

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
16-inch Crude Oil Pipeline-McKenzie/Golden Valley
Siting Application

Case No. PU-21-48

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th day of June 2022**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Findings of Fact, Conclusions of Law and Order**

And Original Of:

- **Certificate of Corridor Compatibility Number 227**
- **Route Permit Number 237**

The envelope was addressed as follows:

Casey Furey
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502
Cert. No. 7021 2720 0003 0049 2010

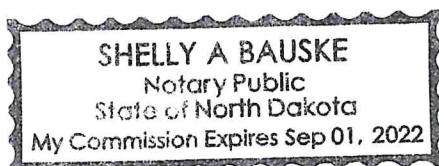
The addresses shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **9th day of June 2022**.



Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
16-inch Crude Oil Pipeline–McKenzie/Golden Valley
Siting Application

Case No. PU-21-048

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 8, 2022

Appearances

Commissioners Julie Fedorchak, Randy Christmann, and Sheri Haugen-Hoffart.

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.

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

Preliminary Statement

On January 27, 2021, 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 81-mile-long crude oil pipeline, located in McKenzie and Golden Valley Counties, North Dakota.

On March 10, 2022, Bridger modified the route and corridor filed in the original January 27, 2021 application, and filed with the Commission an amended combined application for certificate of corridor compatibility and route permit (Application) concerning the location of an approximately 80-mile-long crude oil pipeline, located in McKenzie and Golden Valley Counties, North Dakota.

On March 16, 2022, the Commission provided notification of the Application to the townships with retained zoning authority, cities, and counties in which any part of the proposed pipeline corridor is located.

On April 7, 2022, the Commission deemed the Application complete and issued a Notice of Filing and Public Hearing scheduling a public hearing for May 5, 2022, at 9:00 a.m. Central Time, at Teddy's Residential Suites, 113 9th Avenue SE, Watford City, North Dakota 58854 (Notice). Hearing scheduling was made contingent upon Bridger's submittal of responses to Commission staff's March 17, 2022 information request at least 14 days prior to hearing.

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 March 15, 2022, and April 28, 2022, Bridger filed documents with the Commission to supplement the Application.

On May 5, 2022, the hearing was held as scheduled allowing any interested parties to present testimony in person. Bridger submitted Exhibits 1 through 10, which were admitted at the hearing.

On May 27, 2022, Late-Filed Exhibits 11 and 12 were filed with the Commission.

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-15-098.

Size, Type, and Preferred Location of Facility

2. Bridger intends to construct an approximately 145-mile steel crude oil transmission pipeline, 80-miles of which will be located in McKenzie and Golden Valley Counties, North Dakota (Project). The Project will transport crude oil from the existing Johnson's Corner Terminal in McKenzie County, North Dakota to Bridger's existing Sandstone Station, approximately 8.5 miles west of Baker, Montana for further marketing and transportation to national markets.
3. The Project will be 16-inch diameter steel pipe with a wall thickness of 0.312 inches. Bore pipe will be 0.375 inches. The pipeline is designed to operate at a maximum 1,440 pressure per square inch gauge. The maximum operating temperature of the Project will be 100 degrees Fahrenheit.
4. The Project will have an installed capacity of 105,000 barrels per day (bpd). The maximum design capacity of the Project is up to 250,000 bpd.
5. Aboveground facilities for the Project will be limited to pipeline markers, rectifier sites, pig launchers and receivers, power and communication control systems, and eight midline remote actuated block valves. Two pumps and a launcher will be installed at the existing Johnson's Corner Station and two pumps, a launcher, and receiver will be installed at the existing Bicentennial Station.
6. The proposed pipeline corridor is generally 300-feet in width as depicted as the "Project Survey Area" on the Exhibit A.1, Figure A.1 map set (docket 44). The proposed route is depicted as the "Proposed Alignment" on the Exhibit A.1, Figure A.1 map set (docket 44).
7. The estimated installed cost of the Project is approximately \$61 million.

Study of Preferred Location

8. Bridger conducted a Class I cultural resource literature review, a desktop analysis for wildlife and habitats, wetlands, waterbodies, and sensitive plants and animals across a one-mile wide area centered on the Project route (Study Area).
9. Bridger conducted a Class III cultural resource inventory across a generally 300-foot-wide area along the pipeline route (Survey Area). Bridger also conducted field surveys for sensitive, threatened and endangered plant and wildlife species; critical habitat; trees/saplings/shrubs; noxious weeds; and wetlands and waterbodies.
10. As part of the wildlife and habitat survey completed for the Project, the entire Survey Area was surveyed for suitable Type B Dakota skipper habitat. Suitable Type B Dakota skipper habitat was identified on U.S. Forest Service lands. Impacts have been

avoided through Project routing or horizontal directional drilling of suitable habitat in consultation with the U.S. Forest Service and U.S. Fish and Wildlife Service.

11. 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. Three unoccupied raptor nests and one unoccupied golden eagle nest were recorded within the two-mile-wide survey area. No raptor species of concern or eagles were observed during the survey. Bridger testified that prior to construction, nests will be surveyed for occupancy. If an occupied nest is spotted during construction from February 1 – July 31, a construction buffer zone will be implemented of one-half mile per U.S. Forest Service recommendation.

12. Bridger testified the U.S. Forest Service provided data regarding four known sharp tailed grouse lek locations. These locations were surveyed as part of Bridger's wildlife surveys and leks were observed at three locations. For these three locations, no construction will occur within one-mile of the lek location from March 1 – June 15 as recommended by consultation with the U.S. Fish and Wildlife Service and U.S. Forest Service.

13. Bridger initiated correspondence seeking comments from the 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) Military Aviation & Installation Assurance Siting Clearing House; (5) Grand Forks Airforce Base; (6) 20th Airforce 91st Missile Wing; (7) U.S. Forest Service; (8) U.S. Fish and Wildlife Service; (9) National Resource Conservation Service; (10) Lake Ilo National Wildlife Refuge; (11) Federal Bureau of Land Management; (12) Minot Air Force Base.
- 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, Williston and Dickinson Districts; (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; (23) North Dakota Transmission Authority; (24) North Dakota Department of Health; (25) North Dakota Forest Service.

- c. Local: (1) McKenzie County Commission; (2) McKenzie County Planning and Zoning Department; (3) McKenzie County Weed Board; (4) Golden Valley County Commission; (5) Golden Valley County Planning and Zoning Department; (6) Golden Valley County Weed Board; (7) Grail Township.

Siting Criteria

14. 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.

15. Bridger evaluated the Project for the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. 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.

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

18. 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. An Avoidance 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. 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.

19. National Grasslands are Avoidance Areas. The pipeline crosses approximately 19 miles of the Little Missouri National Grasslands. Bridger consulted with the U.S. Forest Service and the U.S. Fish, and Wildlife Service regarding Project routing and a biological assessment was completed for the Project in consultation with both agencies. The U.S. Forest Service issued an Environmental Assessment, Decision Notice, and Finding of No Significant Impact for the Project.

20. Historical Resources not specially designated as Exclusion or Avoidance Areas are Avoidance Areas. Bridger's surveys identified ten cultural resource sites, which are not specifically designated as Exclusion or Avoidance Areas, that were recommended for avoidance or mitigation within the Survey Area. Bridger testified it will implement the avoidance and mitigation measures recommend by North Dakota State Historic Preservation Office (ND SHPO), and the Project will not impact the cultural sites identified. In responses dated June 16, 2021, June 22, 2021, and October 27, 2021, the ND SHPO issued "No Historic Properties Affected" concurrences for the Project provided it "takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source".

21. Geologically unstable areas are Avoidance Areas. Bridger identified eight areas (Areas A-H) with historic data points near or within the Survey Area. Bridger's engineering consultant assessed data from these locations and concluded Areas C and H do not pose a threat to the Project. Areas A, B, D, E, F, G were submitted to geotechnical specialist Tetra Tech for further assessment. The summary of Tetra Tech's assessments and recommendations for those areas are as follow:

- a. Area A: The Project route does not cross Area A. Tetra Tech recommended the area adjacent to Area A be regraded and revegetated and undergo periodic assessment.
- b. Area B: The Project route does not cross Area B. Tetra Tech recommended Area B undergo periodic assessment.
- c. Area D: Specific mitigative action was not recommended for Area D however Bridger will avoid impacts to Area D through horizontal directional drilling (HDD).
- d. Area E: The Project route does not cross Area E. Tetra Tech recommended the area adjacent to Area E be regraded and revegetated and undergo periodic assessment. Bridger will avoid Area E through HDD.
- e. Area F: The Project route does not cross Area F. Specific mitigative action was not recommended for Area F.
- f. Area G: The Project route does not cross Area G. Tetra Tech recommended the area adjacent to Area G undergo periodic assessment.

Impacts to Areas A-H are avoided through routing or HDD. Bridger has committed to implement Tetra Tech's mitigation recommendations. 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. In addition to routine inspections conducted by Bridger, Bridger has voluntarily agreed to conduct an annual inspection specific to Areas A-H utilizing a geotechnical specialist.

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

23. 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.

24. Construction of the Project will not result in the permanent drainage or filling of wetlands or waterbodies. Bridger will avoid impacts to wetlands and waterbodies by utilizing the HDD technique. The Project crosses twelve named creeks, including Cherry Creek, all of which will be avoided through HDD.

25. In the case that streams, swales, ditches, or other natural drains are altered during the Project, they will be restored as best as practical to pre-construction conditions.

26. The Commission's Policy Criteria are set forth in North Dakota Administrative Code section 69-06-06-08-02(4). The Commission may give preference to an applicant that will maximize benefits that result from the adoption of various policies and practices. There is no need for the Commission to give preference to the applicant in this proceeding.

Additional Measures to Minimize Impact

27. 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.

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

29. Bridger testified a Storm Water Pollution Prevention Plan will be completed prior to the start of construction in accordance with North Dakota Dept. of Environmental Quality requirements pertaining to North Dakota Pollutant Discharge Elimination System

(NDPDES) General Construction Stormwater Permit requirements. A copy of Bridger's NDPDES General Permit will be filed with the Commission when obtained.

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. The pipeline will be under cathodic protection to prevent corrosion, and Bridger will hydrotest the entire pipeline prior to commencing operations to validate pipeline integrity. All welds will be x-rayed and inspected to ensure weld integrity and compliance with welding codes.

32. Bridger conducts regular pipeline monitoring, periodic inspection, internal inspections, and foot patrol inspections as required by PHMSA regulations. These inspections include aerial patrols 26 times per calendar year at intervals no longer than 3 weeks, internal inspections using inline inspections tools at no longer than 5-year intervals, and periodic foot patrols. The Project is incorporated in Bridger's Spill Response Control Plan, which has been approved by PHMSA.

33. The Project has a two-part leak detection system. The Project will have a leak detection system comprised of a line balancing system with transmitters capable of relaying temperature, pressure, and density information among other things. A Supervisory Control and Data Acquisition (SCADA) system will allow Bridger to monitor the Project from its control room which is staffed 24 hours a day, 7 days a week, and 365 days a year by trained and qualified control personnel in Casper, Wyoming. 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 and emergencies in accordance with 49 CFR Part 195. Bridger has employees located throughout western North Dakota available to respond in the event of an emergency.

34. The second leak detection system utilizes artificial intelligence and machine learning to improve the system's ability to detect abnormalities in flow and pressure data that could be indicative of a leak.

35. Bridger is a member of the North Dakota Pipeline Association, a consortium of pipeline operators that coordinate on pipeline safety and spill response training and community outreach. Through the pipeline association Bridger coordinates with local emergency response officials to discuss emergency response and testified it conducts tabletop and emergency deployment drills several times each calendar year.

36. Testimony was received from the North Dakota Department of Environmental Quality (DEQ). DEQ requested the Commission require a third-party audit of the monitoring, leak detection, and control room management of the pipeline for compliance with appropriate industry standards.

37. At the hearing, Commissioner Fedorchak asked if Bridger would voluntarily have a third-party audit performed of Bridger's monitoring, leak detection, and control room management.

38. On June 3, 2022, Bridger filed a letter with the Commission stating it will voluntarily engage a third-party entity to perform an audit regarding control room operations and associated processes and procedures.

39. Bridger participates in the North Dakota One-Call notification system.

40. 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. 227 is issued to Bridger Pipeline LLC designating a corridor generally 300-feet-wide for the construction, operation, and maintenance of approximately 80 miles of 16-inch diameter crude oil pipeline and associated facilities in McKenzie and Golden Valley Counties, North Dakota (Exhibit A.1, Figure A.1, docket 44). The designated corridor is depicted as the “Project Survey Area” on the Exhibit A.1, Figure A.1 map set (docket 44).
3. Route Permit No. 237 is issued to Bridger Pipeline LLC designating a route for the construction, operation, and maintenance of approximately 80 miles of 16-inch diameter crude oil pipeline and associated facilities in McKenzie and Golden Valley Counties, North Dakota (Exhibit A.1, Figure A.1, docket 44). The designated route is depicted as the “Proposed Alignment” on the Exhibit A.1, Figure A.1 map set (docket 44). The designated route includes a route construction buffer of 20 feet on each side of the designated route within the designated corridor, contingent upon not impacting an avoidance area unless such impact is approved by the Commission in writing prior to conducting any construction activities, or authorized under law. 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 April 28, 2022, 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.

9. Bridger shall file with the Commission a copy of the third-party audit of the monitoring, leak detection, and control room management of the pipeline.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Sheri Haugen-Hoffart
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Corridor Compatibility Number 227

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 80 miles of 16-inch diameter crude oil pipeline and associated facilities in McKenzie and Golden Counties, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated June 8, 2022, in Case No. PU-21-048 and is subject to the conditions and limitations noted in the Order.

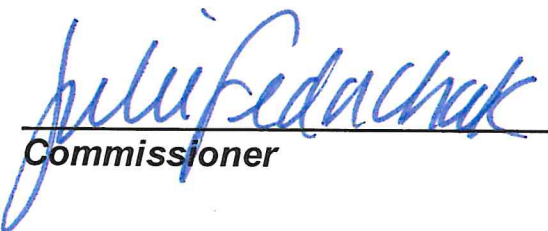
Bismarck, North Dakota, June 8, 2022.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Route Permit Number 237

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 80 miles of 16-inch diameter crude oil pipeline and associated facilities in McKenzie and Golden Counties, North Dakota.

This permit is issued in accordance with the Order of this Commission dated June 8, 2022, in Case No. PU-21-048 and is subject to the conditions and limitations noted in the Order.

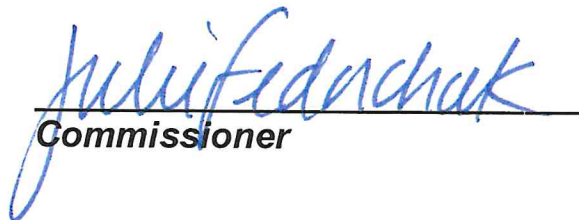
Bismarck, North Dakota, June 8, 2022.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
16-inch Crude Oil Pipeline-McKenzie/Golden Valley
Siting Application

Case No. PU-21-048

CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING

I am H. A. 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 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 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:

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. Bridger Pipeline LLC 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.

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 27th day of APRIL, 2022.

BRIDGER PIPELINE LLC

By


H. A. TRUE

Its

VICE PRESIDENT RB

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Bridger Pipeline LLC
16-inch Crude Oil Pipeline-McKenzie/Golden Valley
Siting Application**

Case No. PU-21-048

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.