

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Belle Fourche Pipeline Company  
8-inch Wilson-Bowline Pipeline Conversion Project  
Siting Application

Case No. PU-18-404

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 **5th** day of **September 2019**, 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:

**See Attached List**

Geralyn R. Schmaltz further deposes and says that on the **5th day of September 2019**, she sent an electronic message to **44** addressees, each including an electronic copy in portable document format of the same document.

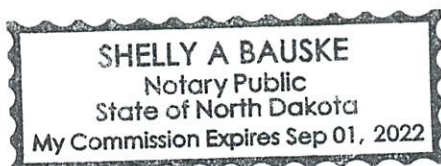
The electronic mails were addressed as follows:

**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 **5th day of September 2019**.

SEAL



A handwritten signature in blue ink, appearing to read "Shelly A Bauske", written over a horizontal line.

*Shelly A Bauske*  
Notary Public

65 PU-18-404 Filed: 9/5/2019 Pages: 23  
Affidavit of Service by Regular & Electronic Mail -  
FOF, COL & Order

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

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Belle Fourche Pipeline Company  
8-inch Wilson-Bowline Pipeline Conversion Project  
Siting Application

Case No. PU-18-404

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

September 4, 2019

Appearances

Commissioners Brian Kroshus, Julie Fedorchak, and Randy Christmann

Casey A. Furey and Wade C. Mann, Attorneys at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501, on behalf of Belle Fourche Pipeline Company.

Sarah Wall, Special Assistant Attorney General for the North Dakota Public Service Commission, 122 E. Broadway Ave., Bismarck, North Dakota 58501.

Timothy 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 December 17, 2018, Belle Fourche Pipeline Company (Belle Fourche) filed with the North Dakota Public Service Commission (Commission), a combined application for a certificate of corridor compatibility and a route permit (Application) concerning the location of an existing 8-inch crude oil pipeline and associated facilities in McKenzie County, North Dakota that has been converted from a gathering line to a transmission line.

On January 17, 2019, 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 would be located.

On March 19, 2019, Belle Fourche filed information supplementing its Application.

On May 1, 2019, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Public Hearing, scheduling a public hearing for June 11, 2019, at 9:00 a.m. Central Time, at Teddy's Residential Suites, 113 9th Ave. SE, Watford City, North Dakota 58854. The notice identified the following issues:

1. Will construction, operation, and maintenance of the facility at the proposed location 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 construction, operation, and maintenance of the facility at the proposed 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 June 11, 2019, the hearing was held as scheduled. Exhibits 1 through 4 were admitted at the hearing and filed in Case No. PU-18-404 with associated Docket Nos. 46-49. Late-filed Exhibits 5-11 and Revised Late-filed Exhibit 9 were admitted at the hearing and filed in Case No. PU-18-404 with associated Docket Nos. 52, 53, and 57-61.

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

### **Findings of Fact**

1. Belle Fourche Pipeline Company is a corporation formed under the laws of Wyoming. Belle Fourche Pipeline Company has been authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission on January 30, 2019, in Case No. PU-07-753.

#### **Size, Type, and Preferred Location of Facility**

2. The pipeline consists of approximately 20 miles of 8-inch diameter steel pipeline, located in McKenzie County, North Dakota. The pipeline and associated facilities include a midline block valve, one pig launcher facility, and one receiver facility. The pipeline is capable of transporting up to 43,200 barrels of crude oil per day. The pipeline originates at the Wilson Station in McKenzie County, North Dakota, approximately six miles south of Watford City, North Dakota, and runs 20 miles to deliver crude oil to the Bowline

Junction Station, approximately 19 miles southeast of Alexander, North Dakota. From there, the line interconnects with other Belle Fourche facilities for export to various markets.

3. The four-mile pipeline segment from Bowline Junction to Red Wing Creek was constructed in 1978. The remaining pipeline segment from Red Wing Creek to Wilson Station was constructed in 2012. In 2017, Belle Fourche constructed the Kermit to Wilson gathering pipeline that gathers crude oil upstream from the Wilson Station.
4. The pipeline originally operated as a crude oil gathering system, but is currently operating as a transmission line. No new construction is required by the Application.
5. The pipeline has a maximum operating pressure of 1,440 pounds per square inch and a maximum flow rate of approximately 43,200 barrels of oil per day.
6. The proposed pipeline corridor and pipeline route is depicted in Exhibit 2, section 1 (Docket No. 47, part 2, at pp. 1-9).
7. The cost of the system in 2018 dollars is approximately \$16 million.

#### Study of Preferred Location

8. Belle Fourche conducted a Class I cultural resource file search, a desktop study for wetlands and streams, and a wildlife database search across a one-mile wide area centered on the project route.
9. Belle Fourche conducted a Class III cultural resource inventory across a 200-foot-wide area centered on the pipeline route (Survey Area). The Class III report was submitted to the North Dakota State Historic Preservation Office.
10. Across an approximately 300-foot-wide area centered on the pipeline route, Belle Fourche conducted wildlife and habitat surveys. Belle Fourche conducted wildlife and habitat surveys that covered sensitive, threatened and endangered plant and animal species; a tree, sapling, and shrub survey; and a noxious weed survey.
11. Section 49-22.1-13(4) of the North Dakota Century Code provides that a site shall not be designated that violates the rules of any state agency, and that compliance with a state agency's rules shall be presumed if that agency fails to present its position with respect to the proposed facility at the public hearing.
12. Belle Fourche initiated correspondence with federal, state and local departments, agencies and entities as follows:

- a. Federal: (1) U.S. Fish and Wildlife Service; (2) U.S. Army Corps of Engineers; (3) U.S. Air Force; (4) Lake Ilo National Wildlife Refuge; (5) U.S. Forest Service – McKenzie Ranger District (USFS); and (6) U.S. Department of Agriculture – National Resources Conversation Service, McKenzie County Soil District
- b. State: (1) North Dakota State Historic Preservation Office (NDSHPO); (2) North Dakota Parks and Recreation Department; (3) North Dakota Department of Trust Lands; (4) North Dakota Department of Health; (5) North Dakota Geological Survey (NDGS); (6) North Dakota State Water Commission; (7) North Dakota Game and Fish Department; (8) North Dakota Industrial Commission; (9) North Dakota Department of Transportation District 7; (10) North Dakota Department of Agriculture; (11) North Dakota Soil Conservation Committee; (12) Energy Development Impact Office; (13) North Dakota State Soil Scientist; (14) North Dakota Transportation Authority; and (15) North Dakota Indian Affairs Commission
- c. Local: (1) McKenzie County Planning Department; (2) McKenzie County Commission; (3) McKenzie County Sheriff; (4) McKenzie County Weed Board; (5) McKenzie County Emergency Manager; (6) Alexander City and Fire Department; (7) Arnegard Rural Fire Department; and (8) Watford City Fire Department

#### Siting Criteria

13. The Commission has developed 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 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

14. Belle Fourche evaluated the Survey Area and route regarding the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

15. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area 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.

16. Belle Fourche's studies and surveys did not record any Exclusion Areas within the Survey Area.

17. 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 routes. Economic considerations alone will not justify approval of these areas.

18. Designated or registered national grasslands are an Avoidance Area. The pipeline crosses four parcels of USFS National Grasslands. Belle Fourche testified the pipeline utilizes an existing easement obtained from the USFS as part of the pipeline's original construction. The pipeline is not anticipated to have any adverse effects to USFS National Grasslands. Conversion of the existing pipeline will minimize impacts that would otherwise be associated with construction of a new pipeline.

19. Areas that are geologically unstable or potentially unstable are Avoidance Areas. NDGS's June 3, 2019 letter identified three sites of potential slope instability near or within the project route and recommended engineering evaluations at the sites. Belle Fourche testified it will conduct geotechnical evaluations for these three areas and will file copies of the evaluations with the Commission.

20. Areas within five hundred feet of a residence, school, or place of business are Avoidance Areas. Belle Fourche testified it identified two structures within five hundred feet of the pipeline route. Belle Fourche has obtained a waiver from both landowners and submitted copies in Exhibit 2, section 6 (Docket No. 47, part 3, at p. 46) and in Revised Late-Filed Exhibit 9 (Docket No. 61).

21. Areas that are historical resources not specifically designated as Exclusion or Avoidance Areas are designated Avoidance Areas. Belle Fourche testified that historical resources not specifically designated as Exclusion or Avoidance Areas are located within the proposed corridor; however, impacts will be avoided. On January 22, 2017, NDSHPO issued a "No Historic Properties Affected" concurrence.

22. Belle Fourche's studies and surveys did not identify any other Avoidance Areas within the Survey Area.

23. The Commission's Selection Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(3). A corridor or route shall be approved only if it is determined that any significant adverse effects that will result 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. Belle Fourche analyzed the effects that may result from the location, construction, and operation of the conversion to determine that no significant adverse effects resulted.

24. Belle Fourche testified that wetlands and streams were bored for the segment of the pipeline constructed in 2012 that extends from Red Wing Creek to Wilson Station.

Furthermore, no wetlands or waterbodies were permanently drained or filled as part of the conversion.

25. Upon completion of pipeline construction (with the exception of aboveground facilities) lands were restored to pre-disturbance contours, elevations, and land use. Belle Fourche testified that during field surveys, no reclamation issues from prior construction were noted. The conversion did not impact irrigated lands. Furthermore, Belle Fourche will compensate landowners if any crop damage occurred during conversion.

26. The conversion of the pipeline did not affect known extractive or storage resources, and no impacts to television, and other communication or electronic facilities were identified. The existing aboveground facilities associated with the pipeline are finished with earth-toned painted surface to blend in with the landscape. The conversion did not affect groundwater flow and surface drainage patterns. No impacts to domestic animals or wildlife were reported during the original construction of the pipeline. In areas where vegetation has to be removed to perform inspection or construction activities, Belle Fourche will reclaim vegetation pursuant to any applicable law, rule, or regulation.

27. Belle Fourche testified it regularly inspects the pipeline, including close-interval cathodic protection surveys and bi-monthly aerial patrols. Belle Fourche testified the pipeline was hydrostatically tested and is under cathodic protection to prevent corrosion. Belle Fourche also utilizes pipeline inspection gauges to internally inspect the pipeline at regular intervals.

28. 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 applicant demonstrating certain benefits from the proposed transmission facility.

29. Belle Fourche testified it maximized benefits that result from implementing policies and practices applicable to the conversion by converting an existing gathering line into a transmission line.

#### Additional Mitigative Measures

30. Belle Fourche has agreed to a number of measures to mitigate potential conversion impacts, as indicated by the attached Certification Relating to Order Provisions – Transmission Facility Siting – Gathering Line Conversion to Transmission Line along with the attached Tree and Shrub Mitigation Specifications.

31. Belle Fourche has mitigated the conversion's environmental disturbance by utilizing an existing right-of-way, infrastructure, utilities, and gathering systems.

32. Belle Fourche will participate in the North Dakota One-Call Excavation Notice System.

33. During maintenance activities, Belle Fourche will clean the tracks, tires, and blades of equipment to remove excess soil prior to movement of equipment out of weed or soil-borne pest infested areas. Belle Fourche will use mulch and straw or hay bales that are certified weed-free in North Dakota for temporary erosion and sediment control, and if seeding is needed as a result of maintenance activities, weed-free native grass seed mixtures will be used.

34. Belle Fourche has executed a Weed Management Plan with McKenzie County to mitigate the spread of noxious weeds.

35. The pipeline was designed and constructed to the USDOT Pipeline and Hazardous Materials Safety Administration regulations utilizing industry standards.

36. The pipeline includes a Supervisory Control and Data Acquisition (SCADA) system that allows Belle Fourche to monitor the pipeline 24 hours a day, 7 days a week, and 365 days a year by trained controls personnel. The system monitors the flow and pressure of the system, and the system allows Belle Fourche to identify and respond to situations outside normal operating conditions.

37. Belle Fourche testified the Pipeline and Hazardous Materials Safety Administration (PHMSA) is conducting an audit of Belle Fourche's SCADA and leak detection systems with respect to Belle Fourche's protocols, processes, data calculation and presentation, control room management, procedures, and training.

38. The North Dakota Department of Environmental Quality – Water Division testified that the PHMSA audit of Belle Fourche's SCADA and leak detection systems is expected to address concerns it raised over the company's inability to detect and prevent oil spills in a timely manner, thereby reducing the potential for adverse environmental impacts.

39. PHMSA approved Belle Fourche's Combined Operated Systems Oil Spill Response Plan on March 13, 2018, which was filed with the Commission in Late-filed Exhibit 6 (Docket No. 56 in Case No. PU-18-405).

40. Belle Fourche testified it conducts annual safety meetings and annual mock safety drills with local emergency response officials and sends yearly correspondence regarding emergency preparedness to local emergency response officials.

41. Belle Fourche obtained all applicable road and conditional use permits for the conversion.

42. Belle Fourche will conduct a study to evaluate the depth of the entire length of the pipeline and will file a copy of the study with the Commission.

43. Belle Fourche testified it complied with all applicable safety laws and standards.

From the foregoing Findings of Fact, the Commission now makes its:

### **Conclusions of Law**

1. The Commission has jurisdiction over Belle Fourche and over the subject matter of the Application under North Dakota Century Code chapter 49-22.1.

2. Belle Fourche is a utility as defined in North Dakota Century Code section 49-22.1-01(12).

3. The pipeline is a transmission facility as defined in North Dakota Century Code section 49-22.1-01(7).

4. With respect to the portion of the pipeline that crosses USFS National Grasslands, the Commission finds Belle Fourche has mitigated impacts by utilizing existing infrastructure, and there is no reasonable alternative to routing the pipeline in this location.

5. The construction, operation, and maintenance of the pipeline will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

6. The pipeline is compatible with the environmental preservation and the efficient use of resources.

7. The construction, operation, and maintenance of the pipeline minimizes adverse human and environmental impacts while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

From the foregoing Findings of Fact, Conclusions of Law, the Commission makes the following Order:

### **Order**

The Commission Orders:

1. Belle Fourche shall construct, operate, and maintain the pipeline in accordance with the Commission's Findings of Fact.

2. Certificate of Site Compatibility No. 212 is issued to Belle Fourche Pipeline Company, designating a corridor for the construction, operation, and maintenance of approximately 20 miles of 8-inch existing steel crude oil gathering pipeline to a transmission line, and associated facilities in McKenzie County, North Dakota. For purposes of this Certificate, the designated corridor consists of a 200-foot wide area centered on the designated route as depicted in Exhibit 2, section 1 (Docket No. 47, part 2, at pp. 1-9)

3. Route Permit No. 222 is issued to Belle Fourche Pipeline Company, designating a route for the construction, operation, and maintenance of approximately 20 miles of 8-inch diameter existing steel crude oil gathering pipeline to a transmission line, and associated facilities in McKenzie County, North Dakota. For purposes of this Permit, the designated route is the route of the pipeline as depicted in Exhibit 2, section 1 (Docket No. 47, part 2, at pp. 1-9)

4. The Certification Relating to Order Provisions – Transmission Facility Siting with accompanying Tree and Shrub Mitigation Specifications executed July 23, 2019 is incorporated by reference and attached to this Order.

5. To the extent there are any conflicts or inconsistencies between Belle Fourche's Application and the Certification, the Certification provisions control. Unless otherwise provided in the Certification or this Order, Belle Fourche will construct, operate, maintain, and conduct any activities in accordance with the representations made in the Application and its testimony.

6. Belle Fourche shall conduct geotechnical evaluations for the areas identified in NDGS's June 3, 2019 letter and shall file a copy of the studies with the Commission.

7. Along the entire length of the pipeline's route, Belle Fourche shall conduct a study providing the depth of cover from the top of the pipeline and the ground level. The study should identify all location(s) where the pipeline was not 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. For all location(s) identified in the preceding sentence, Belle Fourche shall describe its mitigation plan(s) to minimize or eliminate environmental safety concerns, and Belle Fourche shall update Late-filed Exhibit 10 to identify all those location(s).

8. Belle Fourche shall conduct geotechnical evaluations of the three potential slope instability areas identified by NDGS and shall file the geotechnical evaluations with the Commission for review and consideration for potential mitigation.

9. Belle Fourche shall file a copy of PHMSA's audit of Belle Fourche's SCADA and leak detection systems, including Belle Fourche's protocols, processes, data calculation and presentation, control room management, procedures, and training upon receipt.

10. Belle Fourche shall file copies of necessary licenses and permits with the Commission within 30 days of this Order.

11. Belle Fourche is required to comply with all applicable laws, rules, and regulations in the event it desires to construct another or a different transmission pipeline facility than was specified in the Application within the corridor designated in this proceeding.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Julie Fedorchak**  
**Commissioner**

  
\_\_\_\_\_  
**Brian Kroshus**  
**Chairman**

  
\_\_\_\_\_  
**Randy Christmann**  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 212**

*This is to certify that the Commission has designated a transmission facility corridor for Belle Fourche Pipeline Company for the construction, operation, and maintenance of approximately 20 miles of 8-inch diameter crude oil pipeline and associated facilities in McKenzie County, North Dakota.*

*This certificate is issued in accordance with the Order of the Commission dated September 4, 2019 in Case No. PU-18-404 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, September 4, 2019.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Route Permit Number 222**

*This is to certify that the Commission has designated a transmission facility route for Belle Fourche Pipeline Company for the construction, operation, and maintenance of approximately 20 miles of 8-inch diameter crude oil pipeline and associated facilities in McKenzie County, North Dakota.*

*This permit is issued in accordance with the Order of this Commission dated September 4, 2019 in Case No. PU-18-404 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, September 4, 2019.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Belle Fourche Pipeline Company  
8-inch Wilson to Bowline Pipeline Conversion Project  
Siting Application**

**Case No. PU-18-404**

**CERTIFICATION RELATING TO ORDER PROVISIONS  
TRANSMISSION FACILITY SITING  
GATHERING LINE CONVERSION TO TRANSMISSION LINE**

I am H.A. "Tad" True III, a representative of Belle Fourche Pipeline Company ("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 any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22.1 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 transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission.
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 construction conference, 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.

With respect to provision numbers 9 – 21 below relating to construction of a new transmission facility within the pipeline corridor, Company certifies as follows:

9. Company certifies 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.
10. Company certifies that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts are made, will be stripped and segregated from the subsoil. Any area on which excavated subsoil is placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil will be placed over the excavation area, blending the grade into existing topography. Topsoil will be replaced over areas from which it was stripped only after the subsoil is replaced.
11. Company certifies that all buried facility crossings of graded roads will be bored unless the responsible governing agency permit Company to open cut the road.
12. Company certifies that staging areas or equipment will not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
13. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it will 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 and clearance to proceed is given by the North Dakota State Historic Preservation Office.

14. Company certifies that construction will be suspended when weather conditions are such that construction activities would cause irreparable damage to roads or land, unless adequate protection measures were taken by Company.

**Restoration and Maintenance:**

15. Company certifies that upon completion of the construction of the facility, Company will restore the area affected by the activities to as near as was practicable to the condition as it existed prior to the beginning of construction.
16. Company certifies that all pre-existing township and county roads and lanes used during construction will be repaired to a condition that is equal to or better than the condition prior to the construction of the transmission facility and accommodates their previous use, and that areas used as temporary roads or working areas during construction will be restored to their original condition.
17. Company certifies that reclamation, fertilization, and reseeding will be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
18. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, and roadways will continue throughout the life of the transmission facility.
19. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
20. Company certifies that it will remove all waste that is a product of construction and that it will be properly disposed of it. Company understands and agrees that it shall remove all waste that is a product of operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
21. Company certifies that it will provide any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.

**Communication with Landowners and PSC:**

22. Company understands and agrees that 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.

23. 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.
24. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility.
25. 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.
26. 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.
27. 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.
28. 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 issuance of the Commission's order. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications 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 commencement of operation of the facility as a transmission facility. 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.
29. 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 activities conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend activities 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.

30. 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 23rd day of July, 2019 .

BELLE FOURCHE PIPELINE COMPANY

By  *see*

H.A. "Tad" True III

Its Vice President

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Belle Fourche Pipeline Company  
8-inch Wilson to Bowline Pipeline Conversion  
Project Siting Application**

**Case No. PU-18-404**

**Tree and Shrub Mitigation Specifications**

**Inventory**

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

**Clearing**

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

**Replacement**

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.