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April 12, 2021

Via Electronic Mail

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

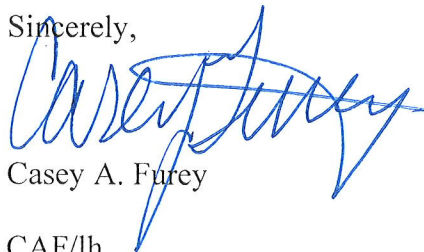
**In re: Bridger Pipeline LLC
Johnson's Corner to Wilson Pipeline Project
Case No. PU-20-430
Our File No. 016265-000017**

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find Bridger Pipeline LLC's Proposed Findings of Fact, Conclusions of Law and Order.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh

Enc.

cc: ALJ Hope Hogan (via email)
Brian Johnson (via email)
Adam Renfandt (via email)
Distribution List (Doc. #10,755,075)

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Proposed Findings of Fact, Conclusions of Law and Order
Bridger Pipeline LLC
Casey Furey, Crowley Fleck, PLLP

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
8-inch Crude Oil Pipeline – McKenzie County
Siting Application

Case No. PU-20-430

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

April __, 2021

Appearances

Commissioners Julie Fedorchak, Randy Christmann, and Brian Kroshus.

Casey A. Furey, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501, on behalf of Bridger Pipeline LLC.

Brian Johnson, Special Assistant Attorney General, as Counsel for the North Dakota Public Service Commission, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505.

Hope Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On October 21, 2020, Bridger Pipeline LLC (Bridger), filed with the North Dakota Public Service Commission (Commission) a combined application for a certificate of corridor compatibility and route permit concerning the location of an approximately 29.4-mile long crude oil pipeline, located in McKenzie County, North Dakota (Application).

On December 7, 2020, the Commission provided notification of the Application to McKenzie County, the only county in which the pipeline is located.

On January 29, 2021, Bridger filed documents with the Commission to supplement the Application.

On February 9, 2021, the Commission deemed the Application complete and issued a Notice of Filing and Public Hearing scheduling a remote public hearing for March 22, 2021, at 8:00 a.m. Central Time. On February 23, 2021, the Commission issued an Amended Notice of Filing and Public Hearing rescheduling the location of the

hearing to be held at Teddy's Residential Suites, 113 9th Avenue SE, Watford City, North Dakota 58854 on March 22, 2021, at 8:00 a.m. Central Time (collectively the "Notice").

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

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?

Between February 23, 2021 and March 19, 2021 Bridger filed documents with the Commission to supplement the Application.

On March 22, 2021 the hearing was held as scheduled with additional live, remote communication, allowing any interested parties to present testimony via telephone. Exhibits 1 through 16 were admitted at the hearing.

The opportunity for written public comment remained open until March 29, 2021.

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. Bridger Pipeline LLC is a Wyoming limited liability company authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission on January 29, 2021, in Case No. PU-15-095.

Size, Type, and Preferred Location of Facility

2. Bridger intends to construct an approximately 2.4-mile steel crude oil transmission line and for the conversion to transmission function of an existing approximately 27-mile steel crude oil gathering line constructed in 2018 and located in McKenzie County, North Dakota (Project). The Project will transport crude oil from the

Johnson's Corner Terminal for delivery to Bridger's existing Wilson Station approximately 7 miles south of Watford City for transport into Guernsey, Wyoming for further marketing and transportation nationally.

3. The Project will be 8-inch diameter steel pipe with a wall thickness of 0.312 to 0.5-inches and a maximum operating pressure of 1,400 pounds per square inch gauge. The maximum operating temperature of the Project will be 120 degrees Fahrenheit.
4. The Project will have a flow rate capacity of up to 50,000 barrels per day.
5. Aboveground facilities for the Project will be limited to pipeline markers, rectifier sites, pig launchers and receivers, and seven block valves.
6. The proposed pipeline corridor is generally 300-feet in width (Project Corridor).
7. The estimated installed cost of the Project is approximately \$21 million.

Study of Preferred Location

8. Bridger initiated correspondence seeking comments from following federal, state and local agencies regarding the Project:
 - a. Federal: (1) Federal Aviation Administration; (2) U.S. Army Corps of Engineers; (3) U.S. Air Force; (4) U.S. Fish and Wildlife Service; and, (5) Lake Ilo National Wildlife Refuge.
 - b. State: (1) North Dakota Attorney General; (2) North Dakota Department of Agriculture; (3) North Dakota Department of Career and Technical Education; (4) North Dakota Department of Commerce; (5) North Dakota Department of Environmental Quality; (6) North Dakota Aeronautics Commission; (7) North Dakota Department of Human Services; (8) North Dakota Department of Transportation; (9) North Dakota Department of Trust Lands; (10) North Dakota Energy Development Impact Office; (11) North Dakota Game and Fish Department; (12) North Dakota Geological Survey; (13) North Dakota Indian Affairs Commission; (14) North Dakota Industrial Commission; (15) North Dakota Labor Department; (16) North Dakota Parks and Recreation Department; (17) North Dakota Pipeline Authority; (18) North Dakota Soil Conservation Committee; (19) North Dakota State Water Commission; (20) Job Service of North Dakota; (21) North Dakota State Historic Preservation Office; (22) Office of the Governor; and, (23) North Dakota Department of Career and Technical Education.
 - c. Local: (1) McKenzie County Commission; (2) McKenzie County Planning and Zoning Department; (3) McKenzie County Auditor; and, (4) McKenzie County Weed Board.

9. Bridger conducted a Class I cultural resource literature review and a wildlife and habitat desktop analysis across a one-mile-wide area centered on the Project route (Study Area).

10. Field surveys were conducted across the Study Area for wildlife, threatened and endangered species, and critical habitats. Bridger also conducted surveys for wetlands and waterbodies, noxious weeds, and trees/saplings/shrubs across the 300-foot Project Corridor.

11. No sensitive, threatened, or endangered plant species and no threatened or endangered species were identified in the Study Area. No designated critical habitat is located within Study Area.

12. Bridger conducted an aerial raptor nest survey on a two-mile-wide area generally centered on the pipeline route. No occupied nests were observed during the raptor survey. One unoccupied nest was recorded within the two-mile-wide survey area however based on its condition, future occupancy is not anticipated. No raptor species of concern were observed during the survey.

13. Historic landslide data from the North Dakota Geological Survey (NDGS) was analyzed across the Study Area. This analysis identified ten areas with historic data points near or within the Project Corridor. Bridger's engineering consultant assessed data from these locations and concluded that none of these areas are geologically unstable based on their existing surface vegetation, shallow slope alignment, and/or minimal elevation change.

14. Bridger conducted a Class III cultural resources inventory across the Project Corridor. The Class III report was submitted to the North Dakota State Historic Preservation Office (SHPO). In a response dated October 8, 2020, SHPO found the report acceptable and that there has been a good faith effort to avoid impacts to significant sites.

Siting Criteria

15. 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 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. Bridger evaluated the Project Corridor for the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

17. 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.

18. Bridger's studies and surveys did not record any Exclusion Areas within the Project Corridor.

19. An Avoidance Area is a geographic area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission 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.

20. Bridger's surveys identified two unevaluated cultural resource sites within the Project Corridor which are not specifically designated as Exclusion or Avoidance Areas. Bridger testified that the Project will not impact the cultural sites identified.

21. Bridger's studies and surveys did not record any other Avoidance Areas within the Project Corridor.

22. In accordance with the Commission's Selection Criteria set forth in North Dakota Administrative Code section 69-06-08-02(3), a transmission facility corridor or route shall be approved only if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum. Bridger has analyzed the impacts of the Project in relation to all relevant Selection Criteria.

23. Bridger testified impacts to wetlands and waterbodies were minimized and/or avoided by employing the horizontal directional drilling (HDD) technique where appropriate and by following best management practices where the trenching method was utilized. The Project crosses five named creeks. Bridger testified the pipeline was installed across these crossings using HDD.

24. The Project will have no significant adverse effects on the Commission's Selection Criteria.

25. Bridger analyzed all of the relevant Policy Criteria set forth in Section 69-06-08-02(4) of the North Dakota Administrative Code and has maximized the benefits set forth

therein. The Project utilizes existing infrastructure and rights-of-way and its location and design provide for maximum efficiency of Bridger's interconnected facilities.

Additional Measures to Minimize Impact

26. Bridger has agreed to a number of steps to mitigate the impact of the Project, as indicated by the executed Certification Relating to Order Provisions – Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, which is incorporated by reference and attached to this Order.

27. The Project is co-located with existing infrastructure and utility corridors.

28. Bridger has executed a Weed Management Plan with McKenzie County for controlling noxious weeds.

29. Bridger testified as part of its annual system monitoring, all pipeline infrastructure rights-of-way are reviewed for erosion and slumping. Additionally, periodic geotechnical evaluations are conducted along various points of Bridger's utility corridors in McKenzie County as part of Bridger's annual monitoring efforts and if otherwise necessary following observations from rights-of-way inspections.

30. The Project will be designed, constructed, and operated in accordance with U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations utilizing industry standards.

31. Bridger will conduct regular pipeline monitoring, periodic inspection, internal inspections, and foot patrol inspections as required by PHMSA regulations. The Project is incorporated in Bridger's Spill Response Control Plan which has been approved by PHMSA.

32. The Project will have a leak detection system comprised of a line balancing system with transmitters that monitor pressure, and density, among other things. A Supervisory Control and Data Acquisition (SCADA) system will allow Bridger to monitor the Project 24 hours a day, 7 days a week, and 365 days a year by trained controls personnel. The system will monitor the flow and pressure of the system, and the system will allow Bridger to identify and respond to situations outside normal operating conditions.

33. Bridger will coordinate with local emergency response officials to discuss emergency response coordination and testified it conducts emergency deployment drills on an annual basis.

34. Bridger will participate in the North Dakota One-Call notification system.

35. Bridger will comply 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 the applicant, Bridger Pipeline LLC, and the subject matter of the Application under Chapter 49-22.1 of the North Dakota Century Code.
2. Bridger is a utility as defined in Section 49-22.1-01(13) of the North Dakota Century Code.
3. The Project is a liquid transmission facility as defined in North Dakota Century Code Section 49-22.1-01(7).
4. The construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with environmental preservation and the efficient use of resources.
6. The construction, operation, and maintenance of the Project minimizes 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.

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

Order

1. Certificate of Corridor Compatibility No. ___ is issued to Bridger Pipeline LLC designating a corridor generally 300-feet-wide for the construction, operation, and maintenance of approximately 29.4 miles of 8-inch diameter crude oil pipeline and associated facilities in McKenzie County, North Dakota, as approximated on Hearing Exhibit 14 and identified by the associated GIS map data.
2. Route Permit No. ___ is issued to Bridger Pipeline LLC designating a route for the construction, operation, and maintenance of approximately 29.4 miles of 8-inch diameter crude oil pipeline and associated facilities in McKenzie County, North Dakota, as approximated on Hearing Exhibit 14 and identified by the associated GIS map data,

and includes a routing deviation buffer of 40 feet immediately adjacent to both sides of the route.

3. The Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, executed March 18, 2021, is incorporated by reference and attached to this Order.

4. To the extent there are any conflicts or inconsistencies between Bridger’s Application and the Certification, the Certification provisions control.

5. Bridger shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required and shall provide copies of such licenses and permits to the Commission prior to construction.

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

PUBLIC SERVICE COMMISSION

Randy Christmann
Commissioner

Julie Fedorchak
Chair

Brian Kroshus
Commissioner