

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-20-430

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

May 19, 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.

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 to convert an existing approximately 27-mile steel crude oil gathering line constructed in 2018 to a transmission line, located in McKenzie County, North Dakota (Project). The Project will transport crude oil from the Johnson's Corner Terminal to Bridger's existing Wilson Station approximately 7 miles south of Watford City. From the

Wilson Station the crude oil is transported to 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 inches (0.5 inches in bored locations) and a maximum operating pressure of 1,440 pounds per square inch gauge. The maximum operating temperature of the Project will be 100 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 estimated cost of the Project is \$21 million.

Study of Preferred Location

7. 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. Department of Defense - Air Force Cable Affairs; (4) U.S. Fish and Wildlife Service; (5) U.S. Forest Service; and (6) Lake Ilo National Wildlife Refuge.
 - b. State: (1) ND Attorney General; (2) ND Department of Agriculture; (3) ND Department of Career and Technical Education; (4) ND Department of Commerce; (5) ND Department of Environmental Quality; (6) ND Aeronautics Commission; (7) ND Department of Human Services; (8) ND Department of Transportation; (9) North Dakota Department of Trust Lands; (10) ND Energy Development Impact Office; (11) ND Game and Fish Department; (12) ND Geological Survey; (13) ND Indian Affairs Commission; (14) ND Industrial Commission; (15) ND Labor Department; (16) ND Parks and Recreation Department; (17) ND Soil Conservation Committee; (18) ND State Water Commission; (19) Job Service of North Dakota; (20) ND State Historic Preservation Office; and (21) ND Office of the Governor.
 - c. Local: (1) McKenzie County Commission; (2) McKenzie County Planning and Zoning Department; (3) McKenzie County Auditor; and (4) McKenzie County Weed Board.
8. 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).

9. Bridger conducted several surveys across a generally 300-foot-wide area centered on the Project route as approximated on Hearing Exhibit 14 and identified precisely by the associated GIS map data (Survey Area). Bridger conducted surveys for wildlife, threatened and endangered species, critical habitats, wetlands, waterbodies, noxious weeds, and trees/saplings/shrubs. Bridger also conducted an aerial raptor nest survey on an approximately two-mile-wide area centered on the pipeline route.

10. Bridger conducted a Class III cultural resources inventory across the Survey Area. 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 stated that there has been a "good faith effort to avoid impacts to significant sites provided the avoidance recommendations in the report are followed."

Siting Criteria

11. 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.

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

13. 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.

14. Bridger's studies and surveys did not record any Exclusion Areas within the Survey Area.

15. 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.

16. Historic landslide data from the North Dakota Geological Survey was analyzed across the Study Area. This analysis identified ten areas with historic data points near or within the Survey Area. Bridger's engineering consultant assessed data from these locations and concluded that none of these areas are geologically unstable.

17. Bridger's studies and surveys did not record any other Avoidance Areas within the Survey Area.

18. Bridger's surveys identified two cultural resource sites within the Survey Area which have not been evaluated by SHPO for the National Register of Historic Places. Bridger testified that the Project will not impact these cultural sites.

19. 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.

20. Wetlands and waterbodies are a Selection Criteria. Bridger testified impacts to wetlands and waterbodies were mitigated on the existing pipeline by employing the horizontal directional drilling (HDD) technique where appropriate and by following best management practices where the trenching method was utilized. The existing pipeline crossed five named creeks, which were all crossed using the HDD technique. For new construction, Bridger will cross waterbodies with standing water and adjacent wetlands using the HDD technique.

21. The aboveground structures associated with the pipeline will be finished with earth-toned painted surfaces.

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

23. Bridger analyzed the relevant Policy Criteria set forth in Section 69-06-08-02(4) of the North Dakota Administrative Code. There is no need for the Commission to give preference to the applicant in this proceeding.

Additional Measures to Minimize Impact

24. 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.

25. Bridger has developed several project control documents that will be utilized in connection with the construction and operation of the Project, including a McKenzie County Weed Management Plan, an amended Combined Operated Systems Oil Spill

Response Plan, and it will develop a Stormwater Pollution Prevention Plan (SWPP) prior to construction. As part of the ND Department of Environmental Quality (NDDEQ) General Permit requirements, an SWPP is required prior to construction, and Bridger will file a copy of the permit with the Commission once obtained.

26. Bridger testified that, 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.

27. 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. Bridger will conduct regular pipeline monitoring, periodic inspection, internal inspections, and foot patrol inspections as required by PHMSA regulations.

28. 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. Four of the seven block valves can be remotely operated.

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

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

31. 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. Bridger shall construct, operate, and maintain the pipeline in accordance with the Commission's Findings of Fact.
2. Certificate of Corridor Compatibility No. 221 is issued to Bridger Pipeline LLC designating a corridor generally 300-foot-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 precisely by the associated GIS map data.
3. Route Permit No. 231 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 precisely by the associated GIS map data. The designated route includes a route construction buffer of 20 feet on each side of the designated route, contingent upon not impacting an avoidance area unless Bridger receives written authorization, from the Commission before conducting any associated construction activities, that Bridger may impact the avoidance area. Construction activities must not impact an exclusion area.
4. 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.
5. To the extent there are any conflicts or inconsistencies between Bridger's Application and the Certification, the Certification provisions control.

6. 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.

7. If a spill by Bridger requires notification to any other state or federal agency, Bridger will also inform the Commission of such spill within 24 hours of occurrence by leaving a message at the Commission's Toll Free Number, with a follow-up email to the Commission's Executive Secretary.

8. 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

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility Number 221

This is to certify that the Commission has designated a transmission facility corridor for 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.

This certificate is issued in accordance with the Order of the Commission dated May 19, 2021, in Case No. PU-20-430 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, May 19, 2021.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit Number 231

This is to certify that the Commission has designated a transmission facility route for Bridger Pipeline LLC 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.

This permit is issued in accordance with the Order of this Commission dated May 19, 2021, in Case No. PU-20-430 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, May 19, 2021.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-20-430

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am H.A. Tad True, a representative of Bridger Pipeline LLC (“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 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 that are not otherwise superseded by the Commission’s regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with 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:

Provision Nos. 7 – 17 apply to new construction within the corridor.

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, 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 to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees 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.
12. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing

topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

13. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.
14. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
15. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must 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.
16. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
17. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

18. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
19. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
20. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

21. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
22. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
24. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
25. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, 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.
28. 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.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. 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.
31. 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.

32. 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.
33. 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 completion of the construction. Company also agrees to provide an electronic version 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 that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. 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.
34. 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 construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction 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.

Paragraphs 36-42 for a gas or liquid pipeline

Route Adjustments Before or During Construction:

35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.
36. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
37. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment

to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:

- a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
- b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
- c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

38. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

39. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

40. **ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED:** Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;

- ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

- 1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
- 2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

- 41. 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 18th day of March, 2021.

BRIDGER PIPELINE LLC

By _____ *KCC*
H.A. Tad True

Its Member

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-20-430

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.