HoustonEngineering Inc.

HEI No. 6077-0030
December 4, 2020

8” WILSON TO BOWLINE BELLE FOURCHE PIPELINE (PU-18-404)

Final Permit Compliance Inspection Report 2020

North Dakota LEGENDARY
Public Service Commission

85 PU-18-404 Filed 12/04/2020 Pages: 26
Final Inspection Report
Houston Engineering, Inc.

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1 EXECUTIVE SUMMARY

The North Dakota Public Service Commission (Commission) retained Houston Engineering, Inc. (HEI) to complete a compliance and restoration inspection of Belle Fourche Pipeline Company (Belle Fourche) 8-inch crude oil pipeline spanning 20 miles in McKenzie County, North Dakota (PSC Case No. PU-18-404). The project is owned and operated by Belle Fourche, and as proposed, converted an existing crude oil gathering line to a crude oil transmission pipeline.

The initial transmission pipeline project was constructed at various times between the years of 1978 and 2012, as a gathering facility. Belle Fourche desired to convert the system from a gathering facility to a transmission line to allow transportation of crude oil from smaller crude gathering systems and truck facilities to existing rail and pipeline networks. The project will allow the transportation of crude oil produced in west and northwest North Dakota to multiple shipping points out of state.

As part of the designated use change for the Project, from a gathering to a transmission facility, HEI was retained to complete a permit compliance inspection for the Project. Because the project did not include new construction of pipeline facilities, and no ground disturbance was proposed, the previously constructed pipeline corridor was inspected primarily from the road right-of-way, except visited directly if ground disturbance, bare ground, dominance of weed growth, soil compaction, debris, or other indications of remaining construction materials were observed. Permit compliance, most specifically the post-construction reclamation and restoration condition was the focus for this Project compliance assessment.

HEI reviewed all project documents, as posted to the docket, to identify the aspects of the project that required compliance. Field inspection of the project was conducted December 2, 2020 to assess the status of reclamation and restoration activities for the project site. The pipeline corridor was observed as revegetated and one area of bare ground with minor erosion formation at a waterbody crossing.

Overall, the Project appears to have been constructed as designed (see Permit Compliance Summary Table, **Appendix A**), with minimal impacts to the surrounding natural or human environment. Compliance investigations observed include:

- sustainable vegetation establishment was observed throughout the pipeline corridor with one (1) minor erosion and sedimentation issue within a waterbody channel in Section 4, T147N, R101W (**Appendix B, Photo 6**).

In conclusion, the Project is currently in compliance with all the provisions set forth by the Commission with the exception of what appears to be one (1) minor erosion and sedimentation area. The Commission may elect to require Belle Fourche to correct the above minor issues in order to reduce the possibility of damage or interference of the underground pipeline and aboveground facilities. The Commission may elect to conduct subsequent field verifications to ensure that the coverage of the bare earth areas, the repair of the erosion areas.

2 INTRODUCTION AND BACKGROUND

2.1 PROJECT BACKGROUND

Belle Fourche Pipeline Company (Belle Fourche) filed with the North Dakota Public Service Commission (Commission) on December 17, 2018, a consolidated application for a Certificate of Corridor Compatibility and Route Permit for the conversion to a transmission line of an approximate 20-mile, 8-inch existing

crude oil gathering pipeline in McKenzie County (Project). The Project was constructed as a gathering facility in various segments between the years of 1972 and 2012.

Certificate of Corridor Compatibility No. 212 and Route Permit No. 222 was issued to Belle Fourche Pipeline Company designating a corridor for the conversion, operation, and maintenance of an approximately 20-mile, 8-inch diameter crude oil pipeline in McKenzie County, North Dakota on September 4, 2019. For purposes of the Certificate, the Corridor will consist of a 200-foot-wide corridor centered on the pipeline route. The designated route is shown in **Exhibit A**.

2.2 PURPOSE OF THIS REPORT

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code (NDCC) Chapter 49-22) authorizes the Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of citizens of North Dakota. Post-construction inspections ensure that such projects are constructed in compliance with the siting laws (NDCC, Chapter 49-22) and rules (North Dakota Administrative Code (NDAC) Article 69-06) and the applicable Commission Findings of Fact, Conclusions of Law, and Order (Order). The Commission retained HEI to complete a permit compliance inspection of the Project.

2.3 METHODS OF INSPECTION

2.3.1 PROJECT COMPLIANCE ITEMS IDENTIFIED & REVIEW OF DOCUMENTATION

HEI identified project provisions in the order and verified compliance through observations recorded during the on-site inspection, and from a desktop review of the online case file no. PU-18-404. The Project *Findings of Fact, Conclusions of Law and Order and the Certification Relating to Order Provisions for Transmission Facility Siting* (September 4, 2019) provides these project provisions (Docket No. 63).

2.3.2 ON SITE INSPECTION

HEI conducted a compliance site visit on December 2, 2020 to investigate the long-term success and existing status of restoration and reclamation along the existing project route. The current Project is for the approval of use change of an existing pipeline and supporting infrastructure, from a gathering to a transmission line. Therefore, no construction activities were proposed, and, as such, no ground-breaking activity was completed. The pipeline corridor was observed primarily from the road right-of-way, except visited directly if ground disturbance, bare ground, soil compaction, debris, or other indications of remaining construction materials were observed. Close attention was also paid to stream crossing areas. Permit conditions, most specifically restoration activities were the focus for this project compliance assessment.

3 FINDINGS

The purpose of the final compliance inspection was to assess the restoration activities and success of reclamation of the originally constructed gathering line. A compliance review based on provisions set forth in the project *Certification Relating to Order Provisions* is summarized in the Compliance Review Table located in **Appendix A**.

3.1 SUMMARY OF FINAL SITE VISIT

The final site inspection was completed on December 2, 2020 by Zeb Pulkinen, Civil Technician, Houston Engineering, Inc. (HEI). Utilizing field maps, HEI traveled along the corridor of the project, observing previous restoration areas and areas of disturbance that may not be in compliance with permit requirements for the Project. Areas of exposed soils, erosion and sedimentation issues, road crossings, waterbody crossings, and restored grading topography were focus areas for the final site visit.

Photographs were taken through out the entire corridor. Photo locations are mapped in **Exhibit A** and representative photographs are included within **Appendix B**.

3.2 SITE INFORMATION

3.2.1 DESIGNATED LOCATIONS

The crude oil pipeline was built in various segments between the years of 1972 and 2012, prior to the current Belle Fourche application and associated permit. The pipeline route and corridor map is located as **Exhibit A**.

3.2.2 SITING CRITERIA

Siting criteria were analyzed in detail in the Application for the project. As noted in the Application and in accordance with NDAC 69-06-08-02, the project construction, operation, and maintenance did not impact any Exclusion Areas. There are several avoidance areas crossed by the corridor and route, including United States Forest Service Prairie Grasslands, and the route and corridor is within 500 feet of two residences. These two landowners have provided waivers.

3.2.3 LAND USE AND AGRICULTURAL IMPACTS

Agricultural is the predominant land use adjacent to the pipeline. Also, a considerable number of oil wells and other pipeline systems are located generally in the vicinity of the Project. Petroleum production development and transport is anticipated to continue in the vicinity of the Project corridor. However, the lands in the area are largely used for agricultural production. Impacts to agricultural lands associated with construction and operation of the Project have been restored and appear to be kept within the pipeline and facility right-of-way, therefore impacts were primarily temporary and minimal.

3.3 PROJECT DESIGN AND ENGINEERING

3.3.1 ENGINEERING DESIGN DRAWINGS

Engineering documents were provided to the Commission as part of the Application for Certificate of Corridor Compatibility (Docket No. 1).

3.4 COMMISSION-REQUIRED DOCUMENTS

The Consolidated Application for a Certificate of Corridor Compatibility and Route Permit was submitted in December 2018. (Docket No. 1). The Commission issued Findings of Fact, Conclusions of Law, and Order (Order) granting Certificate of Corridor Compatibility No. 212 and Route Permit No. 222 to Belle Fourche Pipeline Company on September 4, 2019 (Docket No. 63).

3.5 PERMITS AND APPROVALS FROM OTHER AGENCIES

Several other local permits were required as part of this conversion project, including McKenzie County Conditional Use Permit (Docket No. 25), and a Utility Crossing Permit (Docket No. 27). No additional information regarding other required permits was submitted to the Commission.

3.6 CULTURAL RESOURCES

3.6.1 CULTURAL SITE AVOIDANCE

Belle Fourche conducted a Class I archaeology and cultural resource survey within the corridor. No significant archaeological, cultural, or historic sites were identified. Belle Fourche has prepared an Unanticipated Discovery Plan (Docket No. 24) should artifacts be encountered during the normal course of maintenance activities of the pipeline.

3.6.2 REPORTING OF NEW DISCOVERIES

No new discoveries of cultural, archeological, or historical sites were reported to the Commission, and no discoveries. Based on this information, it is concluded that no new sites were encountered within the Project.

3.7 NATURAL RESOURCES

Desktop and field surveys were conducted to inventory potential resources such as wetlands, waterbodies, protected species, wildlife and habitat, botanical and/or cultural resources. Additionally, environmental data collected included information on soils, land use, wetlands and waterbody crossings, noxious weeds, trees, saplings, and shrubs, and protected species and habitats.

Belle Fourche contacted the following relevant agencies regarding the Project: North Dakota Department of Transportation (DOT); ND State Historical Society; Department of the Army, Corps of Engineers; North Dakota State Water Commission; North Dakota Game and Fish Department; North Dakota Geological Society, North Dakota Department of Trust Lands; and North Dakota Department of Health; North Dakota Department of Agriculture, Lake Llo National Wildlife Refuge; ND Indian Affairs Commission; ND Parks and Recreation; ND Soil Conservation Committee; US Air Force; US Fish and Wildlife Service. None of the agencies objected to the Project.

The office for the North Dakota Geological Survey noted on June 3, 2019 that landslides have been mapped in the vicinity of the existing pipeline route, and an enhanced level of monitoring and periodic inspection of the line may be warranted.

The North Dakota Department of Environmental Quality noted concern regarding pipeline leakage in the letter dated June 7, 2019 (Docket No. 38) and recommended several mitigation actions. It is unknown based on the docket information whether these mitigation actions have been initiated.

3.7.1 WETLANDS, SURFACE WATER, AND FLOODPLAIN

Seven (7) wetlands and twenty-four (24) waterbodies were identified within the Project area. These waterbodies are likely jurisdictional under Section 404 of the federal Clean Water Act. The project did not result in the permanent drainage, fill or impact to any of these wetlands or waterbodies.

3.7.2 RARE, THREATENED AND ENDANGERED SPECIES REPORTING

Contact with the North Dakota Game and Fish, the US Fish and Wildlife Service and the North Dakota Parks and Recreation was initiated by Belle Fourche to identify any known presence of rare, threatened and endangered species or critical habitats within he project corridor. Due to a lack of habitat, the Project did not result in the takings of the federally listed northern long-earred bat, gray wolf, or the black-footed ferret. Several species of migratory birds have been known to pass through the area, however considering no construction disturbance was anticipated with the project, it was concluded that no impacts to migratory bird species would have occurred.

3.7.3 TREE AND SHRUB MITIGATION

A negligible amount of tree and shrub species were found within the project area. Since no construction disturbances resulted from the project, no tree or shrub mitigation was proposed at this time. Tree and Shrub Mitigation Specifications have been established that will outline future requirements if and when tree and shrub removals are required, as part of the normal operation and maintenance of the pipeline. The Tree and Shrub Mitigation Specifications is included within the Order, found at PSC Docket No. 63.

3.8 CONSTRUCTION, RECLAMATION & SOILS

Erosion and sedimentation controls, reclamation or roads, and reseeding of disturbed areas were not prevalent for this project because the pipeline and support facilities were already constructed previously. Some minor erosion was observed at the waterbody crossing at Section 4, Township 147W, Range 101N (See **Photo 8**). This erosion appears to be minor, and no corrective issues are recommended at this time.

The restoration of disturbed areas and reseeding and revegetation was observed as part of this compliance inspection. It appears that construction, use of best management practices during construction, and revegetation strategies were successful.

3.8.1 REPAIRS

No damage to property was observed during the site inspections.

3.8.2 WASTE

The Project area was free of construction debris and equipment.

3.9 OPERATION

3.9.1 OPERATION AND MAINTENANCE

The site appeared to be operated and maintained as described in the Application.

3.9.2 SAFETY AND RECORD-KEEPING

No concerns were identified during the site inspection that would indicate the Project construction or operation was out of compliance with the Application or applicable safety regulations.

3.9.3 PUBLIC COMPLAINTS

No public complaints regarding the Project have been filed to date.

3.9.4 PUBLIC SAFETY

Safety concerns regarding the public appear to be minimal.

4 CONCLUSIONS

4.1 FINAL CONCLUSIONS

Overall, the Project appears to have been constructed and maintained as designed, with minimal impacts to the surrounding natural or human environment. The site compliance investigations observed the establishment of sustainable vegetation, except for one (1) minor erosion and sedimentation issue within a channel of a waterbody (**Appendix B, Photo 6**; Section 4, T147N, R101W). All other observed pipeline locations were in good condition and no issues were observed. Please refer to **Exhibit A** for the photo location map, and **Appendix B** for photographs. No corrective actions are recommended at this time.

In conclusion, the Project is currently in compliance with all the provisions set forth by the Commission. The Commission may elect to require Belle Fourche to correct the minor erosion in order to reduce the possibility of further erodibility and degradation of conditions at those sites.

5 SIGNATURES

The services provided by HEI scientists and engineers for this Project have been conducted in a manner consistent with the degree of care and technical skill appropriately exercised by professionals currently practicing in this area under similar time and budget constraints. Recommendations and findings contained in this report represent our professional judgement and are based upon available information, our compliance inspections, and technically accepted practices. Other than this, no warranty is implied or expressed.

Emmy Baskerville, Project Manager

12-3-2020
Date

6 REFERENCES

North Dakota Public Service Commission (Commission) 2020. Online Case Search. Available from: http://psc.nd.gov/public/casesearch/. Accessed November and December 2020.

EXHIBIT A: SITE MAP AND PHOTO LOCATION MAP

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16 PU-18-404 Filed 03/19/2019 Pages: 9
Updated Aerial Map Book
Belle Fourche Pipeline Company

8" Wilson To Bowline Pipeline

Watford City

Wilson to Bowline Pipeline

Major Roads

Mapbook Page Layout

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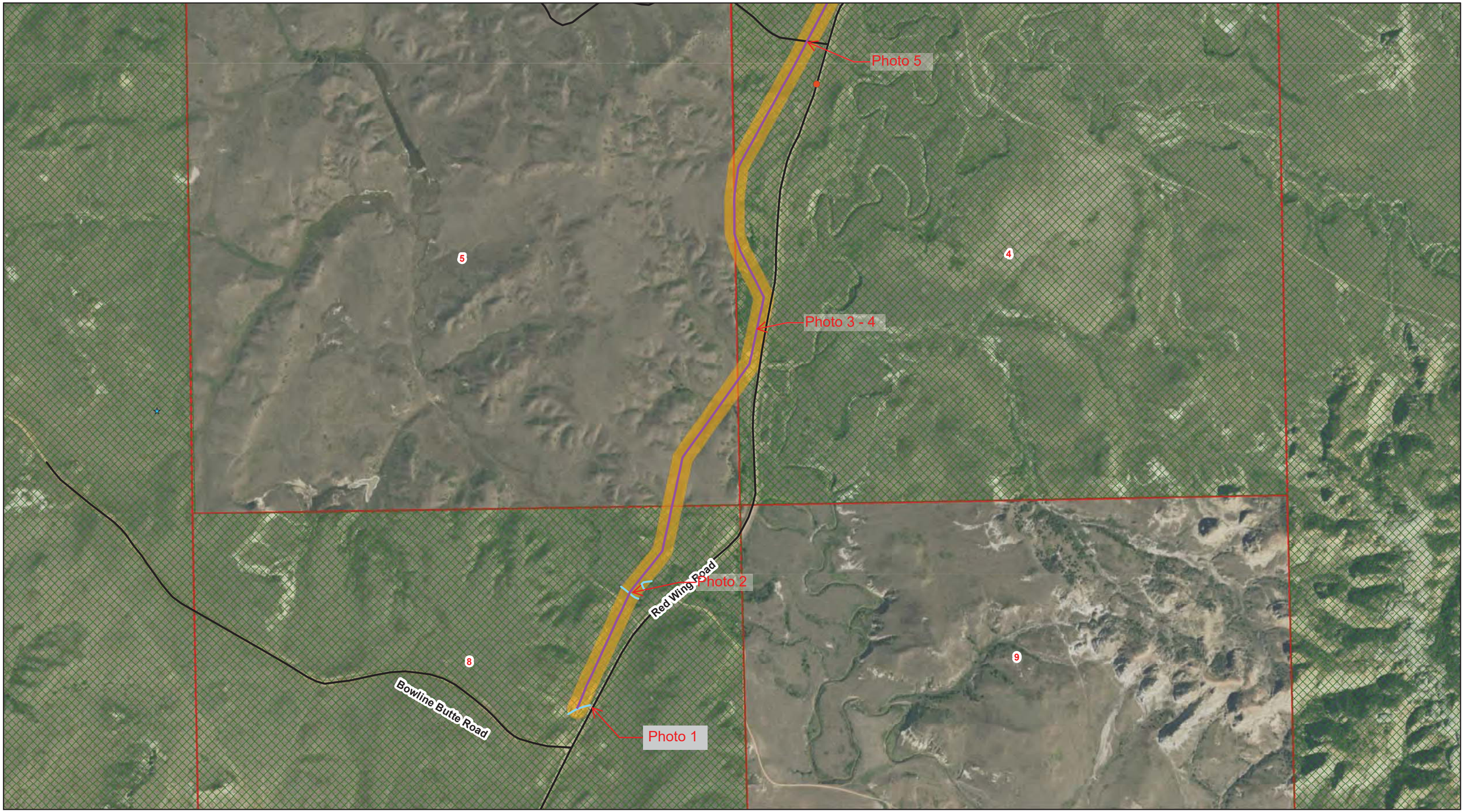
Pipeline Company

0 1.5 3 Miles

0 3.5 7 Kilometers



8" Wilson To Bowline Pipeline

- Water Well
- Noxious Weed
- Block Valve
- Pipeline
- Stream
- Road
- Woody Vegetation
- Piipeline Corridor
- Residence/Building
- USFS Lands
- ND Trust Lands
- Section Boundary
- Township/Range Boundary

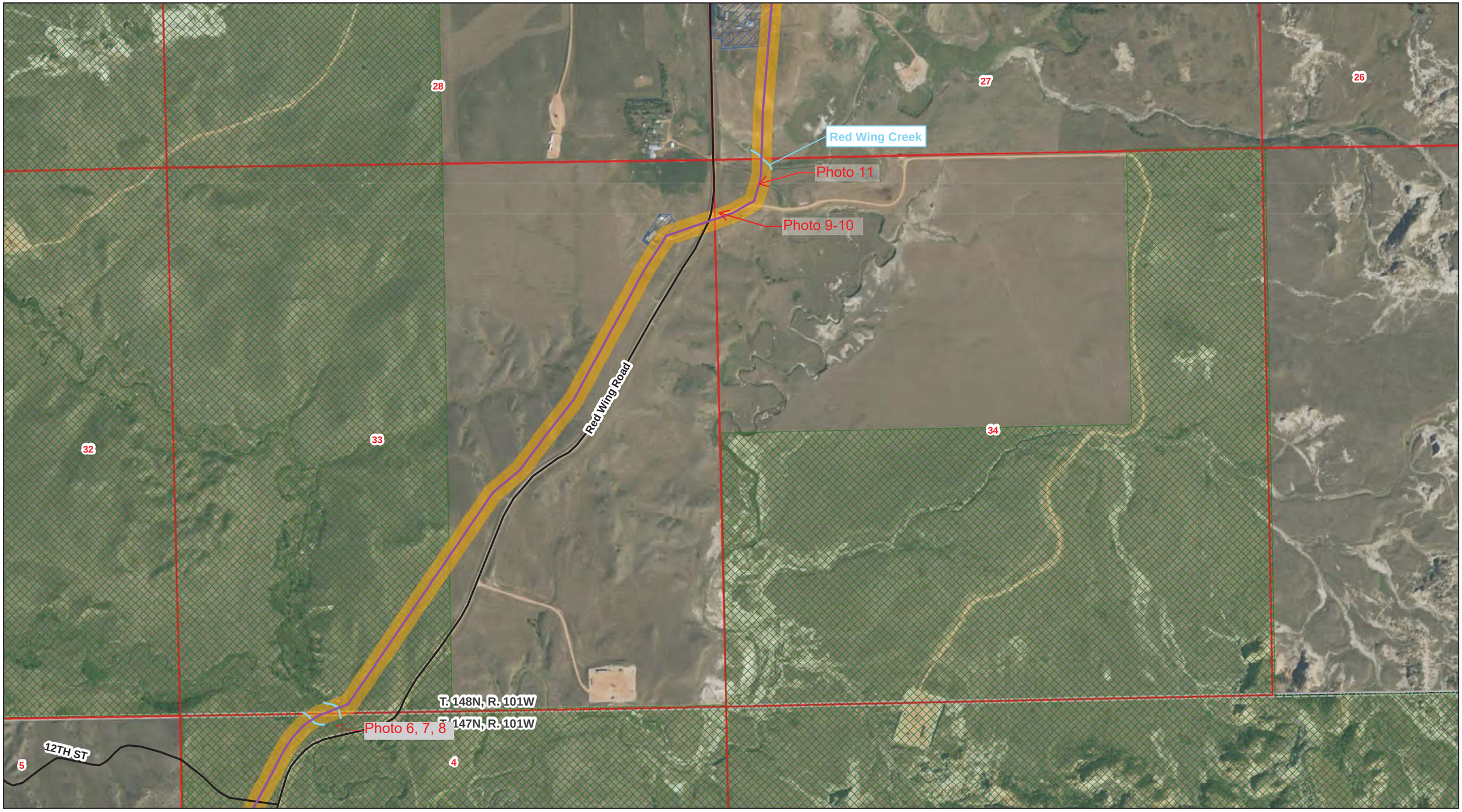
Figure: A.1

N

0 1,300 2,600 Feet

0 400 800 Meters

T. 147N, R. 101W
McKenzie County, North Dakota
Projection: NAD 1983 UTM Zone13N
Base Map: 2016 Aerial Imagery
Source: USDA/FSA - Aerial Photography Field Office



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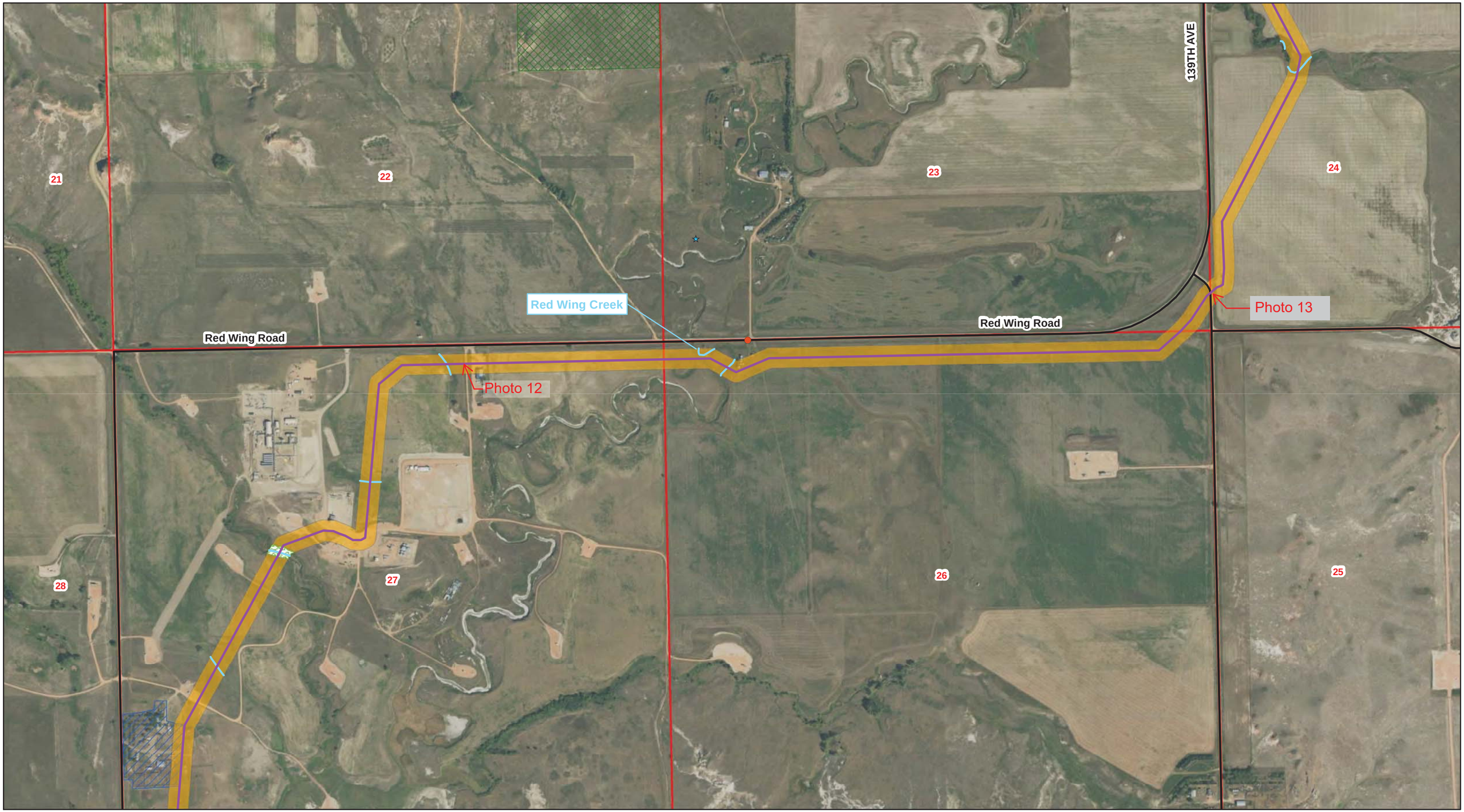

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T. 148N, R. 101W
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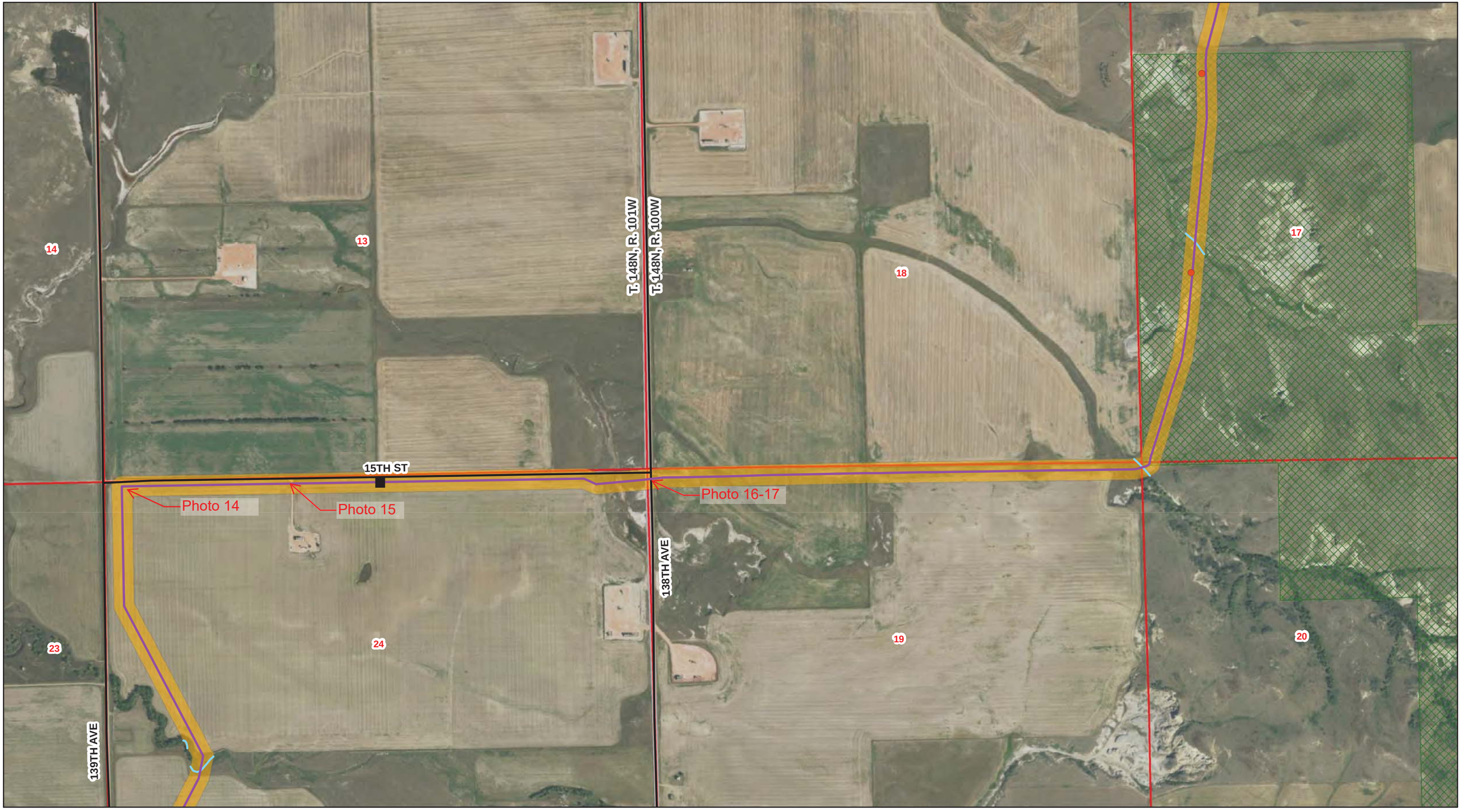

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T. 148N, R. 101W and T. 148N, R. 100W
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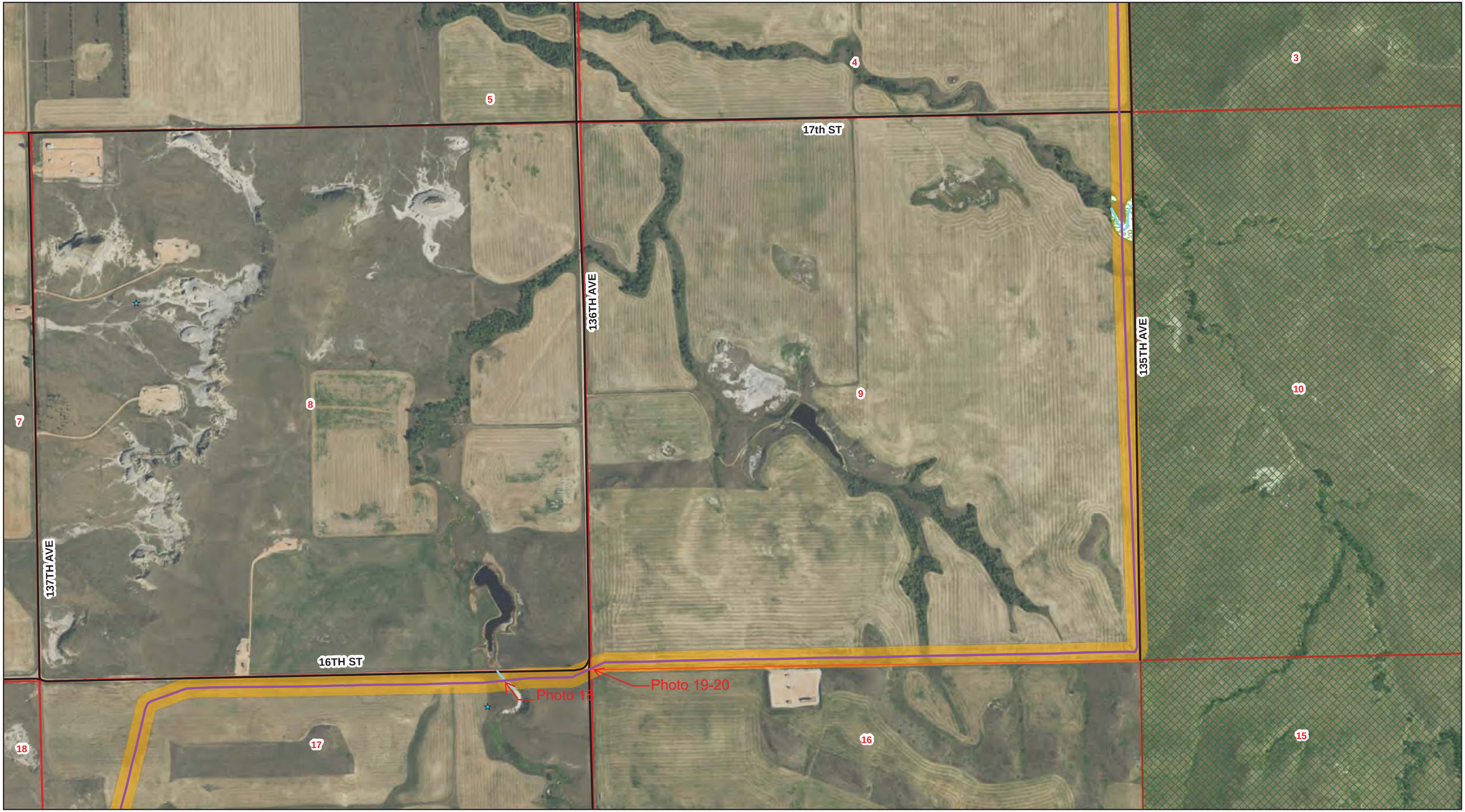

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T. 148N, R. 100W
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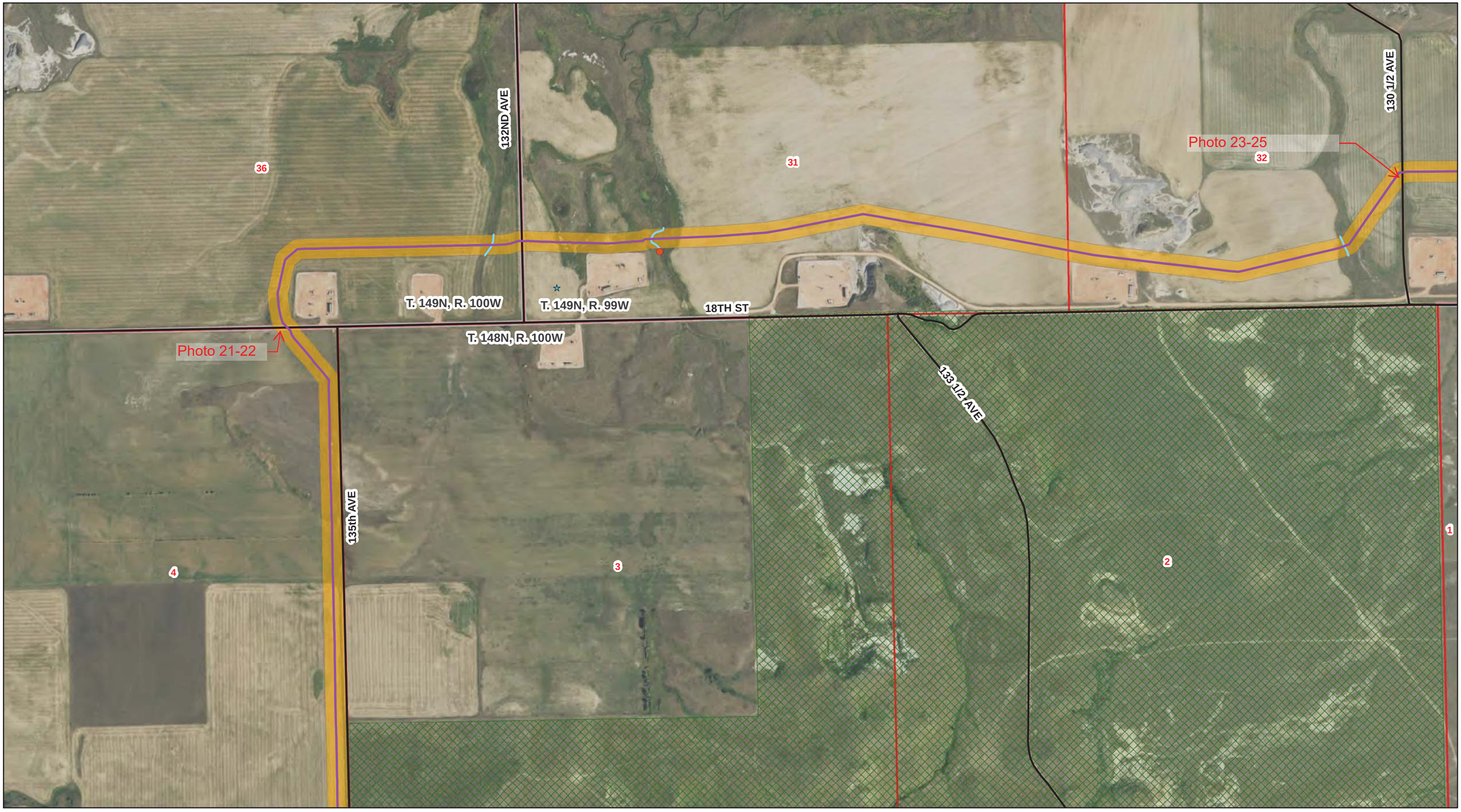

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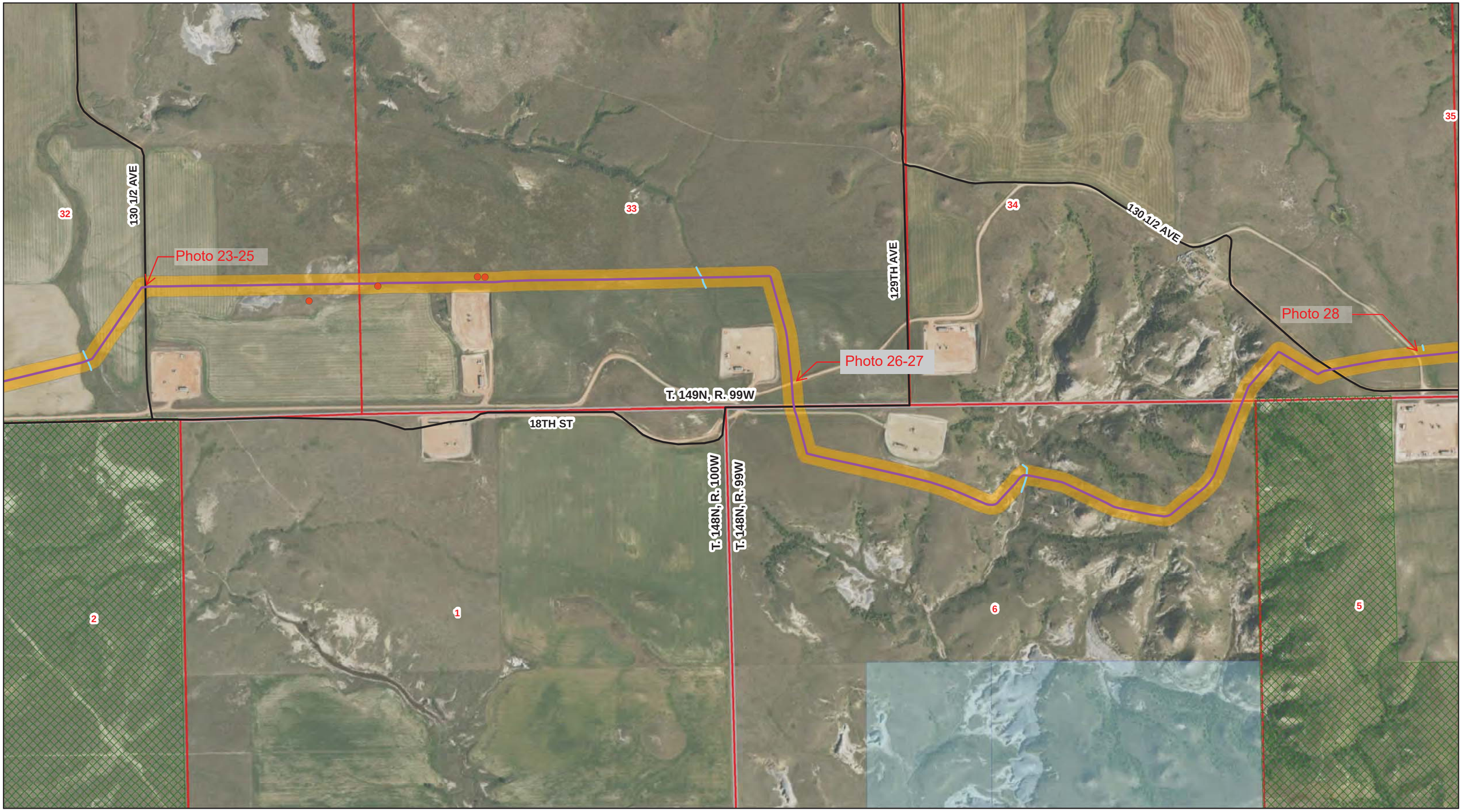

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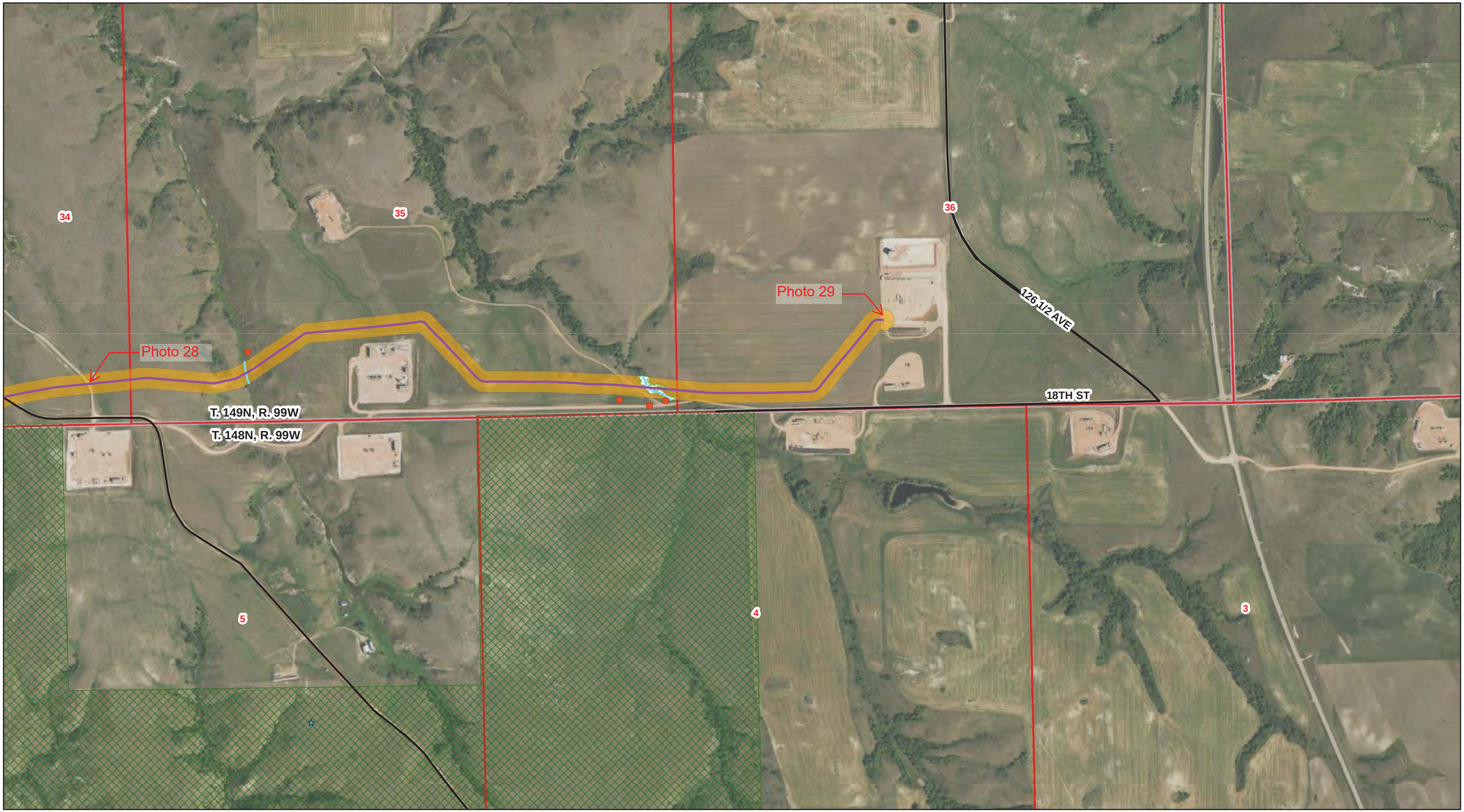

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T. 148N, R. 99W and T. 149N, R. 99W
McKenzie County, North Dakota
Projection: NAD 1983 UTM Zone13N
Base Map: 2016 Aerial Imagery
Source: USDA/FSA - Aerial Photography Field Office

APPENDIX A: COMPLIANCE REVIEW SUMMARY

The following provisions are found in PU-18-404, Case Search at North Dakota's Public Service Commission website: https://www.psc.nd.gov/public/casesearch/index.php (see Docket 63, Findings of Fact, Conclusions of Law and Order ([September 04, 2019]).

This compliance review was conducted after the construction of the permitted gathering facility. This same infrastructure was proposed to be converted from a gathering facility to a transmission facility. The details of the compliance review considers the long-term success and existing status of restoration and reclamation along the existing project corridor.

Permit Conditions/Order Provisions	Compliance	Verification and Discussion
RESTORATION and MAINTENANCE		
Certification Relating to Order Provisions, ¶15 *"…upon completion of the construction of the facility, Company restored the area affected by the activites to as near as was practicable to the condition as it existed prior to the beginning of construction."*	Yes	Houston Engineering, Inc. conducted 1 construction inspection and compliance review for the project.
Certification Relating to Order Provisions, ¶16 *"…all pre-existing township and county roads and lanes used during construction were, or are boing, repaired to a condition that is equal to or better than the condition prior to the construction of the transmission facility and accomodates their previous use, and that areas used as temporary roads or working areas during construction were, or are going, restored to their original condition."*	Yes	The project apears to be consistent with the required road restoration; no issues observed.
Certification Relating to Order Provisions, ¶17 *"…reclamation, fertilization, and reseeding was, or is being done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission."*	Yes	The project appears to be reclaimed.
Certification Relating to Order Provisions, ¶18 *"…reclamation and maintenance of the tranmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, and roadways will continue throughout the life of the transmission facility."*	Yes	The project is compliant with this provision.

Permit Conditions/Order Provisions	Compliance	Verification and Discussion
Certification Relating to Order Provisions, ¶19 *"…comply with the Tree and Shrub Mitigation Specifications [included below]"."*	Yes	Tree and Shrub mitigation specifications have been established, and will be followed for any future tree and shrub removals necessary as part of normal maitnenance activities of the pipeline. The project is compliant with this provision at this time.
Certification Relating to Order Provisions, ¶20 *"…removed all waste that was a product of construction and has properly disposed of it. .. remove all waste that is a product of operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.."*	Yes	No project-generated waste was observed on site.
NEW TRANSMISSION FACILITY		
Certification Relating to Order Provisions, ¶9 "…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 in cultivated land, 48 inches at the bottom of the ditch for roac crossings, and 72 inches across undeveloped section lines.."	Yes	Belle Fourche provided a depth of cover survey map confirming depths are compliant with this provision.
Certification Relating to Order Provisions ¶10 "…all topsoil, up to 12 inches, or topsoil to the depth of cultivation, which is greater, over and along trench areas where cuts are made, will be stripped and segregated from the subsoil…"	Yes	No construction was proposed for this project, therefore no soil was disturbed and no topsoil seperation was required.
Certification Relating to Order Provisions ¶11 "…all buried facility crossings of grading roads will be bored…"	Yes	No construction was proposed for this project, therefore no roadways were disturbed. Roadways appeared to be in good condition at the time of our site visit, with no disturbance visible at pipeline crossing areas.

APPENDIX B: FINAL REPORT PHOTOGRAPHY

Photo 1: Pipeline start
(Section 8, T147N, R101W)

Photo 2: Creek Crossing

Photo 3: Pipeline corridor next to CR 27 facing north.

Photo 4: Pipeline corridor next to CR 27 facing north.

Photo 5: Pipeline corridor at trail crossing.
(Section 4, T147N, R101W)

Photo 6: Waterbody crossing
(Section 4, T147N, R101W)

Photo 7: Waterbody crossing, facing north.
(Section 4, T147N, R101W)

Photo 8: Erosion at waterbody crossing.
(Section 4, T147N, R101W)

Photo 9: CR 27 crossing, facing northeast.

Photo 10: CR 27 crossing.

Photo 11: CR 27 crossing, facing northeast.

Photo 12: South side of Redwing Road, facing west

Photo 13: Road crossing at Section 23/23, T147N, R101W.

Photo 14: Facing east

Photo 15: Oil facility entrance crossing

Photo 16: 138th Avenue crossing, facing east.

Photo 17: 138th Avenue crossing.

Photo 18: at wetland crossing, off of 16th Street (Section 17, T147N, R100W)

Photo 19: 136th Avenue Crossing, facing east.

Photo 20: 136th Avenue crossing, facing southwest.

Photo 20: 136th Avenue Crossing, facing southeast.

Photo 21: 18th Street crossing looking southeast.

Photo 22: 18th Street crossing, north side.

Photo 23: 130.5 Street crossing, facing west.

Photo 24: 130.5 Street crossing, facing south.

Photo 25: 130.5 Street crossing.

Photo 26: 18th Street Crossing, facing south.

Photo 27: 18th Street Crossing.

Photo 28: 18th Street Crossing.
(Section 34, T149N, R99W)

Photo 29: Terminal end of pipeline at Belle Fourche truck load out facility.