

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Andeavor Field Services LLC
8" & 6" NGL Pipelines – McKenzie, Billings, Stark
Siting Application

Case No. PU-18-72

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 13, 2018

Appearances

Commissioners Randy Christmann, Julie Fedorchak, and Brian Kroshus.

Lawrence Bender and Danielle M. Krause, Attorneys at Law, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, North Dakota 58501, on behalf of the Applicant, Andeavor Field Services LLC.

Zachary E. Pelham, Special Assistant Attorney General, 314 E Thayer Avenue, Bismarck, ND 58502, on behalf of the North Dakota Public Service Commission.

Timothy J. Dawson, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On February 5, 2018, Andeavor Field Services LLC (Andeavor) filed a consolidated application for a corridor certificate and route permit for the location of a natural gas liquids pipeline, approximately 17-miles long, in McKenzie County; for a natural gas liquids pipeline, approximately 22-miles long, in Billings and Stark Counties, and for four liquids product pipelines, each approximately 5 miles long, in Stark and Billings Counties, North Dakota (the Project).

Also on February 5, 2018, Andeavor filed an application for waivers of procedures and time schedules established under North Dakota Century Code chapter 49-22.1, and North Dakota Administrative Code section 69-06-01-02 and chapter 69-06-06, regarding separate notices and separate hearings on such applications.

On March 9, 2018 and March 20, 2018, Andeavor filed supplemental information with respect to the consolidated application.

On March 13, 2018, the Commission provided notification of the application to the townships with retained zoning authority, cities, and counties in which any part of the proposed pipeline corridor is located.

On March 29, 2018, the Commission deemed complete the consolidated application of Andeavor.

Also on March 29, 2018, the Commission issued a Notice of Filings and Public Hearing (Notice) scheduling a hearing for May 14, 2018, at 10:00 a.m. Central Time at the Grassy Butte Community Hall, Grassy Butte, North Dakota 58634.

The Notice identified the following issues with respect to the application for waivers of procedures and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the following issues with respect to the consolidated application for a certificate of corridor compatibility and a route permit:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

The Notice stated that, if determined that a waiver of procedures and time schedules is appropriate, the Commission may consider the application for a corridor certificate and route permit without further notice.

On May 14, 2018, the hearing was held as scheduled.

On May 29, 2018, Andeavor filed Late-Filed Exhibits 14, 15 and 16.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following findings of fact:

Findings of Fact

1. Andeavor is a Delaware limited liability company authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission on February 5, 2018, in Case No. PU-18-073.

Size, Type, and Preferred Location of Facility

2. The pipeline facility will be comprised of four pipeline segments. The first segment, the North Segment, is located in McKenzie County and will transport mixed natural gas liquids (NGLs), or Y-Grade product, approximately 17 miles from Oasis Midstream Services LLC's Wild Basin Gas Plant to an interconnection in T149N, R98W, section 30, McKenzie County, with an existing 42-mile pipeline previously permitted and constructed by BakkenLink Pipeline LLC. The second segment is the existing BakkenLink Pipeline permitted by the Commission in Case No. PU-10-218. The third segment, the South Segment, will interconnect with the existing BakkenLink Pipeline in T142N, R99W, section 3, Billings County, to transport the NGLs south approximately 22 miles to Andeavor's Belfield Gas Plant in Stark County. At the Belfield Gas Plant, the mixed NGLs will be separated into discrete components. The fourth segment, the Transfer Line Segment, will be comprised of four pipelines that will transport the four discrete components approximately 5 miles from the Andeavor's Belfield Gas Plant to the Fryburg Rail Terminal located in Billings County.

3. In Case No. PU-10-218, the Commission issued a Certificate of Corridor Compatibility and a Route Permit for BakkenLink Pipeline LLC for the construction of a pipeline for the transmission of crude oil. Andeavor testified that it will cause the Permit issued in Case No. PU-10-218 for BakkenLink Pipeline LLC, to be amended to allow for transmission of NGLs, as contemplated in the current application.

4. The pipe for the North Segment and South Segment will be 8-inch diameter steel pipe with 0.25 inches wall thickness for line pipe and 0.500-inches for bore pipe. The maximum operating pressure will be 1,480 pounds per square inch and the maximum flow rate of each pipe will be 43,000 barrels per day.

5. For the four pipelines of the Transfer Line Segment, the pipe will be 6-inch diameter steel pipe with 0.25 inches wall thickness for line pipe and 0.500-inches for bore pipe. The maximum operating pressure will be 1,480 pounds per square inch and the maximum flow rate will be 34,000 barrels per day.

6. Andeavor testified that it intends to begin construction upon receiving a Corridor Certificate and Route Permit in this proceeding.

7. The estimated cost of the Project is \$46 million.

Study of Preferred Location

8. Andeavor evaluated a one-mile-wide study corridor centered on the route (Study Area) for exclusion and avoidance areas, including federal and state parks, protected and sensitive plants and animals, wildlife, and civil and social structures such as recreational areas, rural homes, and farmsteads.
9. Field surveys were conducted on a typically 200-foot-wide area centered on the route (Survey Area) to inventory any potential resource issues such as wetlands, water bodies, protected species, critical habitats, and/or cultural resources, as depicted in Exhibit 1, Appendix A. Additionally, environmental data collected included information on soils, land use, wetlands and waterbody crossings, noxious weeds, and protected species and habitats.
10. Andeavor conducted a Class I cultural resource literature search on the Study Area and a Class III cultural resource inventory on the Survey Area.
11. The following agencies provided comments regarding the Project: (i) Billings County Tax and Zoning; (ii) Job Service of North Dakota; (iii) North Dakota Aeronautics Commission; (iv) North Dakota Department of Health; (v) North Dakota Department of Transportation; (vi) North Dakota Department of Trust Lands; (vii) North Dakota Game and Fish Department; (viii) North Dakota Geological Survey; (ix) North Dakota State Historic Preservation Office ("SHPO"); (x) North Dakota State Water Commission; and (xi) U.S. Fish and Wildlife Service.

Siting Criteria

12. The Commission has developed criteria pursuant to North Dakota Century Code section 49-22.1-03 to guide the corridor and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code section 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.
13. Andeavor evaluated the Survey Area and route regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.
14. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. Exclusion areas may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative. A transmission facility route must not be sited within an Exclusion Area.
15. Andeavor's surveys did not record any Exclusion Areas within the Survey Area.

16. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that, under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative sites. Economic considerations alone are not sufficient to establish no reasonable alternative.

17. Areas within five hundred feet of a residence, school, or place of business are Avoidance Areas. Pursuant to North Dakota Century Code section 49-22-05.1, the five hundred foot avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing.

18. Andeavor filed Late Filed Exhibit 14, Landslide Area Information, and committed to continuing evaluation of possible landslide areas during construction operations.

19. Andeavor's surveys did not record any Avoidance Areas within the Survey Area.

20. The Commission's Selection Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(3). A site shall be approved only if it is determined that any significant adverse effects resulting from the location, construction, and operation of the facility as they relate to the selection criteria will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum. Andeavor analyzed the effects that may result from the location, construction, and operation of Project to determine that no significant adverse effects will result.

21. The Commission's Policy Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(4). The Commission may give preference to an application demonstrating certain benefits of the energy conversion facility. Andeavor analyzed the policy criteria and has committed to: designing, constructing, and operating the pipelines in accordance with all applicable federal, state, and local laws and regulations; energy conservation through the facility's location, process, and design; training and utilizing available labor in the state; constructing the Project to take advantage of economies of scale; achieving capacity in the most minimally intrusive and most efficient way possible; and coordinating with state and local officials. Andeavor submitted evidence to demonstrate its commitment to maximize the benefits of the proposed transmission facility to the extent possible so as to meet the Policy Criteria.

Measures to Minimize Impact

22. Andeavor has made representations and covenants as indicated by the Certification Relating to Order Provisions – Transmission Facility Siting with attached Tree and Shrub Mitigation Specifications, which is incorporated by reference and attached to this Order.

23. The Project's permanent right-of-way will typically be 50 feet wide, while the temporary construction right-of-way will be 100 feet wide.

24. Andeavor worked with landowners to ensure that the Project is placed in the preferred location of each landowner.

25. Above-ground facilities for the Project will be limited to existing valves and appurtenances. There are three block valves on the BakkenLink Pipeline.

26. The design, construction, and operation of the pipeline will be in accordance with the United States Department of Transportation regulations, including regulations as set forth in 49 Code of Federal Regulations Part 195.

27. Andeavor testified that it will conduct regular pipeline monitoring, periodic inspection, internal inspections, and aerial patrol inspections as required by the Department of Transportation regulations.

28. Andeavor's surveys found that 14 wetlands and 17 waterbodies will be crossed by the pipeline routes. Andeavor testified that it will use the horizontal direction drilling construction method at those locations to minimize impacts.

29. Andeavor testified that the pipeline system will be monitored 24 hours per day, 7 days per week by a supervisory control and data acquisition (SCADA) system with a control center in San Antonio, Texas.

30. Andeavor testified that it will comply with the avoidance recommendations set forth in the Class I and Class III Cultural Resource Inventory for the Project. In a response dated January 22, 2018, SHPO confirmed the Project will have no effect on historic properties, provided the avoidance recommendations are followed.

31. Andeavor testified that it will participate in the North Dakota One-Call notification system.

32. Andeavor testified that it will comply with all applicable safety laws and standards.

From the foregoing Findings of Fact the Commission makes the following conclusions of law:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Andeavor Field Services LLC, and over the subject matter of the consolidated application under Chapter 49-22.1 of the North Dakota Century Code.

2. Andeavor is a utility as defined in North Dakota Century Code Section 49-22.1-01(12).
3. The Project is a gas or liquid transmission facility as defined in North Dakota Century Code Section 49-22.1-01(7).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the Project is compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

From the Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

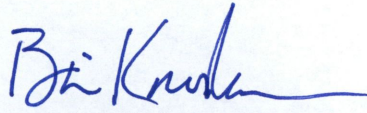
The Commission orders:

1. Andeavor's application for a waiver of procedures and time schedules is granted.
2. Certificate of Corridor Compatibility No. 205 is issued to Andeavor Field Services LLC designating a corridor for the construction, operation, and maintenance of approximately 17 miles of 8-inch pipeline in McKenzie County, North Dakota, for the transportation of natural gas liquids. For purposes of this Certificate, the designated corridor is depicted in Hearing Exhibit 1, Appendix A, North Segment Siting Criteria Topography, maps 1 through 5.
3. Route Permit No. 215 is issued to Andeavor Field Services LLC designating a route for the construction, operation, and maintenance of approximately 17 miles of 8-inch pipeline in McKenzie County, North Dakota, for the transportation of natural gas liquids. For purposes of this Permit, the designated route is depicted in Hearing Exhibit 1, Appendix A, North Segment Siting Criteria Topography, maps 1 through 5.
4. Certificate of Corridor Compatibility No. 206 is issued to Andeavor Field Services LLC designating a corridor for the construction, operation, and maintenance of approximately 22 miles of 8-inch pipeline in Billings and Stark Counties, North Dakota, for the transportation of natural gas liquids. For purposes of this Certificate, the designated corridor is depicted in Hearing Exhibit 1, Appendix A, South Segment Siting Criteria Topography, maps 1 through 6.

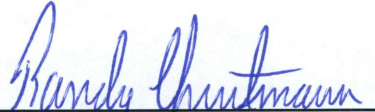
5. Route Permit No. 216 is issued to Andeavor Field Services LLC designating a route for the construction, operation, and maintenance of approximately 22 miles of 8-inch pipeline in Billings and Stark Counties, North Dakota, for the transportation of natural gas liquids. For purposes of this Permit, the designated route is depicted in Hearing Exhibit 1, Appendix A, South Segment Siting Criteria Topography, maps 1 through 6.
6. Certificate of Corridor Compatibility No. 207 is issued to Andeavor Field Services LLC designating a corridor for the construction, operation, and maintenance of approximately 5 miles of four (4) separate 6-inch pipelines in Billings and Stark Counties, North Dakota, for the transportation of ethane, propane, butane, and natural gasoline. For purposes of this Certificate, the designated corridor is depicted in Hearing Exhibit 1, Appendix A, Transfer Line Siting Criteria Topography, maps 1 through 2.
7. Route Permit No. 217 is issued to Andeavor Field Services LLC designating a route for the construction, operation, and maintenance of approximately 5 miles of four (4) separate 6-inch pipelines in Billings and Stark Counties, North Dakota, for the transportation of ethane, propane, butane, and natural gasoline. For purposes of this Permit, the designated route is depicted in Hearing Exhibit 1, Appendix A, Transfer Line Siting Criteria Topography, maps 1 through 2.
8. The Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with attached Tree and Shrub Mitigation Specifications, executed May 8, 2018, is incorporated by reference and attached to this Order.
9. To the extent there are any conflicts or inconsistencies between Andeavor's consolidated application and the Certification, the Certification provisions control.
10. Prior to commencing construction of any portion of the proposed Project, Andeavor shall obtain all other necessary licenses and permits for construction of such portion, and shall provide copies to the Commission prior to construction of that portion of the project.
11. Andeavor shall adhere to its commitment to address possible landslide areas during construction as stated in the Ongoing Detailed Assessment portion of its Late Filed Exhibit 14.
12. If a spill by Andeavor requires notification to any other state or federal agency, Andeavor will also inform the Commission of such spill within 24 hours of occurrence by leaving a message at the Commission's Toll Free Number, with a follow-up email to the Commission's Executive Secretary.
13. Andeavor is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different energy conversion facility than was specified in the application within the site designated in this proceeding.

14. Andeavor shall cause the Permit issued in Case No. PU-10-218, BakkenLink Pipeline LLC, to be amended to allow for the transmission of NGLs prior to commencing transportation of NGLs.

PUBLIC SERVICE COMMISSION



Brian Kroshus
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 205

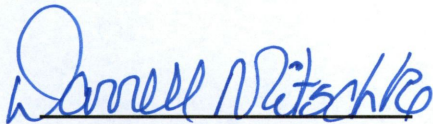
This is to certify that the Commission has designated a transmission facility corridor for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 17 miles of 8-inch diameter pipeline and associated facilities in McKenzie County, North Dakota, for the transportation of natural gas liquids.

This certificate is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Route Permit Number 215

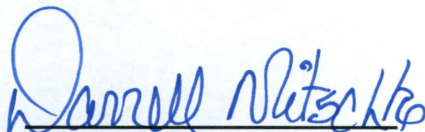
This is to certify that the Commission has designated a transmission facility route for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 17 miles of 8-inch diameter pipeline and associated facilities in McKenzie County, North Dakota, for the transportation of natural gas liquids.

This permit is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 206

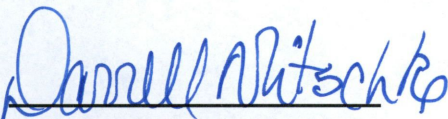
This is to certify that the Commission has designated a transmission facility corridor for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 22 miles of 8-inch diameter pipeline and associated facilities in Billings and Stark Counties, North Dakota, for the transportation of natural gas liquids.

This certificate is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

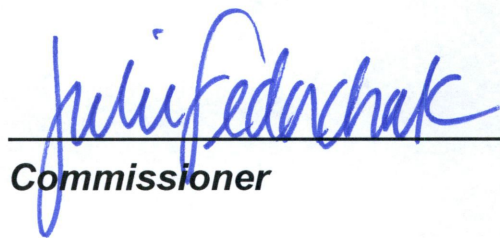
Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Route Permit Number 216

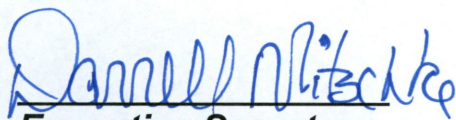
This is to certify that the Commission has designated a transmission facility route for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 22 miles of 8-inch diameter pipeline and associated facilities in Billings and Stark Counties, North Dakota, for the transportation of natural gas liquids.

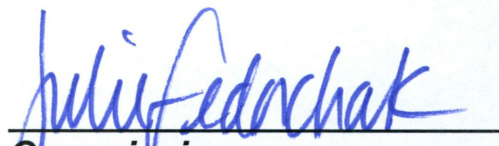
This permit is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 207

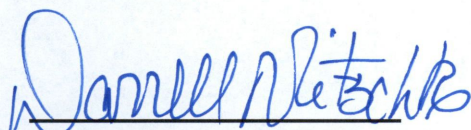
This is to certify that the Commission has designated a transmission facility corridor for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 5 miles of four (4) separate 6-inch pipelines and associated facilities in Billings and Stark Counties, North Dakota, for the transportation of ethane, propane, butane and natural gasoline.

This certificate is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Route Permit Number 217

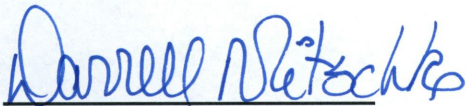
This is to certify that the Commission has designated a transmission facility route for Andeavor Field Services LLC for the construction, operation, and maintenance of approximately 5 miles of four (4) separate 6-inch pipelines and associated facilities in Billings and Stark Counties, North Dakota, for the transportation of ethane, propane, butane and natural gasoline.

This permit is issued in accordance with the Order of the Commission dated June 13, 2018 in Case No. PU-18-72 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, June 13, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Andeavor Field Services LLC
8" and 6" NGL Pipelines – McKenzie, Billings, Stark
Siting Application

Case No. PU-18-072

CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING

I am James Sanford, a representative of Andeavor Field Services LLC ("Company") with authority to bind the Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for

the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.
12. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

13. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.
14. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
15. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society.
16. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
17. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

18. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
19. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
20. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

21. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
22. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
24. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
28. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

Route Adjustments Before or During Construction:

35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.
36. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
37. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:

- a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
- b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

39. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:

- i. the designated corridor, corridor adjustment, route and the route adjustment;
- ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

- 1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
- 2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

- 41. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

Dated this 8th day of May, 2018.

ANDEAVOR FIELD SERVICES LLC

By James Sanford
James Sanford

Its Director, Right-of-Way & Real Estate
Authorized Signatory

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Andeavor Field Services LLC
8" and 6" NGL Pipelines – McKenzie, Billings, Stark
Siting Application

Case No. PU-18-072

Tree and Shrub Mitigation Specifications

Inventory

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), must be inventoried before cutting. The inventory must record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height (dbh) or greater must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation

population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

Clearing for Construction

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

Replacement

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with and approved by the Commission.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-

noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).