

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

OE2 North LLC
8” NGL & 20” Residue Gas Pipelines - Williams County
Route Adjustment – Williams County

Case No. PU-20-247

CERTIFICATION OF DAVE KEANINI

STATE OF COLORADO

CITY AND COUNTY OF DENVER

Dave Keanini states and alleges as follows:

1. That I am the President and Chief Executive Officer of OE2 North LLC (“OE2”) with authority to bind OE2 to requirements set forth by the North Dakota Public Service Commission (the “Commission”) with respect to OE2’s 8” NGL and 20” residue gas pipelines in Williams County, North Dakota (the “Project”), which are at issue in the above-captioned matter.
2. That I submit this certification in accordance with North Dakota Century Code §§ 49-22.1-15(1) and (3) in support of OE2’s route adjustment of the Project partially within the designated corridor and partially outside the designated corridor in Williams County. As used in this Certification, the term “route adjustment” shall refer to the entire re-routed portion of the Project, including both the portion within the originally designated corridor and the portion outside of that corridor.
3. That on August 26, 2020, the Commission issued its Findings of Fact, Conclusions of Law and Order (the “Order”) granting OE2 a Certificate of Corridor Compatibility and a Route Permit for the Project.
4. That, per consultation with the State Historical Society of North Dakota, OE2 intends to modify a segment of its approved route to avoid any potential impacts to

certain identified potential cultural resources in accordance with the August 4th letter from the State Historical Society of North Dakota filed by OE2 as the first page of Exhibit 2 for the August 6, 2020 hearing in this matter.

5. That the Project's construction activities, including the route adjustment, will be constructed wholly within the existing study area and covered by previous surveys. *See Exhibit A*, attached hereto. As such, the detailed field studies filed as Appendix I of Exhibit 1 for the August 6, 2020 hearing originally submitted by OE2 in connection with its application and the associated hearing in this matter indicate any applicable Avoidance or Exclusion Areas for the proposed route adjustment (as confirmed below, there are none).
6. That the route adjustment includes 1,196 feet of pipe outside of the originally approved corridor, the remainder of the route adjustment is within the originally approved corridor, and the map attached as Exhibit A illustrates the original route, the route adjustment, the originally approved corridor, the length of the route adjustment that is outside of the originally approved corridor, and adjusted corridor.
7. That, as can be seen by comparing the route adjustment shown on the map attached as Exhibit A to the materials OE2 submitted to the Commission in connection with its application and the associated hearing in this matter, the route adjustment will not affect any known Exclusion or Avoidance Areas. Indeed, the route adjustment is intended to bypass one of the few Avoidance Areas identified within the study area.
8. That the property owner in the area for the route adjustment does not oppose the adjustment.

9. That any governmental entity with an interest in the route adjustment does not oppose the adjustment. Indeed, the route adjustment is being done at the express direction of the State Historical Society of North Dakota.
10. That OE2 will comply with the Commission's orders, laws, and rules designating the corridor and the route.

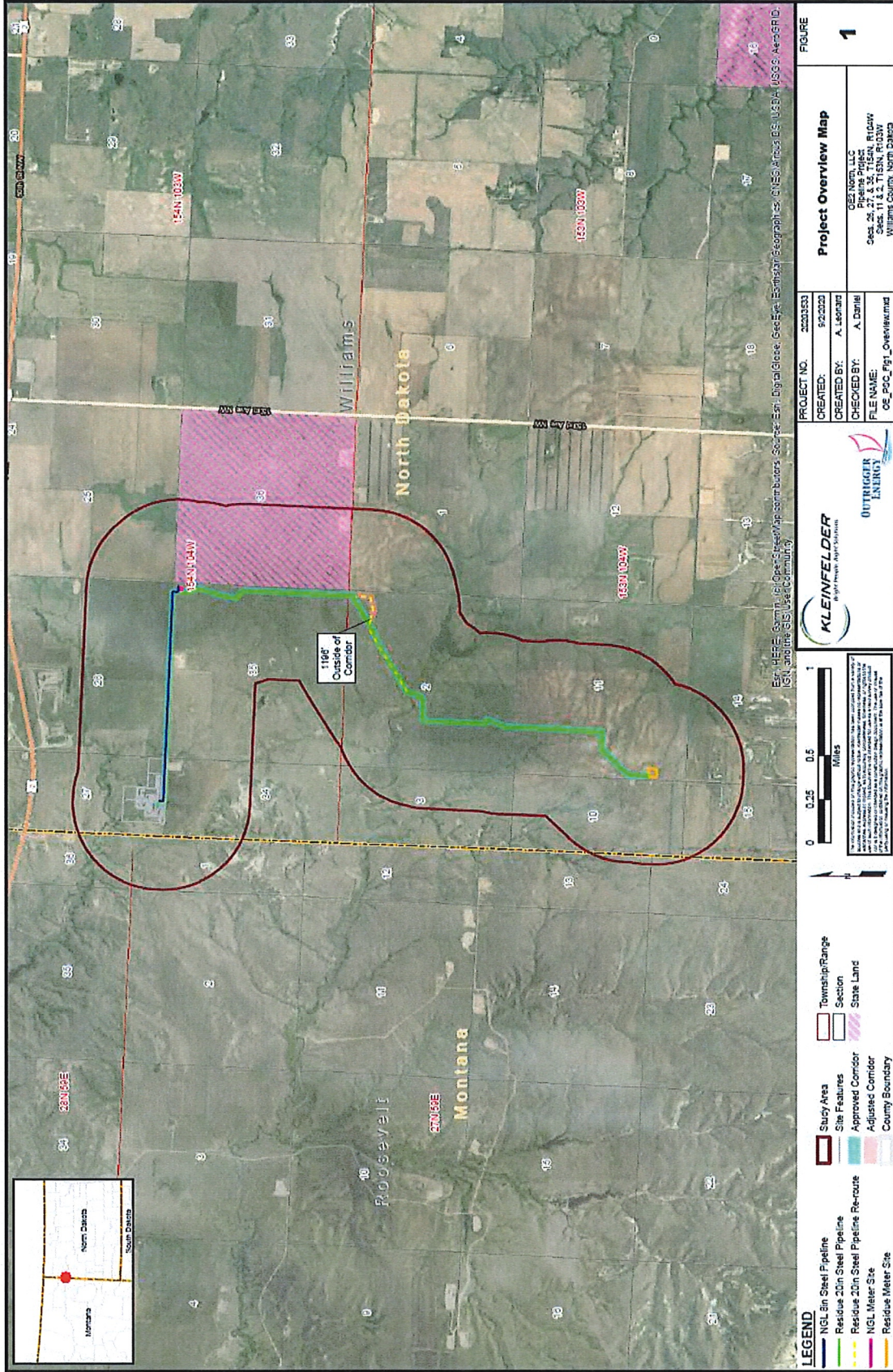
Dated this 24th day of September, 2020.



Dave Keanini

Exhibit A

MAP DEPICTING ORIGINAL ROUTE AND CORRIDOR, ROUTE ADJUSTMENT, AND ADJUSTED CORRIDOR





August 4, 2020

Ms. Rebecca L. Mashak
Grouse Mountain Environmental Consultants
Lead Archaeologist
760 W. Fetterman St.
Buffalo, WY 82834

ND SHPO Ref: 20-0417, "A Class III Cultural Resource Investigation and Site Re-Visits: NGL and Residue Lines in Williams County, North Dakota" in portions of [T154N R104W Sections 26, 27, & 35] [T153N R104W Sections 2, 10, & 11]

Dear Ms. Mashak,

We reviewed ND SHPO Ref: 20-0417, "A Class III Cultural Resource Investigation and Site Re-Visits: NGL and Residue Lines in Williams County, North Dakota" in portions of [T154N R104W Sections 26, 27, & 35] [T153N R104W Sections 2, 10, & 11] and find the report by Rebecca L Mashak and Russell O Collett acceptable. We find that there has been a good faith effort to avoid impacts to significant sites based on report and memo dated 7/30/2020. We request fencing and monitoring for site 32WI1179 when construction is within 200 ft.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation.

If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577 or lsteckler@nd.gov

Sincerely,

for William D. Peterson, PhD
Director, State Historical Society of North Dakota

20-0417



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WILLIAMS COUNTY, ND

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MEMORANDUM OF RIGHT-OF-WAY GRANT AGREEMENT

STATE: NORTH DAKOTA
COUNTY: WILLIAMS
GRANTOR: Douglas Iverson & Sandra Iverson, husband and wife
4624 154th Ave NW, Williston, ND 58801-8692
GRANTEE: OE2 NORTH LLC
1200 Seventeenth Street, Suite 900
Denver, CO 80202
EFFECTIVE DATE: April 27, 2020

THIS MEMORANDUM OF RIGHT-OF-WAY GRANT AGREEMENT shall serve as notice that Grantor and Grantee, named above, have entered into that certain Right-of-Way Agreement dated effective April 27, 2020, subject to all the terms, conditions and provisions as set out therein which are incorporated herein by reference, establishing a pipeline easement across the following described lands:

TOWNSHIP 154 NORTH, RANGE 104 WEST, 5TH P.M.
Section 35: NE/4, SE/4

TOWNSHIP 153 NORTH, RANGE 104 WEST, 5th P.M.
Section 2: S/2NE/4, Lots 1 & 2, S/2NW/4, Lot 3, SW/4
Section 11: W/2NE/4, E/2NW/4

After the initial construction, Grantee may record an Amendment to this Memorandum of Right-of-Way Grant Agreement attaching an as-built plat of the route and facilities as constructed as Exhibit "A,"

This Memorandum is given to place every person on notice of the existence of the Right-of-Way Grant Agreement and all of the terms, provisions and conditions contained therein, and is given in lieu of filing the original for record. Grantor has authorized Grantee to record this Memorandum per the Right-of-Way Grant Agreement and a copy of said Right-of-Way Grant Agreement is maintained by Grantee at the address stated above.

EXECUTED as of the date of the acknowledgment of the signatures below, but effective as of the effective date referenced above.

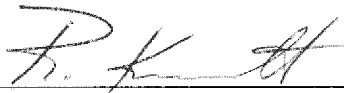


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WILLIAMS COUNTY, ND

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Grantee:

OE2 North LLC
By: Outrigger Energy II LLC, its Sole Member


Name: Russell Kimmitt
Title: SVP/COO

STATE OF Colorado
COUNTY OF Denver

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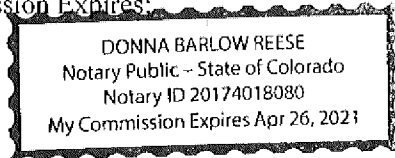
ACKNOWLEDGMENT


On this 8th day of June, in the year 2020, before me, personally appeared Russ Kimmitt, known to me to be the SVP/COO of the corporation that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires:

(seal)




Notary Public:

After Recording, Please Return To:
OE2 North LLC
Attn: Land Department (720) 361-2575
1200 17th St., Suite 900
Denver, CO 80202



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WILLIAMS COUNTY, ND

eRecorded

\$20.00

COUNTY RECORDER, WILLIAMS COUNTY, ND

9/24/2020 10:38 AM

I certify that this instrument was filed and recorded

Patti Ogurchak, County Recorder

by *Terri Bendickson* Deputy Recorder **878132**