

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Partners Holdings LLC
Roosevelt Gas Plant Expansion Project – McKenzie
Siting Application

Case No. PU-18-277

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **27th** day of **November, 2018**, she deposited in the United States Mail, Bismarck, North Dakota, **3** envelopes by first class mail, fully prepaid, securely sealed each containing a photocopy of:

- **Findings of Fact, Conclusions of Law and Order**

The envelopes were addressed as follows:

McKenzie County Auditor
201 5th Street NW
Watford City, ND 58854

McKenzie County Commission
201 5th Street NW
Watford City, ND 58854

Federal Aviation Administration
Bismarck Airports Dist. Office, BIS-ADO-600
2301 University Drive Building 23B
Bismarck, ND 58504

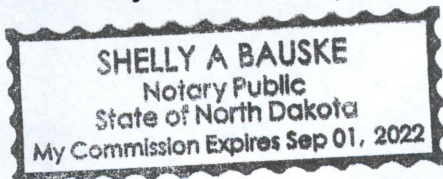
Geralyn R. Schmaltz further deposes and says that on the **27th day of November 2018**, she sent an electronic message to **43** addressees, each including an electronic copy in portable document format of the same document.

The electronic mails were addressed as follows:

See attached list

The addresses shown are the respective addressee's last reasonably ascertainable post office and electronic mail addresses.

Subscribed and sworn to before me
this **27th day of November, 2018**.



Notary Public

Federal Aviation Administration
Bismarck Airports District Office, BIS-i
Bismarck ND 58504

McKenzie County Auditor
201 5th Street NW
Watford City ND 58854

McKenzie County Commission
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Watford City ND 58854

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Aeronautics Commission
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Bismarck ND 58502-5020

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Department of Human Services

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Melissa Baker
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Dave Glatt
State Health Department

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Karl Rockeman
State Health Department

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State Health Department

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Bowman ND 58623-8857

bbowman@nd.gov
Bill Bowman
State Senator
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Bowman ND 58623-9753

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U S Geological Survey
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Bismarck ND 58501

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District Engineer
US Army Engineer District Omaha
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Omaha NE 68102

managementauthority@fws.gov

US Fish & Wildlife Service
3425 Miriam Ave
Bismarck ND 58501

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Hiland Partners Holdings LLC
Roosevelt Gas Plant Expansion Project – McKenzie
Siting Application**

Case No. PU-18-277

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

November 26, 2018

Appearances

Commissioners Randy Christmann, Julie Fedorchak, and Brian Kroshus.

Lawrence Bender, Attorney at Law, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, North Dakota 58501, on behalf of the Applicant, Hiland Partners Holdings LLC.

Mitchell D. Armstrong and Sarah E. Wall, Special Assistant Attorney Generals, 122 East Broadway Avenue, Bismarck, North Dakota 58501, as Counsel for 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 July 17, 2018, Hiland Partners Holdings LLC (Hiland), filed with the North Dakota Public Service Commission (Commission) an application for a Certificate of Site Compatibility for the Roosevelt Gas Plant Expansion Project (Roosevelt Plant).

On July 23, 2018, Hiland filed with the Commission supplemental information in support of its application for a Certificate of Site Compatibility for the Roosevelt Plant.

On August 1, 2018, Commission Staff requested additional information regarding the project.

On August 14, 2018, Hiland filed with the Commission additional supplemental information in support of its application for a Certificate of Site Compatibility for the Roosevelt Plant (together with the original application and first supplemental filing, the "Application").

On August 22, 2018, the Commission deemed complete the Application of Hiland.

Also on August 22, 2018, the Commission issued a Notice of Filings and Public Hearing (Notice) scheduling a hearing for September 27, 2018, at 10:00 a.m. Central Time at Teddy's Residential Suites, 113 9th Avenue SW, Watford City, North Dakota 58854.

The Notice identified the following issues to be considered with respect to the Application:

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?

On September 27, 2018, the hearing was held as scheduled.

On October 19, 2018, Hiland filed Late-Filed Exhibit 5: Health Department Letter 9-9-2018; Late-Filed Exhibit 6: Plot Plan (Revised); Late-Filed Exhibit 7: Spill Plan; Late-Filed Exhibit 8: Total Power Load NOW; Late-Filed Exhibit 9: Map Detailing Location of Landowners; Late-Filed Exhibit 10: Timeline for Plant Expansion; Late-Filed Exhibit 11: Unanticipated Find Plan; Late-Filed Exhibit 12: Resident Mitigation Plan; Late-Filed Exhibit 13: Increase Trunk Transfer Survey; Late-Filed Exhibit 14: Blast Radius Report; Late-Filed Exhibit 15: NGL Spill Information; Late-Filed Exhibit 16: Information Relative to Flaring of Rich Gas; Late-Filed Exhibit 17: Pipeline Status.

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. Hiland is a Delaware limited liability company authorized to do business in the State of North Dakota since August 24, 2011, and is currently in good standing, as evidenced by the corporate papers filed with the Commission on July 23, 2018 (see Case No. PU-15-792).

Size, Type, and Preferred Location of Facility

2. The proposed Roosevelt Plant activities will consist of the addition of one cryogenic turbo-expander unit with a capacity to process 150 million standard cubic feet of natural gas per day (MMscfd) to produce natural gas liquids (NGLs) and residue gas, bringing the total net capacity of the facility to 200 MMscfd. Hiland owns a 38-acre parcel located approximately 7.5 miles south of Watford City, McKenzie County, North Dakota, and the Roosevelt Plant, including the existing facility and all associated facilities, will occupy approximately 30 acres of the 38 acre parcel.
3. The NGLs and residue gas will be transported from the Roosevelt Plant through existing pipelines systems. Hiland intends to place the Plant in service by November 1, 2019.
4. The Roosevelt Plant infrastructure will include underground piping, above ground piping, and above ground gas processing equipment and systems.
5. The estimated cost of the Roosevelt Plant is \$150 million.

Study of Preferred Location

6. Hiland conducted an environmental analysis for the approximate 30-acre parcel of land and an approximately 1-mile buffer area around the perimeter of the 30-acre parcel (Study Area). Hiland also conducted a Class I Cultural Resource Literature Search to identify any previously recorded cultural resources within the Study Area.
7. Hiland performed a natural resource field survey on the approximate 30-acre parcel (Survey Area) including the inventory of the presence or absence of wetlands, waterbodies, trees/shrubs, noxious weeds, protected species and critical habitat. Hiland also conducted a Class III inventory of the Survey Area, which consisted of a pedestrian survey with a maximum 15-meter survey line separation distance.
8. Hiland initiated consultations with the following agencies regarding the Roosevelt Plant: U.S. Fish and Wildlife Service; North Dakota Game and Fish Department; North Dakota Department of Parks and Recreation; North Dakota Department of Trust Lands – Surface Management; North Dakota Department of Trust Lands – Minerals Management; North Dakota State Historical Preservation Office; North Dakota State Water Commission; McKenzie County Weed Control Board; McKenzie County Water Resource District; and Western Area Water Supply Authority.

Siting Criteria

9. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22.1-03 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code

Section 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

10. Hiland evaluated the Study Area regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

11. With the exception of prime and unique farmland as stated in North Dakota Administrative Code Section 69-06-08-01(1)(d), an Exclusion Area is a geographic area that must be excluded in the consideration of a site for an energy conversion facility. If the Commission finds that the prime farmland and unique farmland that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural productions, the classification as an exclusion area does not apply.

12. Hiland's field surveys did not record any Exclusion Areas within the Survey Area.

13. Hiland's Class III cultural resource survey did not identify any new or previously recorded cultural resources within the Survey Area. The North Dakota State Historical Preservation Office concurred with Hiland's Class III survey recommendation of "No Significant Sites Affected."

14. An Avoidance Area is a geographic area that may not be approved as a site for an energy conversion 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.

15. Hiland's field surveys did not record any Avoidance Areas within the Survey Area, although intermittent tributaries were noted in the Study Area. Adverse impacts to wetlands are not anticipated.

16. The Commission's Selection Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(5). 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. Hiland testified it will work with adjacent landowners by communicating construction plans and mitigating, where possible, negative impacts of the plant operating long term. Two nearby landowners, Denton Zubke and Keith Helmuth, testified at the hearing. The landowners' concerns involved concerns related to the siting criteria for this project as well as concerns that do not fall within the Commission's jurisdiction or are not related specifically to the siting of this project. The concerns raised that fall within the siting criteria included negative impacts during construction (noise and lighting) and concerns about the flare (particularly at night) if the project is approved. These concerns are relevant to the Selection Criteria,

including but not limited to the impact upon family farms and ranches or rural residences and businesses, and the impact upon light- and noise-sensitive land uses. In order to ensure that any significant adverse effects resulting from the location, construction, and operation of the project will be at an acceptable minimum, or that any effects will be managed and maintained at an acceptable minimum, the Commission finds that Hiland shall take all reasonable measures to minimize noise and lighting concerns during construction and operation of the Project. These measures include, at a minimum, the following:

(1) Hiland will provide Denton Zubke, Keith Helmuth, and any landowners adjacent to the project contact information of an appropriate representative of Hiland to address any concerns during construction and operation of the project. Hiland shall also provide these persons with the name and contact information for the Commission's third-party construction supervisor as well.

(2) Hiland will take all reasonable measures during construction to minimize the direction of lighting in order to mitigate any effects on adjacent lands while still allowing for safe construction. Hiland will take all reasonable measures to ensure that construction lighting will not be directed toward adjacent occupied structures. During operation of the project, Hiland will take all reasonable measures to ensure lighting, including the flare, will be managed and maintained at an acceptable minimum so as not to create significant adverse effects on adjacent land uses.

(3) Hiland will ensure construction activities and operation of the project will be at a reasonable noise level, including taking all reasonable measures to mitigate noise impacts to adjacent landowners so that the noise levels will be managed and maintained at an acceptable minimum.

Hiland must manage and maintain the project so that any significant adverse effects resulting from the location, construction, and operation of the facility will be at an acceptable minimum.

17. The Commission's Policy Criteria are set forth in North Dakota Administrative Code Section 69-06-08-01(6). The Commission may give preference to an application demonstrating certain benefits of the energy conversion facility. Hiland has committed to maximizing benefits that result from implementing the policies and practices applicable to the proposed energy conversion facility.

Measures to Minimize Impact

18. Hiland has made representations and covenants as indicated by the Certification Relating to Order Provisions – Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications.

19. In a response dated September 6, 2018, the North Dakota Department of Health (NDDOH) recommended that: (i) care be taken during construction activity near any water of the state to minimize adverse effects on a water body from disturbance, reclamation, and oil, gas, or fuel spills associated with construction equipment; (ii) a storm water discharge permit may be necessary; (iii) care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality and all spills must be immediately reported to the NDDOH and appropriate remedial actions performed; (iv) the proposed project has the potential to be a source of emissions to the air capable of causing or contributing to air pollution and may be required to have an Air Pollution Control Permit to Construct/Operate as required by Chapter 33-15-14 of the North Dakota Air Pollution Control Rules; (v) projects that involve construction of pipelines should select locations that minimize the potential for impacts to human health and the environment during and after construction by avoiding, when possible, source water protection areas and sensitive surface and groundwater environments; (vi) pipeline routes should select areas with natural barriers to both surface and ground waters; (vii) human health and environment should be further protected by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup; and (viii) proper surveillance and monitoring for early detection of leaks should be required.

20. In a response dated August 3, 2018, the McKenzie County Weed Office required Hiland to complete a weed management plan for approval. The McKenzie County Weed Office has approved the weed management plan submitted by Hiland.

21. Hiland received a conditional use permit (CUP) from McKenzie County for the existing Roosevelt Gas Plant. Hiland testified that the CUP will be updated to account for the additions to the Roosevelt Plant.

22. Hiland testified that it expects to keep the noise level of activities under fifty (50) decibels to the nearest noise sensitive receptor during and after construction, and when the Roosevelt Plant is placed into service. Hiland will conduct a noise study when detailed engineering of the Roosevelt Plan is finalized.

23. Hiland testified that it will comply with any requirements or recommendations made by any local, state, or federal agency.

24. The addition to the Roosevelt Plant adjacent to the existing gas processing facility will minimize environmental disturbance and utilize existing infrastructure including access roads, utilities, gathering systems, and delivery and take away pipelines.

25. Hiland will continue to coordinate with local authorities and emergency managers regarding emergency response measures. During both construction and operation, Hiland will implement its Emergency Procedures, Risk Management, Unanticipated Discovery, Spill Prevention and Control, and Erosion Control plans at the Roosevelt Plant.

26. Hiland submitted a spill prevention control and countermeasures plan for the existing Roosevelt Plant. Completion of the spill prevention control and countermeasures plan for the Roosevelt Plan Expansion is dependent on detailed engineering information of the actual equipment installed. In the event of an NGL spill, Hiland represents that approximately 99.4% of the NGL volume is anticipated to vaporize into gas, while the remaining 0.6% liquid would be handled according to the spill prevention control and countermeasures plan. Hiland represents that it will complete a spill prevention control and countermeasures plan when the engineering is finalized.

27. Hiland submitted a blast radius report for the existing Roosevelt Plant. Completion of the blast radius report for the Roosevelt Plan Expansion is dependent on detailed engineering information of the actual equipment installed as well as the specific location of its installation. Hiland represents that it will complete a blast radius report upon when the engineering is finalized.

28. At the hearing, concerns were raised about grass fires caused by gas flaring. Hiland submitted information indicating the Roosevelt Plant includes the installation of a flare system, which has a component that is known as a flare knock out. The purpose of this component is to prevent liquids from traveling to the flare tip, the design and size of which is defined by and will be executed according to the calculations and guidance contained in the American Petroleum Institute (API) 521 Standard.

29. Hiland will utilize the ND One Call system during construction.

30. Hiland does not expect any adverse impact to the surface drainage because construction specifications for the Roosevelt Plant take into consideration surrounding topography and draining patterns.

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, Hiland Partners Holdings LLC, and over the subject matter of the Application under North Dakota Century Code Chapter 49-22.1.
2. Hiland is a utility as defined in North Dakota Century Code Section 49-22.1-01(12).
3. The Roosevelt Plant is an energy conversion facility as defined in North Dakota Century Code Section 49-22.1-01(5).

4. The location, construction, and operation of the Roosevelt Plant 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 Roosevelt Plant is compatible with the environmental preservation and the efficient use of resources.
6. The Roosevelt Plant 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.
7. Hiland's request for a jurisdictional determination filed on November 20, 2018, is moot.

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

Order

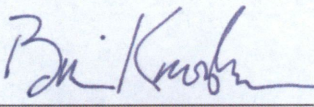
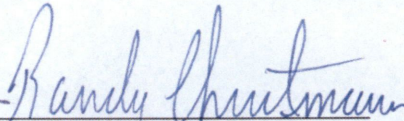
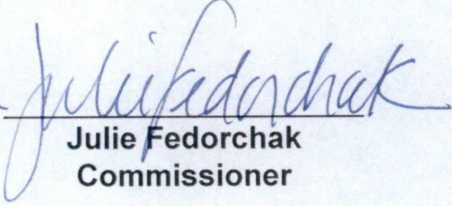
The Commission orders:

1. Certificate of Site Compatibility No. 56 is issued to Hiland Partners Holdings LLC designating a site for the construction, operation, and maintenance of the Roosevelt Gas Plant Expansion Project. For purposes of this Certificate, the designated site is 30 acres of the 38-acre parcel of land located approximately 7.5 miles southeast of Watford City, in the W/2SE/4 of Section 30, Township 149 North, Range 98 West, McKenzie County, North Dakota, and as identified on the maps contained in Appendix B of Hearing Exhibit 1.
2. The Certification Relating to Order Provisions – Energy Conversion Facility Siting with attached Tree and Shrub Mitigation Specifications executed September 25, 2018, is incorporated by reference and attached to this Order.
3. To the extent there are any conflicts or inconsistencies between Hiland's application and the Certification, the Certification provisions control.
4. Hiland shall comply with all conditions stated in the Findings of Fact.
5. Prior to commencing construction of any portion of the proposed project, Hiland shall obtain all other necessary licenses and permits for construction of such portion, and provide copies to the Commission prior to construction of the portion of the project.
6. Prior to placing the Roosevelt Plant into service, Hiland shall provide to the Commission the completed noise study, blast radius report, and spill prevention control and countermeasures plan.

7. If a spill by Hiland requires notification to any other state or federal agency, Hiland 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.

8. Hiland is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or difference energy conversion facility that was specified in the Application within the site designated in this proceeding.

PUBLIC SERVICE COMMISSION

		
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Brian Kroshus Commissioner	Randy Christmann Chairman	Julie Fedorchak Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**Certificate of Site Compatibility
Number 56**

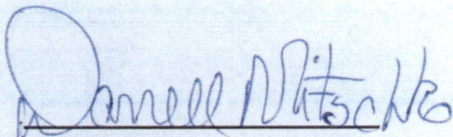
This is to certify that the Commission has designated an energy conversion facility site for Hiland Partners Holdings LLC for the construction, operation and maintenance of a 200 million standard cubic feet gas per day natural gas processing plant and associated facilities in McKenzie County, North Dakota.

The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Finding of Fact, Conclusions of Law and Order of the Commission in Case No. PU-18-277 dated November 26, 2018 and is subject to the conditions and limitations noted in that order.

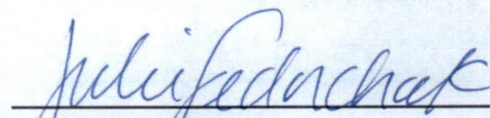
Bismarck, North Dakota, November 26, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Partners Holdings LLC
Roosevelt Gas Plant Expansion Project – McKenzie County
Siting Application

Case No. PU-18-277

**CERTIFICATION RELATING TO ORDER PROVISIONS
ENERGY CONVERSION FACILITY SITING**

I am SCOTT BALK, a representative of Hiland Partners Holdings LLC ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22.1 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 proposed energy conversion 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 energy conversion facility that requires said license or permit.
4. Company understands and agrees that the Certificate of Site Compatibility 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 and the Certificate of Site Compatibility, 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 the Certificate of Site Compatibility for the energy conversion 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 approved by the North Dakota State Historic Preservation Office 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 energy conversion 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 of construction activities on a monthly basis.
11. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
12. Company understands and agrees that it shall bury all underground lines to a depth of at least 48 inches to the top of the lines.
13. Company understands and agrees that topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas, roadways, and locations of associated facilities must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must first 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.

14. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
15. 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.
16. 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 by the State Historical Society, a report of such examination is filed with the Commission.
17. 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.
18. 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:

19. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion 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.
20. 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 energy conversion 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.
21. 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.

22. Company will fulfil its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.
23. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
24. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
25. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
26. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.
27. 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.
28. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Communication with Landowners and PSC:

29. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations 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 energy conversion facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of and which were not previously reported to the Commission.
32. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion 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 site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion 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.

33. 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.
34. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.
35. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company

Modification of Energy Conversion Facility or Energy Conversion Site Plan:

36. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures:
 - A. Before conducting any construction activities for any modification within the designated site, and such **construction activities will not affect any known exclusion or avoidance areas** within the designated site, the Company will file certification and supporting documentation:
 1. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;
 2. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and
 3. Affirming that Company will comply with the Commission's order, law and rules designating the site.
 - B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known

exclusion but may affect an avoidance area within the designated site, the Company will file:

1. 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:
 - a. the designated site and the site modification;
 - b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.
 2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.
 3. All field studies performed on the portion of the designated site containing the site modification;
 4. Specific information about any mitigation measures Company will take within the modification area;
 5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;
 6. 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;
 7. Certification that Company will comply with the Commission's order, law and rules designating the site.
37. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 25 day of September, 2018.

HILAND PARTNERS HOLDINGS LLC

By Scott Bau

Its Vice President - Project Management

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Partners Holdings LLC
Roosevelt Gas Plant Expansion Project – McKenzie County
Siting Application

Case No. PU-18-277

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).