

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Belle Fourche Pipeline Company  
6-inch Skunk Hill to DPR Pipeline Conversion Project  
Siting Application

Case No. PU-18-405

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

I am \_\_\_\_\_, 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, ~~prior to initiating operation of the transmission facility that requires said license or permit.~~
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

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

**Construction:**

7. Company agrees to hold a construction conference ~~prior to initiating operation of the facility as a transmission facility~~, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office, ~~and approved prior initiating operation of the facility as a transmission facility.~~
9. ~~Company agrees to inform the Commission and the Commission's third-party construction inspector immediately prior to the Company initiating operation of the facility as a transmission facility.~~

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

- ~~10.9.~~ 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.
- ~~11.10.~~ 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, ~~was~~ stripped and segregated from the subsoil. Any area on which excavated subsoil ~~is~~ placed ~~was~~ also be stripped of topsoil. After backfilling ~~was~~ completed, any excess subsoil ~~was~~ placed over the excavation area, blending the grade into existing topography. Topsoil ~~was~~ replaced over areas from which it was stripped only after the subsoil ~~is~~ replaced.
- ~~12.11.~~ Company certifies that all buried facility crossings of graded roads ~~were~~ bored unless the responsible governing agency permitted Company to open cut the road.
- ~~13.12.~~ Company certifies that staging areas or equipment ~~were not~~ located on land owned by a person other than Company unless otherwise negotiated with landowners.
- ~~14.13.~~ Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site ~~is~~ discovered during construction, ~~it~~ marked, preserved and protected from further disturbances until a professional examination ~~could~~ be made and a report of such examination ~~was~~ filed with the Commission and the State Historical Society and clearance to proceed ~~was~~ given by the North Dakota State Historic Preservation Office.

~~15.14.~~ Company certifies that construction ~~was~~will be suspended when weather conditions ~~were~~are such that construction activities would cause irreparable damage to roads or land, unless adequate protection measures were taken by Company.

**Restoration and Maintenance:**

~~16.15.~~ Company certifies that upon completion of the construction of the facility, Company will ~~restored~~ the area affected by the activities to as near as was practicable to the condition as it existed prior to the beginning of construction.

~~17.16.~~ Company certifies that all pre-existing township and county roads and lanes used during construction ~~were, or are being,~~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 ~~were, or are being,~~will be restored to their original condition.

~~18.17.~~ Company certifies that reclamation, fertilization, and reseeded will be ~~was, or is being~~ done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

~~19.18.~~ 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.

~~20.19.~~ Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.

~~21.20.~~ Company certifies that it will ~~has~~ removed all waste that ~~is~~was a product of construction and ~~that it will be~~ has 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.

~~22.21.~~ Company certifies that it will ~~provided~~ any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.

**Communication with Landowners and PSC:**

~~23.22.~~ Company understands and agrees that ~~\_, prior to operating its facility as a transmission facility,~~ 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.

- 24.23. 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.
- 25.24. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility ~~prior initiating operation of the facility as a transmission facility.~~
- 26.25. 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, ~~including injuries to any person.~~
- 27.26. 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.
- 28.27. 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.
- 29.28. 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 commencement of operation of the facility as a transmission facility.~~ 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.
- 30.29. 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.

31.30. 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 \_\_\_\_\_ day of June, 2019 —.

BELLE FOURCHE PIPELINE COMPANY

By \_\_\_\_\_

\_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_

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**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.