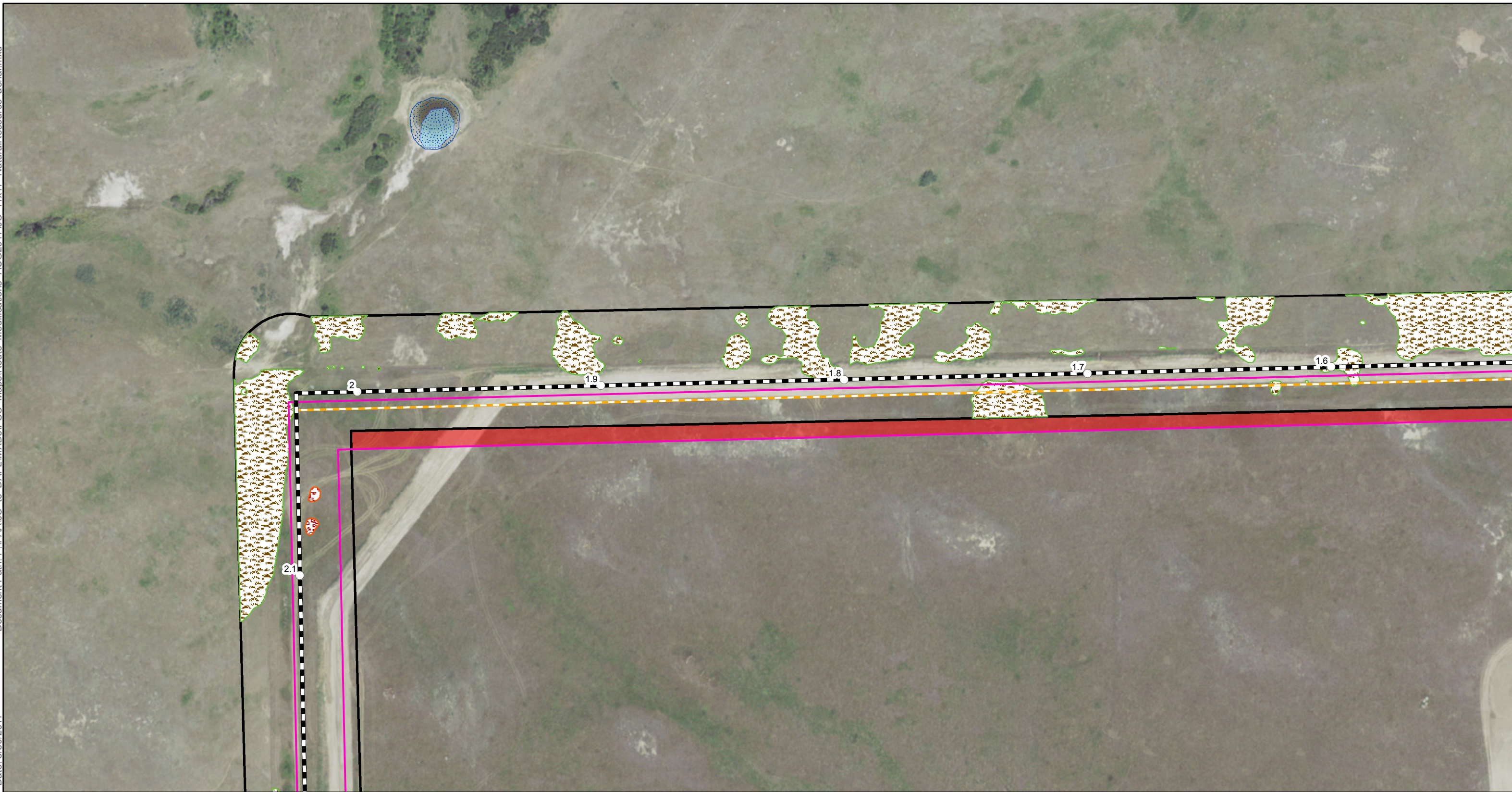
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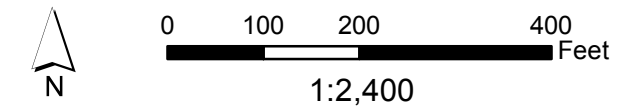
Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 3 of 7  
 McKenzie County, North Dakota



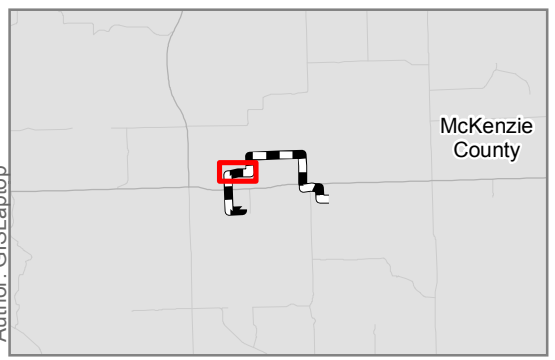
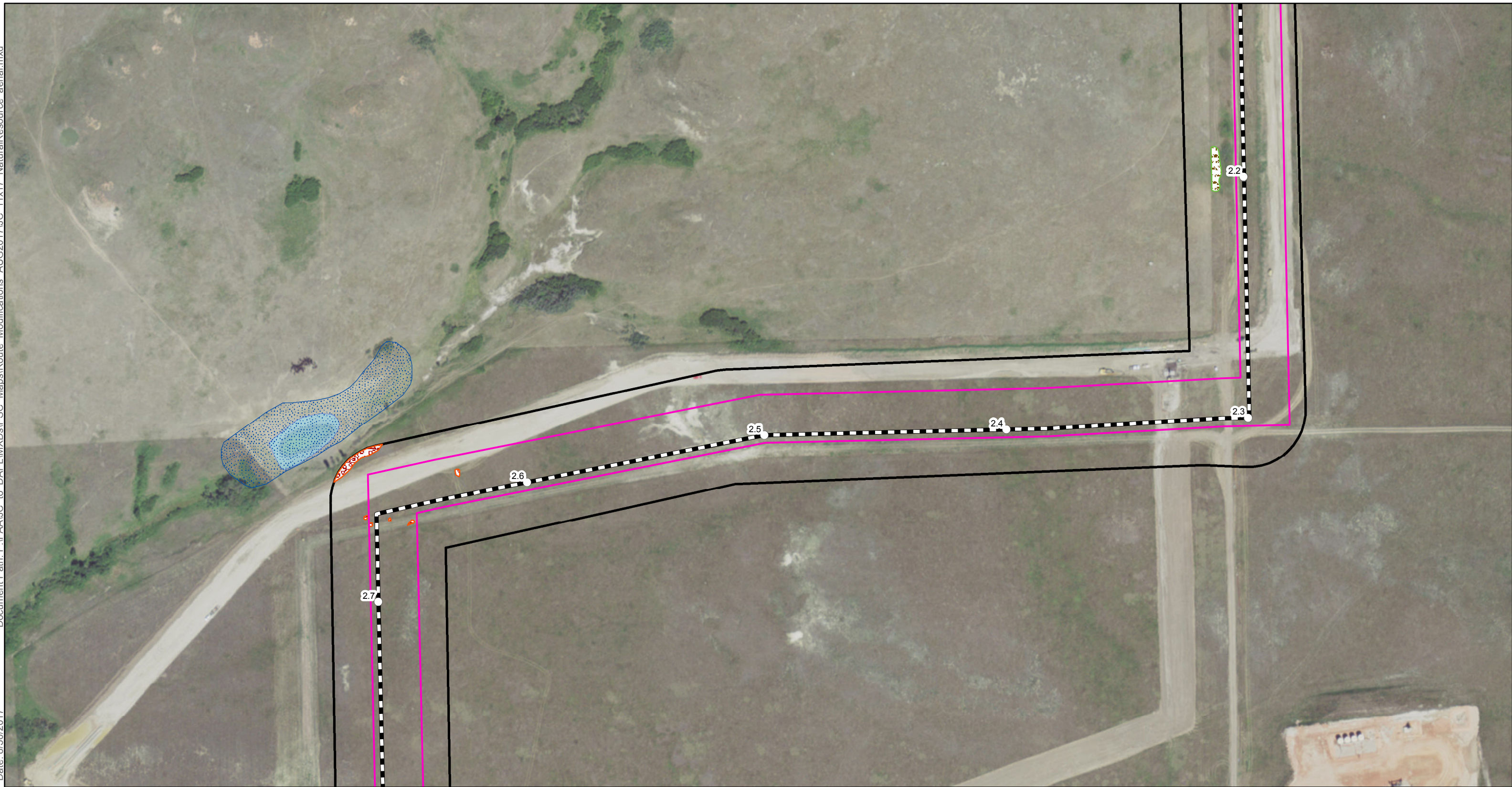
○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.



Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 4 of 7  
 McKenzie County, North Dakota



○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.

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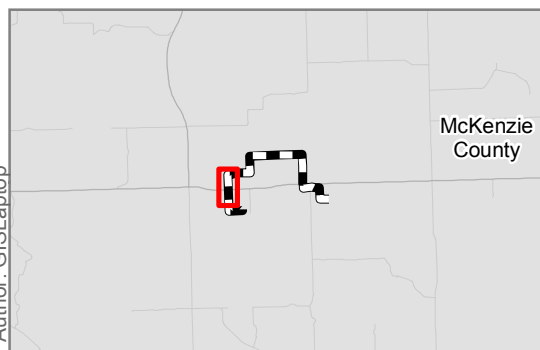
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Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 5 of 7

McKenzie County, North Dakota



○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

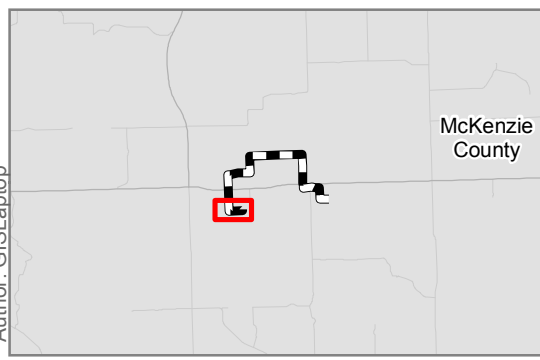
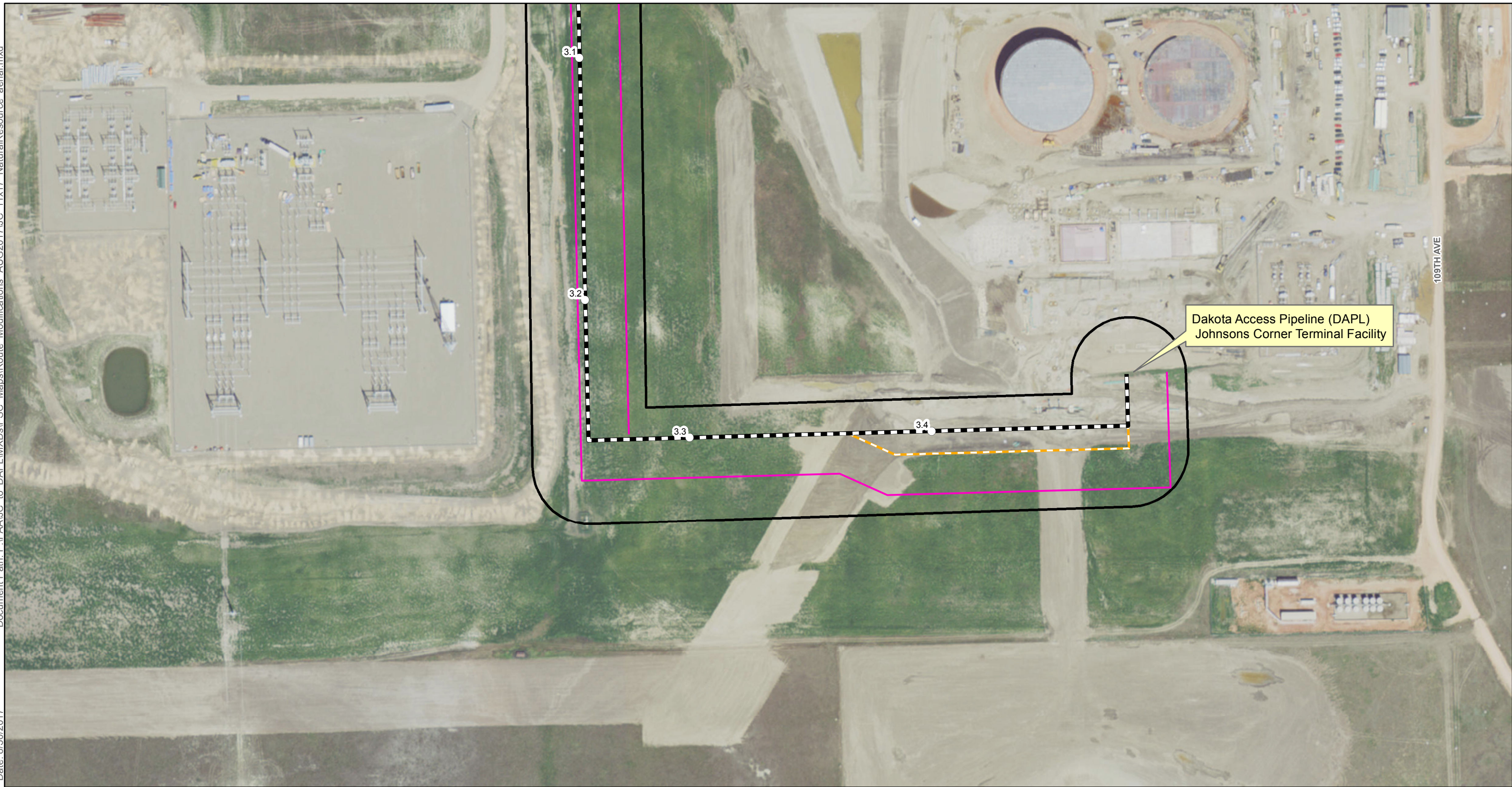
\*Refer to Natural Resource Report for detailed maps and tables.

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Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 6 of 7  
 McKenzie County, North Dakota



○ Milepost	NWI Wetland	Certificated Corridor
Approved Route	Noxious Weeds	Additional Survey Area
Temporary Work Space	Stream	
Proposed Route Adjustment-Within Corridor	Wetland	
Proposed Route Adjustment-Outside Corridor	Woody Vegetation	
Proposed Site		
NHD Flowline		
NHD Waterbody		

\*Refer to Natural Resource Report for detailed maps and tables.

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Map not to scale, for environmental review purposes only.

**Plains Pipeline, L.P.**  
 Johnsons Corner to  
 Dakota Access Pipeline  
 Route Adjustments  
 Aerial Map 7 of 7  
 McKenzie County, North Dakota

## **Attachment 2**

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### Natural Resources Report

**August 9, 2017**

Ms. Katie Schmidt  
Senior Consultant / Operations Manager  
E3 Environmental, LLC  
871 Jefferson Avenue  
St. Paul, MN 55102

**RE: Natural Resource Survey – Johnson’s Corner to Dakota Access Pipeline Project**

Dear Ms. Schmidt,

Carlson McCain biologist, Chad Tucker, conducted a natural resources field survey for the proposed route alterations of the Johnson’s Corner to Dakota Access Pipeline Project in McKenzie County, North Dakota. The survey occurred on August 9, 2017 and covered approximately 4.87 acres in Section 19, Township (T) 150 North (N), Range (R) 95 West (W) and in Sections 13 and 24, T150N, R96W.

This survey is considered supplemental data to the E3 Environmental, LLC: *Natural Resources Survey Report – Johnson’s Corner to Dakota Access Pipeline Project, McKenzie County, North Dakota – March 2016*. The survey included threatened/endangered species, wetlands/waterbodies, woody vegetation, and noxious weeds. A review of threatened and or endangered species, and their habitats, with the potential to occur within McKenzie County was conducted prior to the survey. Hydrological indicators used for wetland/waterbody boundary identification were determined on-site based on topographic position and presence of hydric vegetation. Woody vegetation was documented in accordance with the standards set forth by the North Dakota Public Service Commission. The noxious weed survey included a search for state and county listed noxious weed species.

## **Results**

### Threatened/Endangered species

No threatened/endangered species or their habitats were observed during the survey.

### Wetland/Waterbodies

The boundary of one waterbody was delineated in Section 24, T150N, R96W. This waterbody boundary is an extension of Waterbody 2 that was previously delineated in the March 2016 *Natural Resource Survey Report* and is approximately 0.001 acres in size (Figure 1). No additional wetlands were observed.

### Woody Vegetation

Woody vegetation was mapped in eight locations totaling 0.20 acres. Species observed, stem count, locations, and acreages are listed in Table 1 and are depicted in Figure 1.

Natural Resource Report  
 Johnson's Corner to Dakota Access Pipeline Project  
 McKenzie County, North Dakota

**Table 1. Woody Vegetation Locations**

Feature	Species 1	Count	Species 2	Count	Species 3	Count	Acres	Section, Township, Range
Woody Veg. 1	<i>Ribes aureum</i>	1	<i>Amelanchier alnifolia</i>	5			0.001	Sec. 24, T150N, R96W
Woody Veg. 2	<i>Prunus virginiana</i>	16					0.002	Sec. 24, T150N, R96W
Woody Veg. 3	<i>Cornus sericea</i>	10					0.003	Sec. 24, T150N, R96W
Woody Veg. 4	<i>Prunus virginiana</i>	12					0.001	Sec. 13, T150N, R96W
Woody Veg. 5	<i>Prunus virginiana</i>	640	<i>Amelanchier alnifolia</i>	37	<i>Lonicera tatarica</i>	2	0.08	Sec. 13, T150N, R96W
Woody Veg. 6	<i>Prunus virginiana</i>	432	<i>Crataegus rotundifolia</i>	324	<i>Prunus americana</i>	14	0.108	Sec. 13, T150N, R96W
Woody Veg. 7	<i>Shepherdia argentea</i>	15	<i>Prunus virginiana</i>	7			0.003	Sec. 13, T150N, R96W
Woody Veg. 8	<i>Prunus virginiana</i>	12	<i>Lonicera tatarica</i>	2	<i>Fraxinus pennsylvanica</i>	1	0.002	Sec. 13, T150N, R96W

Noxious Weeds

Canada thistle (*Cirsium arvense*), listed as both a North Dakota and McKenzie County Noxious Weed, was located in four areas totaling 0.036 acres. Locations of noxious weed locations are shown in Figure 1.

**Table 2. Noxious Weed Locations**

Feature	Species	% Cover	Acres	Section, Township, Range
Noxious Weed 1	<i>Cirsium arvense</i>	40	0.001	Sec. 24, T150N, R96W
Noxious Weed 2	<i>Cirsium arvense</i>	30	0.033	Sec. 13, T150N, R96W
Noxious Weed 3	<i>Cirsium arvense</i>	60	0.001	Sec. 19, T150N, R95W
Noxious Weed 4	<i>Cirsium arvense</i>	50	0.001	Sec. 24, T150N, R96W

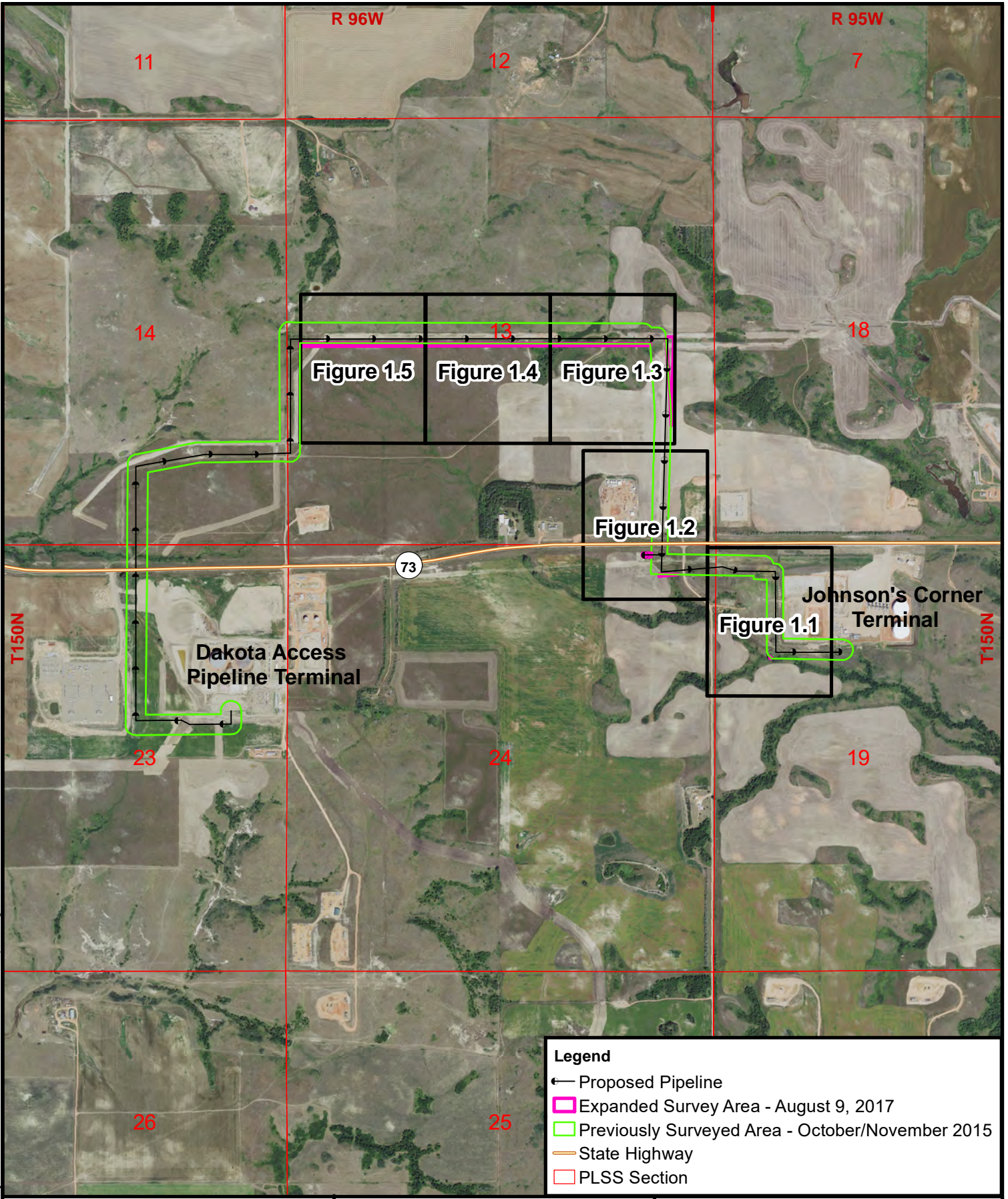
Please contact me if you have any questions or require additional information. My direct line is (701) 595-7007.

Sincerely,



Chad Tucker  
 ctucker@carlsonmccain.com

August 2017 R:\projects\6500-7000\6971 - EI Services\NR Report\Figure 1.mxd



**Legend**

- ← Proposed Pipeline
- █ Expanded Survey Area - August 9, 2017
- █ Previously Surveyed Area - October/November 2015
- State Highway
- PLSS Section

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0 0.15 0.3 Miles

Basemap: ESRI/ArcGIS/Basemap/2016

**Carlson  
McCain**

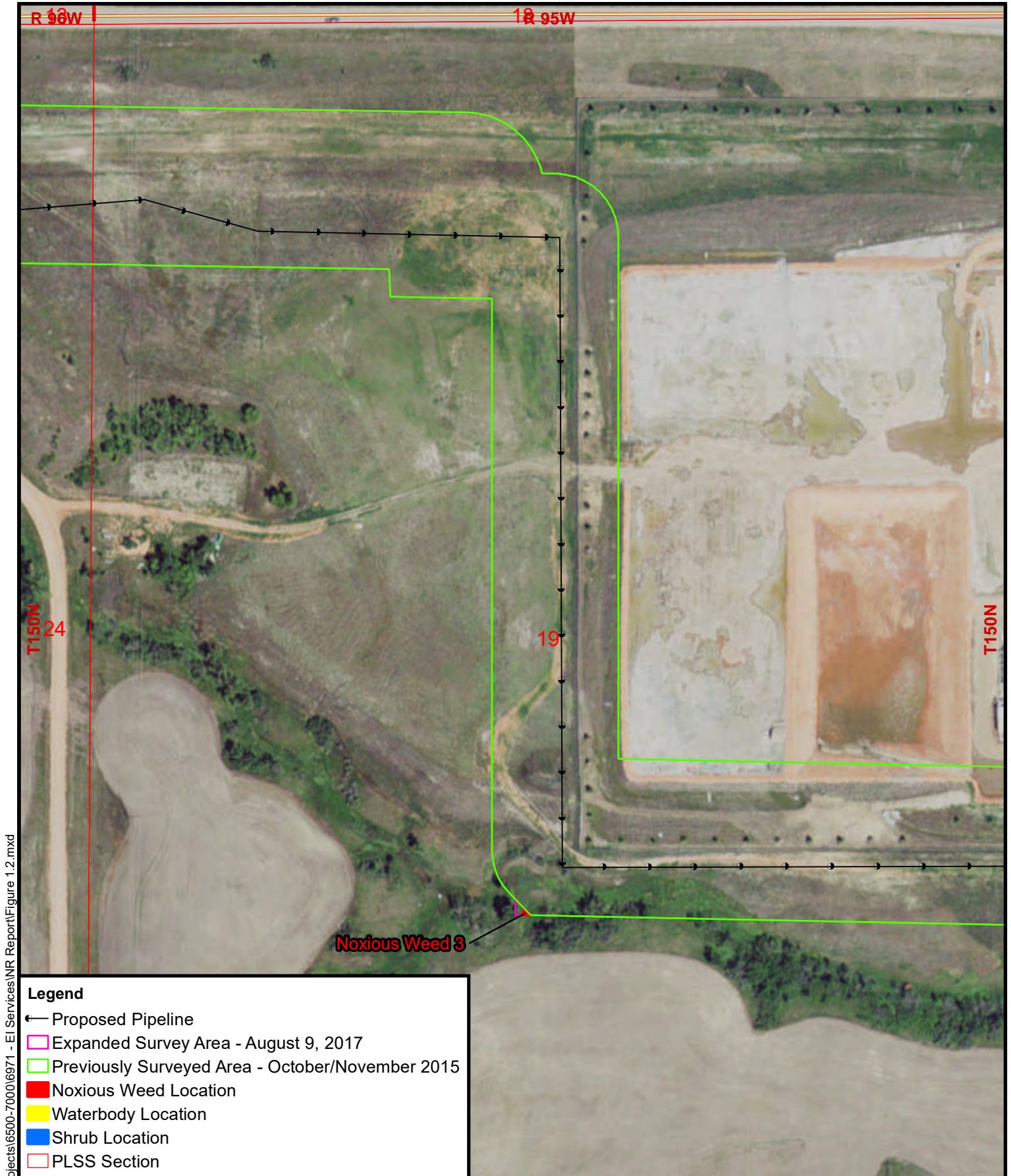
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**Figure 1**

**Natural Resource Survey**

**Johnson's Corner to Dakota Access Pipeline Project**

**Plains Terminals North Dakota LLC**

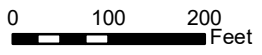


August 2017 R:\projects\6500-7000\6971 - El Services\NR Report\Figure 1.2.mxd

**Legend**

- ← Proposed Pipeline
- Expanded Survey Area - August 9, 2017
- Previously Surveyed Area - October/November 2015
- Noxious Weed Location
- Waterbody Location
- Shrub Location
- PLSS Section

1:2,400

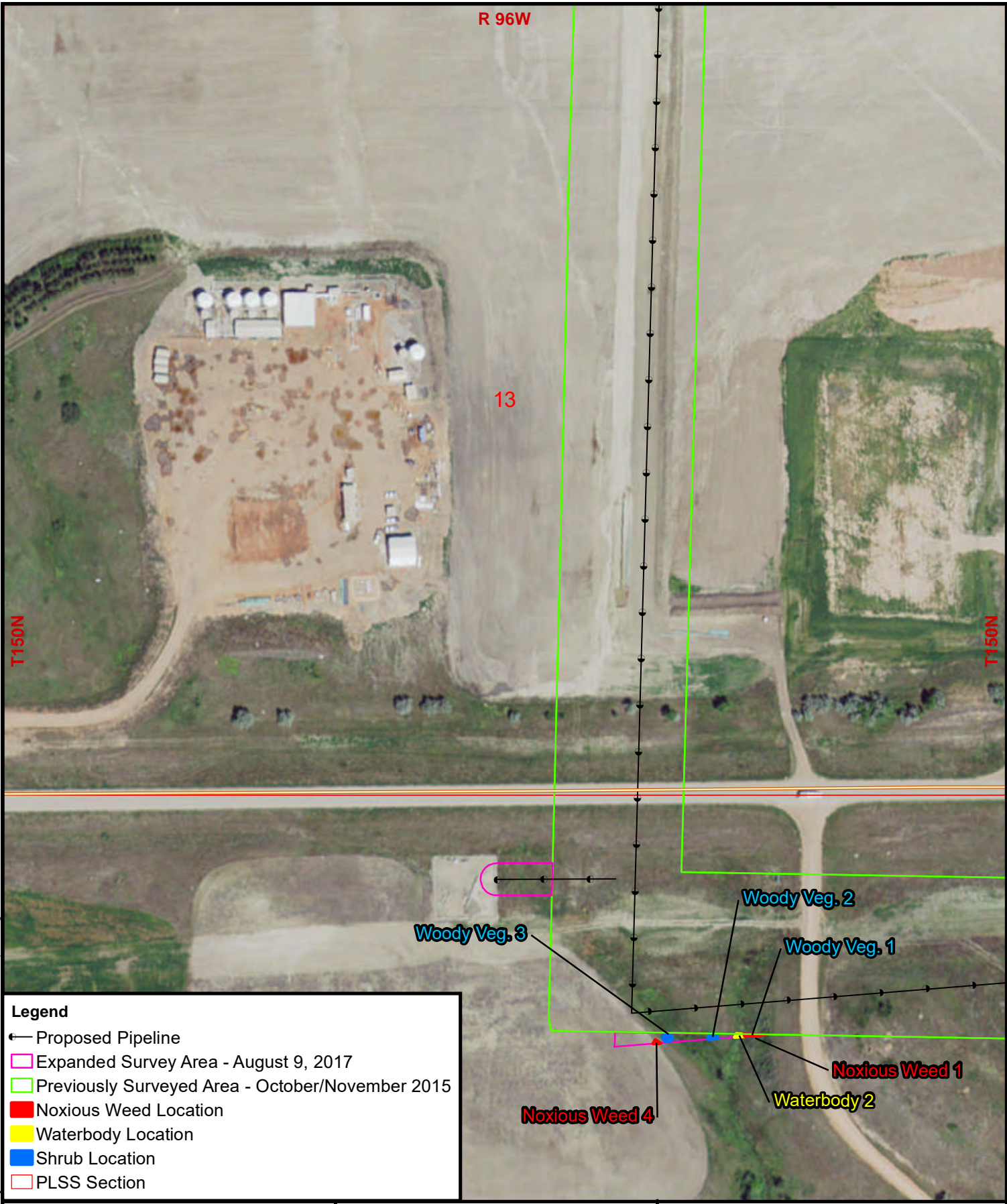


Basemap: NAIP\North\_Dakota\_2015\_1m



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**Figure 1.1**  
**Natural Resource Survey**  
Johnson's Corner to Dakota Access  
Pipeline Project  
Plains Terminals North Dakota LLC

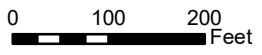


R:\projects\6500-7000\6971 - El Services\NR Report\Figure 1.2.mxd  
August 2017

**Legend**

- ← Proposed Pipeline
- Expanded Survey Area - August 9, 2017
- Previously Surveyed Area - October/November 2015
- Noxious Weed Location
- Waterbody Location
- Shrub Location
- PLSS Section

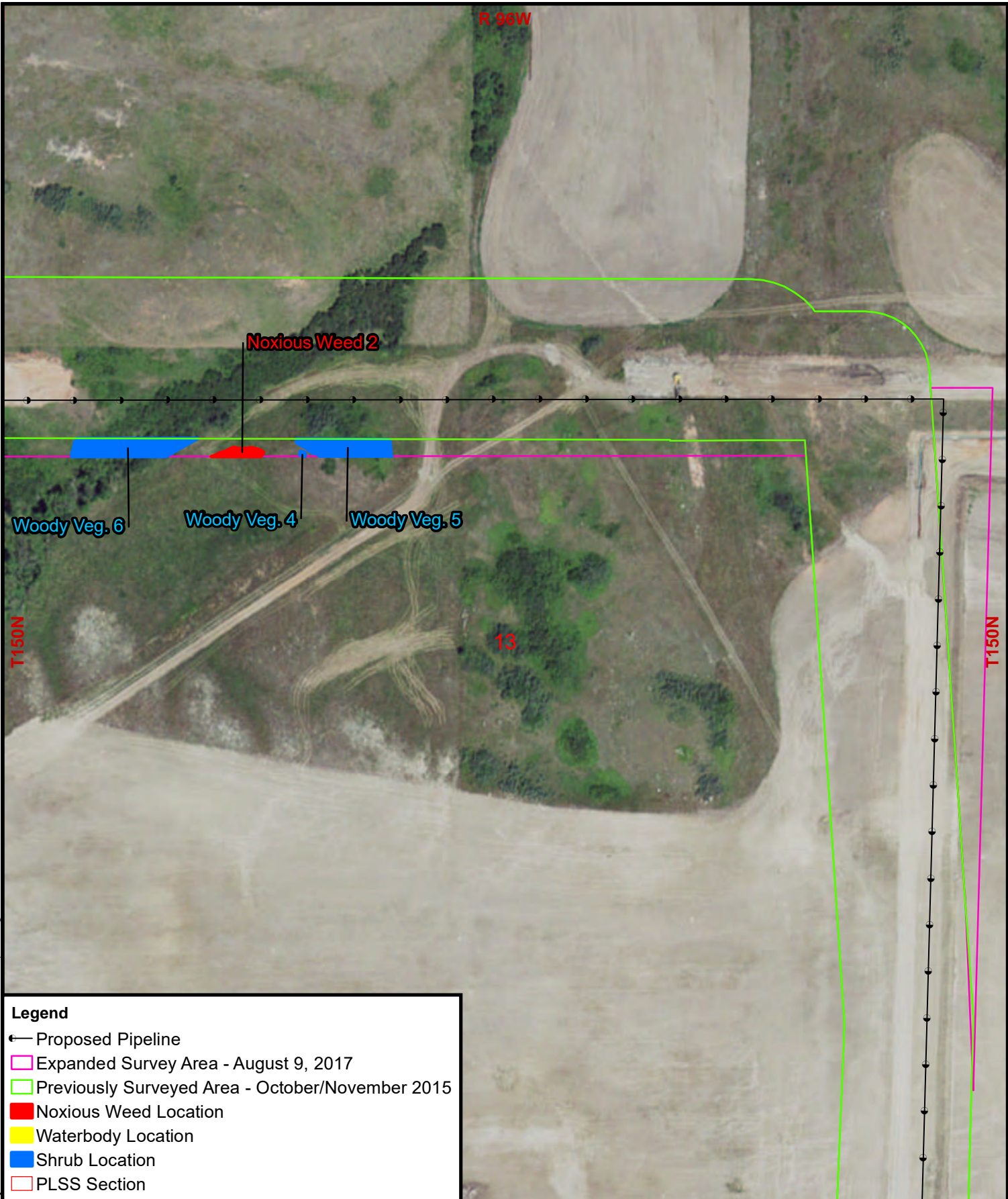
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Basemap: NAIP\North\_Dakota\_2015\_1m

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**Figure 1.2**  
**Natural Resource Survey**  
Johnson's Corner to Dakota Access  
Pipeline Project  
Plains Terminals North Dakota LLC



August 2017 R:\projects\6500-7000\6971 - El Services\NR Report\Figure 1.2.mxd

**Legend**

- ← Proposed Pipeline
- Expanded Survey Area - August 9, 2017
- Previously Surveyed Area - October/November 2015
- Noxious Weed Location
- Waterbody Location
- Shrub Location
- PLSS Section

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0 100 200 Feet

Basemap: NAIP\North\_Dakota\_2015\_1m

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**Figure 1.3**  
**Natural Resource Survey**  
 Johnson's Corner to Dakota Access Pipeline Project  
 Plains Terminals North Dakota LLC

R 96W

T150N

13

T150N

Woody Veg. 8

Woody Veg. 7

**Legend**

- ← Proposed Pipeline
- Expanded Survey Area - August 9, 2017
- Previously Surveyed Area - October/November 2015
- Noxious Weed Location
- Waterbody Location
- Shrub Location
- PLSS Section

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0 100 200 Feet



Basemap: NAIP\North\_Dakota\_2015\_1m



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**Figure 1.4**

**Natural Resource Survey**

Johnson's Corner to Dakota Access Pipeline Project

Plains Terminals North Dakota LLC

R 96W

13

T150N

T150N

**Legend**

- ← Proposed Pipeline
- Expanded Survey Area - August 9, 2017
- Previously Surveyed Area - October/November 2015
- Noxious Weed Location
- Waterbody Location
- Shrub Location
- PLSS Section

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0 100 200 Feet



Basemap: NAIP\North\_Dakota\_2015\_1m



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**Figure 1.5**

**Natural Resource Survey**

**Johnson's Corner to Dakota Access Pipeline Project**

**Plains Terminals North Dakota LLC**