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June 29, 2023

Via Hand Delivery & Electronic Mail

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

In re: Tesoro Great Plains Gathering & Marketing LLC
6-Inch Renewable Diesel Conversion Pipeline Project
Stark County
Our File No. 090532-000007

Dear Mr. Kahl:

Enclosed for filing please find the following:

1) Tesoro Great Plains Gathering & Marketing LLC's Consolidated Application for Certificate of Corridor Compatibility and Route Permit in Stark County, North Dakota (8 copies);

2) Application of Tesoro Great Plains Gathering & Marketing LLC for Waiver or Reduction of Procedures and Time Schedules and for an Order, Corridor Certificate, and Route Permit (8 copies);

3) MPLXIF LLC's check in the amount of $20,800;

4) Publication Map (8 copies);

5) Affidavit of Service by Mail;

6) Notice of Appearance; and

7) ND Certificate of Good Standing of Tesoro Great Plains Gathering & Marketing LLC (8 copies).

We are also enclosing a USB containing project GIS and an electronic version of the application for your convenience.

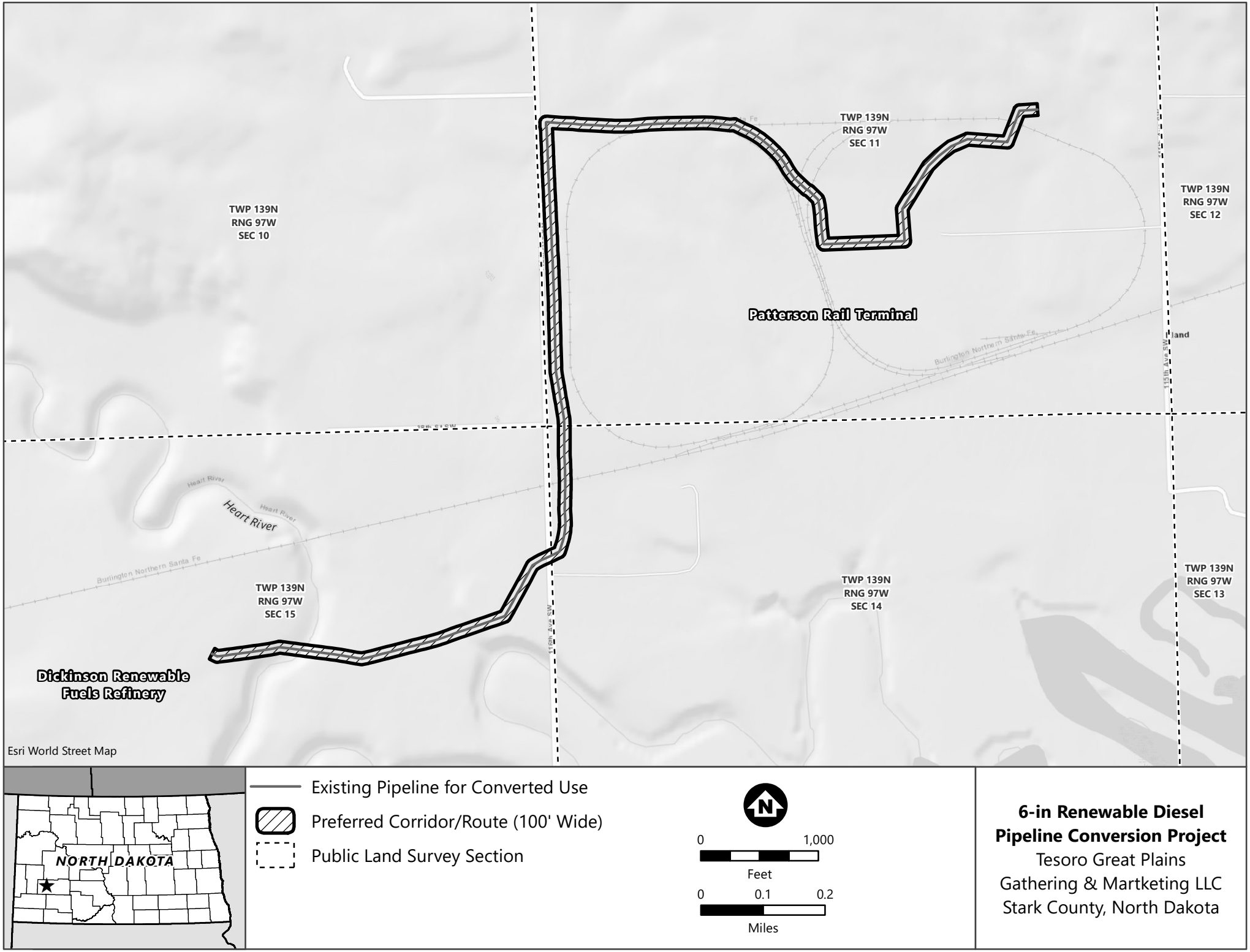
Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Casey A. Furey

CAF/lh
Enc.

cc: Stark County Auditor (via U.S. Mail)
Cris Castillo (via email)
Darren Snow (via email)
Heather Miller (via email)



6-in Renewable Diesel Pipeline Conversion Project

Tesoro Great Plains Gathering & Martketing LLC

Stark County, North Dakota

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Tesoro Great Plains Gathering & Marketing LLC for a Certificate of Corridor Compatibility and Route Permit for an approximately 2.4-Mile Long, 6-Inch Renewable Diesel Pipeline in Stark County, North Dakota	Case No. _____

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NORTH DAKOTA)
)§
COUNTY OF BURLEIGH)

Lisa Herberholz, being first duly sworn on oath, deposes and says: That she is a citizen of the United States over the age of eighteen years and not a party to, nor interested in, the above entitled action.

That on the 29th day of June, 2023, this affiant did deposit in the United States Post office at Bismarck, North Dakota, a true and correct copy of the following document:

CONSOLIDATED APPLICATION OF TESORO GREAT PLAINS GATHERING & MARKETING LLC FOR CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT

That the document with postage prepaid was mailed, directed to the persons to be served at their last known post office address as follows:

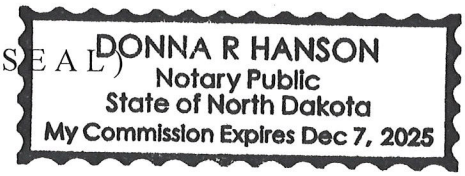
Karen Richard
Stark County Auditor
PO Box 130
Dickinson, ND 58602

To the best of affiant's knowledge, the addresses above given were the actual post office addresses of the parties intended to be served.

Lisa Herberholz

Subscribed and sworn to before me this 29th day of June, 2023.

(SEAL)



Donna R. Hanson

Notary Public
Burleigh County, North Dakota
My Commission Expires: 12/7/2025

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Tesoro Great Plains Gathering & Marketing LLC **6-inch Renewable Diesel Pipeline – Stark County** **Siting Application**	**Case No. PU-23-___**

APPLICATION OF TESORO GREAT PLAINS GATHERING & MARKETING LLC, FOR WAIVER OR REDUCTION OF PROCEDURES AND TIME SCHEDULES AND FOR AN ORDER, CORRIDOR CERTIFICATE, AND ROUTE PERMIT

Applicant Tesoro Great Plains Gathering & Marketing LLC ("Tesoro Great Plains" or "Applicant"), hereby submits to the North Dakota Public Service Commission ("Commission") this Application for Waiver or Reduction of Procedures and Time Schedules ("Waiver Application") in connection with its Consolidated Application for Certificate of Corridor Compatibility and Route Permit for an approximate 2.4-mile renewable diesel pipeline located in Stark County, North Dakota ("Siting Application"). This Waiver Application seeks waiver or reduction of certain procedures and time schedules set forth in North Dakota Century Code Chapter 49-22.1 ("Siting Act") and North Dakota Administrative Code Article 69-06 ("Commission Rules").

REQUEST

Tesoro Great Plains files this Waiver Application pursuant to North Dakota Century Code Section 49-22.1-05 and North Dakota Administrative Code Chapter 69-06-06 and requests the Commission waive and/or reduce certain procedures and time schedules set forth in the Siting Act and Commission Rules as outlined below. Specifically, Tesoro Great Plains requests the Commission:

1. Publish a notice of opportunity for a public hearing on this Waiver Application in lieu of setting the matter for public hearing. In accordance with North Dakota Century Code Section 49-22.1-10(2), the Commission "is not required to hold a public hearing ... on an application for a waiver of procedures and time schedules, but shall publish a notice of opportunity for public hearing . . . ."
2. Waive any applicable hearing requirements set forth in the Siting Act and Commission Rules and instead proceed by issuing notice of opportunity for hearing on the Siting Application.
3. Find that the proposed pipeline is of such design, location, and purpose that it will produce minimal adverse effects.
4. Designate and approve the route and corridor identified in this Waiver Application and the Siting Application, and issue Tesoro Great Plains the appropriate order, corridor certificate, and route permit as requested.

BACKGROUND AND PROJECT DESCRIPTION

The Commission's application guidelines for waiver of procedures and time schedules require the description of the facility, the need for the facility, the cost of the facility and separate justification for each provision of the Siting Act for which the applicant is requesting a waiver, together with evidence that the Pipeline will produce minimal adverse effects. As demonstrated in this Waiver Application and the accompanying Siting Application, Applicant's request for waivers and/or reductions of procedures and time schedules and the issuance of siting authorizations are justified. The proposed pipeline is of such design, location, and purpose that it will produce minimal adverse effects. As further explained herein, the project facilitates timely and efficient delivery of renewable diesel to market, reduces rail traffic at public crossings, and reduces

emissions associated with rail switching.

On July 21, 2022, Tesoro Great Plains submitted a request in Case No. PU-22-328 for approval of temporary facility operations and modifications under N.D.C.C. § 49-22.1-23 for an existing approximate 2.4-mile long, six-inch diameter renewable diesel pipeline in Stark County, North Dakota, designed with a maximum flow rate of 24,000 barrels per day (the "Pipeline"). At the time the Pipeline was acquired by Tesoro Great Plains, it had been purged, filled with nitrogen, and was not currently in operation. The Pipeline originates at parent company Marathon Petroleum Corporation's Dickinson Renewable Fuels Facility and terminates at the Tesoro Great Plains Patterson Rail Terminal. Tesoro Great Plains submitted the request for temporary facility operations to utilize the Pipeline to transport renewable diesel directly from the Dickinson Renewable Fuels Facility to the Patterson Rail Terminal for transload into rail cars for further delivery to U.S. markets.

On July 27, 2022, the Commission issued an Order approving Tesoro Great Plains' request and directed a siting application to be filed with the Commission by August 1, 2023. Case No. PU-22-328, Dkt. No. 4. After the July 27th Order was issued, Tesoro Great Plains commenced minor activities to facilitate Pipeline operations. Tesoro Great Plains modified an existing meter skid at the Dickinson Renewable Fuels Facility to include heat trace and insulation, controls, communication, and the installation of electrical equipment. Similar equipment was also installed at the Patterson Rail Terminal to connect existing electrical controls and conduit to a new meter skid. These activities occurred in previously disturbed industrial areas and resulted in minimal earth disturbance. Before the Pipeline was placed into operations, Tesoro Great Plains ran multiple cleaning/brush pigs through the line and subsequently dried the line utilizing foam pigs.

Before placing the Pipeline into operations, Tesoro Great Plains had utilized a different pipeline to deliver renewable diesel from the Dickinson Renewable Fuels Facility to the Dickinson Rail Terminal (located south of the Patterson Rail Terminal). Burlington Northern Santa Fe ("BNSF") would then move (switch) the loaded renewable diesel rail cars north to the Patterson Rail Terminal to connect to a larger car unit train. This switching occurred via BNSF and would cross 115th Ave SW and 116th Ave SW public roadways in Dickinson. Utilization of the Pipeline creates a more direct path for renewable diesel to reach the Patterson Rail Terminal for further delivery.

The Siting Application accompanying this Waiver Application is submitted in accordance with the Commission's July 27th Order approving the request for temporary facility operations. Tesoro Great Plains seeks a proposed 100-foot-wide corridor for the Pipeline. As demonstrated in the Siting Application, the Pipeline will produce minimal adverse effects. Tesoro Great Plains conducted agency consultation and environmental and cultural studies and surveys for the proposed corridor. Business facilities are located within 500 feet of the proposed route, however, these structures are owned by Tesoro Great Plains and its affiliates. The studies and surveys for the Pipeline concluded there are no additional Commission Exclusion or Avoidance Areas within the proposed corridor. Furthermore, no significant project concerns have been identified in agency consultations received in response to Tesoro Great Plains' solicitation for comment in preparation of the Siting Application.

NEED

Utilization of the Pipeline creates a more direct path for product traveling from the Dickinson Renewable Fuels Facility to the Patterson Rail Terminal. Use of the Pipeline eliminates

the BNSF switching and associated rail emissions and public roadway crossings implicated by use of the prior pipeline.

COST

Tesoro Great Plains estimates the cost to construct a new pipeline similar to the existing project could range up to approximately $4 million.

JUSTIFICATION

The environmental and cultural resource studies and reports conducted for the Pipeline demonstrate there will be minimal adverse effects by operation of the project. The Pipeline utilizes existing infrastructure that is wholly located within a primarily industrial site, and crosses land owned by Tesoro Great Plains and its affiliate for the entire length of the Project. For the reasons set forth in the Siting Application and herein, Tesoro Great Plains' request to waive a formal hearing on the Siting Application and instead proceed by issuance of a notice of opportunity for hearing is appropriate.

CONCLUSION

Applicant hereby submits there is substantial justification set forth above for the requested waiver and/or reduction of time schedules and procedures, as the proposed Pipeline utilizes existing infrastructure and will produce minimal adverse effects.

Applicant respectfully requests the Commission: (1) grant the requested waivers and/or reduction of procedures and time schedules, (2) publish a notice of opportunity for public hearing on this Waiver Application and the Siting Application in lieu of scheduling the matter for hearing, and (3) render an expeditious decision approving an order, corridor certificate, and route permit for the Pipeline.

Dated this 29th day of June, 2023.

Respectfully submitted,

Tesoro Great Plains Gathering & Marketing LLC

CROWLEY FLECK PLLP
Attorneys for Applicant
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, North Dakota 58502
(701) 223-6585

By _____
CASEY A. FUREY (Bar ID #08035)
cfurey@crowleyfleck.com

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Casey A. Furey, being first duly sworn on oath, deposes and says that she is the attorney for the applicant herein named, that she has read the above and foregoing application, knows the contents thereof, and that the same is true to the best of this affiant's knowledge, information, and belief.

_____
CASEY A. FUREY

Subscribed and sworn to before me this 29th day of June, 2023.

(S E A L)

LISA HERBERHOLZ
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES MAR. 17, 2027

_____
Lisa Herberholz, Notary Public
Burleigh County, North Dakota
My Commission Expires: _____

Six-Inch Renewable Diesel Pipeline Conversion Project Stark County, North Dakota

Consolidated Application for Certificate of Corridor Compatibility and Route Permit

Prepared for
Tesoro Great Plains Gathering & Marketing LLC

June 2023

Six-Inch Renewable Diesel Pipeline Conversation Project
Stark County

June 2023

Contents

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Abbreviations and Acronyms

APE	area of potential effect
BGEPA	Bald and Golden Eagle Protection Act
BMP	best management practices
BNSF	Burlington Northern Santa Fe
HDD	horizontal directional drilling
IPaC	Information for Planning and Consultation
MPC	Marathon Petroleum Corporation's
NDAC	North Dakota Administrative Code
NDGFD	North Dakota Game and Fish Department
NDPSC	North Dakota Public Service Commission
NWI	National Wetland Inventory
PHMSA	Pipeline and Hazardous Materials Safety Administration
ROW	right-of-way
SCADA	supervisory control and data acquisition
SHPO	State Historic Preservation Office
SWG	State Wildlife Grant
USFWS	U.S. Fish and Wildlife Service

1 Introduction

Tesoro Great Plains Gathering & Marketing LLC (Tesoro Great Plains) submits this combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (NDPSC) to continue operating an approximately 2.4-mile existing pipeline previously converted to transport renewable diesel (Project). Tesoro Great Plains seeks NDPSC's approval to use the existing pipeline as a refined product transmission line.

In accordance with Chapter 49-22.1 of the North Dakota Century Code, Section 69-06-08-02 of the North Dakota Administrative Code, and the NDPSC's Energy Conversion and Transmission Facility Siting Guidelines, Table 1-1 outlines the information provided herein to fulfill the requirements of this siting application. On July 21, 2022, Tesoro Great Plains submitted a request in Case No. PU-22-328 for approval of temporary facility operations and modifications under NDCC § 49-22.1-23 relating to the Project. On July 27, 2022, the NDPSC issued an order approving the request (Order, Dkt. No. 4, Case No. PU-22-328). Tesoro Great Plains submits this application in accordance with the NDPSC July 27, 2022, Order which required Tesoro Great Plains to file a siting application on or before August 1, 2023.

Table 1-1 Certificate of Corridor Compatibility and Route Permit Checklist

Authority	Description	Location Addressed
Chapter 49-22.1	*CENTURY CODE – Title 49* *ENERGY CONVERSION AND TRANSMISSION FACILITY*	
49-22.1-06	Application for a Certificate for a Corridor	
1.a	Description of size and type of facility	Section 2
1.b	Summary of any studies of environmental impacts	Section 5
1.c	Need for the facility	Section 3.1
1.d	Site for energy conversion facility	Not Applicable
1.e	Preferred transmission (pipeline) corridor	Section 2; Section 3.4
1.f	Analysis of merits and detriments of facility location	Section 3
1.g	Mitigating measures	Section 9
1.h	Corridor evaluation pursuant to 49-22.1-09 and 49-22.1-03	Section 6; Section 8
1.i	Other relevant information	Section 8
49-22.1-07	Application for Route Permit	
1.a	Description of size and type of facility	Section 2
1.b	Description of the location	Section 2
1.c	Route evaluation relative to 49-22.1-09 and 49-22.1-03	Section 6; Section 8
1.d	Mitigating measures	Section 9
1.e	Right-of-way preparation, construction, and reclamation	Section 4.1

Authority	Description	Location Addressed
1.f	Statement identifying how: Landowners informed of right-of-way How landowners will be compensated	Section 4.3
1.g	Other relevant information	Section 8
49-22.1-09	Factors to be considered in evaluating corridor and route applications	
1	Research and investigation into effects of the project on public health, welfare, natural resources, and the environment	Section 5
2	Effects of transmission technology and design to minimize adverse effects	Section 4.2
3	Potential beneficial uses of waste energy from energy conversion facility	Not Applicable (no new energy conversion facilities are proposed)
4	Unavoidable adverse direct and indirect environmental effects	Section 8.1
5	Corridor or route alternatives developed during the hearing which minimize adverse effects	Section 3
6	Irreversible and irretrievable commitments of natural resources if designated	Section 8.2
7	Direct and indirect economic impacts of the facility	Section 8.3
8	Existing plans for other developments at or in the vicinity	Section 8.4
9	Effect of project on scenic areas, historic sites and structures, paleontological and archaeological sites	Sections 5.1 and 7.5
10	Effect of route on unique biological areas	Section 5.5
11	Problems raised by federal, state, or local entities	Section 7
	ADMINISTRATIVE CODE - ARTICLE 69-06 *ENERGY CONVERSION AND TRANSMISSION FACILITY SITING*	
69-06-05-01	Application for a Transmission Facility Permit (Corridor Certificate)	
2.a.(1)	Type of facility proposed	Section 2
2.a.(2)	Purpose of facility	Section 3.1
2.a.(3)	Technology to be deployed	Section 4.2.1
2.a.(4)	Type of product to be transmitted	Section 2; Table 2-1
2.a.(5)	Source of product being transmitted	Section 2
2.a.(6)	Final destination of product being transmitted	Section 2
2.a.(7)	Size and design detail and any alternative size and design	Section 2; Table 2-1
2.a.(7)(a)	The width of right-of-way	Section 2.2
2.a.(7)(b)	The approximate length of facility	Section 2; Table 2-1

Authority	Description	Location Addressed
2.a.(7)(c)	The estimated span length for electric facilities	Not Applicable
2.a.(7)(d)	The anticipated type of structure for electric facilities	Not Applicable
2.a.(7)(e)	The voltage for electric facilities	Not Applicable
2.a.(7)(f)	The requirement for and general location of any new associated facilities	Section 2.3
2.a.(7)(g)	The estimated distance between pipeline surface structures	Section 2.4
2.a.(7)(h)	The pipe size	Section 2; Table 2-1
2.a.(7)(i)	The maximum design for pipeline operating pressure and temperature	Section 2; Table 2-1
2.a.(7)(j)	The maximum design pipeline flow rate	Section 2; Table 2-1
2.a.(7)(k)	The number and general location of compressor or pumping stations	Not Applicable
2.b.	Time schedule	Section 2.5
2.b.(1)	Obtaining the certificate of corridor compatibility	Section 2.5; Table 2-2
2.b.(2)	Obtaining the route permit	Section 2.5; Table 2-2
2.b.(3)	Completing right-of-way acquisition	Section 2.5; Table 2-2
2.b.(4)	Starting construction	Section 2.5; Table 2-2
2.b.(5)	Completing construction	Section 2.5; Table 2-2
2.b.(6)	Testing operations	Section 2.5; Table 2-2
2.b.(7)	Commencing operations	Section 2.5; Table 2-2
2.c.	A copy of each evaluative study or assessment of the environmental impact of the proposed facility submitted to the agencies listed in section 69-06-01-05 and each response received	Section 5, Section 7; Exhibit C
2.d.	Need for the facility	Section 3.1
2.e.	Description of alternatives	Section 3.1
2.f.	Corridor width	Section 2
2.g.	Study area to enable the NDPSC to evaluate the factors in the Century Code section 49-22.1-09;	Section 5; Section 6; Section 7; Section 8
2.h.	Discussion of factors in Century Code 49-22-09.1 to aid NDPSC's evaluation	Section 6; Section 8
2.i.	A discussion of the applicant's policies and commitments to limit the environmental impact of its facilities, including copies of the board resolutions and management directives	Section 8.5
2.j.	Map of criteria that led to route location	Exhibit A
2.k.	Discuss relative value of each criterion and how the location was selected; how operation will affect criteria	Section 6

Authority	Description	Location Addressed
2.l.	Mitigating measures	Section 9
2.m.	Qualifications of each person involved in location study	Section 11
2.n.	Map identifying criteria that led to the route location and new facilities	Figure A.1 (Exhibit A)
2.o.	8 1/2 X 11 black and white map suitable for newspaper publication	Attached
2.p.	Discussion of present and future natural resource development in the area	Section 10
2.q.	Maps and GIS data meeting NDPSC requirements	Attached
69-06-08-02	Transmission Facility Corridor and Route Criteria	--
1	Exclusion areas	Section 6.1
1.a.	Designated or registered national: parks, sites, landmarks, monuments, wilderness	Section 6.1; Table 6-1
1.b.	Designated or registered state: parks, sites, monuments, archeological sites, nature preserves	Section 6.1; Table 6-1
1.c.	County parks and recreational areas, municipal parks, parks owned or administered by other governmental subdivisions	Section 6.1; Table 6-1
1.d.	Areas of critical habitat	Section 6.1; Table 6-1
1.e.	Areas where unique or rare species would be irreversibly damaged	Section 6.1; Table 6-1
1.f.	Area within one thousand two hundred feet of Intercontinental Ballistic Missile (ICBM) facility	Section 6.1; Table 6-1
1.g.	Areas within thirty feet of direct line of ICBM launch facilities	Section 6.1; Table 6-1
2	Avoidance areas	Section 6.2; Table 6-2
2.a.	Designated or registered national: historic districts, wildlife areas, wild, scenic or recreational rivers, wildlife refuges, grasslands	Section 6.2; Table 6-2
2.b.	Designated or registered state: wild, scenic, recreational rivers, game refuges, game management areas, forest management lands, grasslands	Section 6.2; Table 6-2
2.c.	Historical resources which are not specifically designated as exclusion or avoidance areas	Section 6.2; Table 6-2
2.d.	Areas which are geologically unstable	Section 6.2; Table 6-2
2.e.	Within five hundred feet of a residence, school, or place of business	Section 6.2; Table 6-2
2.f.	Reservoirs and municipal water supplies	Section 6.2; Table 6-2
2.g.	Water sources for organized rural water districts	Section 6.2; Table 6-2
2.h.	Irrigated land (does not apply to underground transmission facility)	Section 6.2; Table 6-2
2.i.	Area of recreational significance but not designated exclusion areas	Section 6.2; Table 6-2

Authority	Description	Location Addressed
3	Selection criteria	Section 6.3; Table 6-3
3.a.	The impact upon agriculture	Section 6.3; Table 6-3
3.a.(1)	Agricultural production	Section 6.3; Table 6-3
3.a.(2)	Family farms and ranches	Section 6.3; Table 6-3
3.a.(3)	Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation	Section 6.3; Table 6-3
3.a.(4)	Surface drainage patterns and groundwater flow patterns	Section 6.3; Table 6-3
3.b.	The impact upon:	Section 6.3; Table 6-3
3.b.(1)	Sound-sensitive land uses	Section 6.3; Table 6-3
3.b.(2)	Visual effect on adjacent area	Section 6.3; Table 6-3
3.b.(3)	Extractive and storage resources	Section 6.3; Table 6-3
3.b.(4)	Wetlands, woodlands, and wooded areas	Section 6.3; Table 6-3
3.b.(5)	Radio and TV reception and other communication or electronic facilities	Section 6.3; Table 6-3
3.b.(6)	Human health and safety	Section 6.3; Table 6-3
3.b.(7)	Animal health and safety	Section 6.3; Table 6-3
3.b.(8)	Plant life	Section 6.3; Table 6-3
4	Policy criteria	Section 6.4; Table 6-4
4.a.	Location and design	Section 6.4; Table 6-4
4.b.	Training and utilization of available labor in this state for the general and specialized skills required	Section 6.4; Table 6-4
4.c.	Economies of construction and operation	Section 6.4; Table 6-4
4.d.	Use of citizen coordinating committees	Section 6.4; Table 6-4
4.e.	Commitment of portion of transmitted product for use in state	Section 6.4; Table 6-4
4.f.	Labor relations	Section 6.4; Table 6-4
4.g.	Coordination of facilities	Section 6.4; Table 6-4
4.h.	Monitoring of impacts	Section 6.4; Table 6-4
4.i.	Utilization of existing and proposed rights of way and corridors	Section 6.4; Table 6-4
4.j.	Other existing or proposed transmission facilities	Section 6.4; Table 6-4

2 Project Description

The Project consists of the continued operation of an existing 2.4 mile-long, 6.625-inch nominal-outside-diameter steel pipeline. The Project is in Township 139N; Range 97W; Sections 15, 14, and 11, within Stark County, North Dakota (Figure A.1 [Exhibit A]). The preferred corridor/route (or "Corridor") includes 50 feet on either side of the existing pipeline's centerline for a total width of 100 feet. The Project originates at the Marathon Petroleum Corporation's (MPC) Dickinson Renewable Fuels Facility, located approximately 1.7 miles west of the city of Dickinson, North Dakota, running in a northeast direction to the Tesoro Great Plains Patterson Rail Terminal (Patterson Rail Terminal). Tesoro Great Plains acquired the existing pipeline by way of a purchase and sale agreement. When acquired, the pipeline was not in operation and had been purged and filled with nitrogen.

Renewable diesel from the Dickinson Renewable Fuels Facility is transported in the pipeline to the Patterson Rail Terminal and transloaded into rail cars for further delivery to United States markets. Unit trains are railed to Oregon, loaded onto barges, and shipped to California. Some manifest cars are sent to various locations within the United States. Most of the transported product distribution is in the west coast markets.

Tesoro Great Plains began commissioning the pipeline with the renewable diesel on September 16, 2022, in accordance with NDPSC's approval for temporary facility operations. The pipeline transports approximately 12,000 barrels per day and has a maximum design flow rate of 24,000 barrels per day.

2.1 Design Detail

The existing pipeline was constructed as three separate segments between 1995 and 2014. Table 2-1 provides a summary of pipeline design components.

Table 2-1 Pipeline Design Components

Pipeline Design Component	Value
Type of product	Renewable diesel
Size	six-inch nominal diameter
Wall thickness	Varies between 0.156 to 0.280 inches
Length	2.4 miles
Material	Steel
Maximum allowable operating pressure	285 pounds per square inch gauge (psig)
Maximum operating temperature	100 degrees Fahrenheit
Normal operating pressure	150 psig
Normal operating temperature	70 degrees Fahrenheit

2.2 Right-of-Way Width

Tesoro Great Plains and its affiliate, Dakota Prairie Refining, LLC, own the land underlying the Project entirely; therefore, a right-of-way (ROW) acquisition is not required.

2.3 Aboveground Facilities

Aboveground facilities required to operate the Project include meter skids, launcher and receiver, and valves.

To facilitate Project operations, Tesoro Great Plains modified an existing meter skid within the existing disturbance footprint of the Dickinson Renewable Fuels Facility to include heat trace and insulation, controls and communication, and electrical equipment installation. Tesoro Great Plains relocated and installed a new meter skid within the existing disturbance footprint of the Patterson Rail Terminal on an existing concrete pad. The new meter skid connects to an existing electrical and controls conduit.

Tesoro Great Plains also installed a pig launcher within the existing disturbance footprint of the Dickinson Renewable Fuels Facility and a receiver within the existing disturbance footprint of the Patterson Rail Terminal. Pig launchers and receivers, also known as pig trap assemblies, include a valve.

There is one block valve where the pipeline exits the ground within the Patterson Rail Terminal. This valve was replaced during Project conversion modifications. Valves on the Project are six-inch 600# American National Standards Institute, flanged-end, full-port ball valves. These valves were manufactured in accordance with American Petroleum Institute Standard 6D "API Specification for Steel, Gate, Plug, Ball and Check Valves for Pipeline Service." The maximum allowable operating pressure of the valves is 285 pounds per square inch gauge. The American Society of Mechanical Engineers standard B31.4 "Pipeline Transportation Systems for Liquids and Slurries" was used for Project construction and design.

2.4 Estimated Distance between Surface Structures for Pipeline Facilities

The Project is primarily underground. The aboveground structures described above are in short proximity to the pipeline and within the land owned by Tesoro Great Plains and affiliate Dakota Prairie Refining, LLC.

2.5 Schedule

Table 2-2 summarizes the Project schedule.

Table 2-2 Schedule

Project Milestone	Schedule
Obtaining the certificate of corridor compatibility	Consolidated application for Certificate of Corridor Compatibility and Route Permit hereby submitted
Obtaining the route permit	
Completing right-of-way acquisition	Not applicable (Section 2.2)
Starting construction	Between 1995 and 2014 for existing pipeline and fall 2022 for minor construction activities related to Project operations in its current capacity (Section 4.1)
Completing construction	
Testing operations	Hydrotesting new pipe (Section 4.1) occurred in September 2022.
Commencing operations	September 16, 2022 (Section 2)

3 Alternatives

3.1 Purpose and Need

The purpose and need of the Project are to transport renewable diesel fuel in a more efficient manner from MPC's Dickinson Renewable Fuels Facility to the Tesoro Great Plains Patterson Rail Terminal for delivery to United States markets. Sections 3.2 through 3.4 briefly discuss the Project alternatives.

3.2 No Action Alternative

Before converting the existing pipeline, Tesoro Great Plains used another pipeline connecting the Dickinson Renewable Fuels Facility and the Dickinson Rail Terminal to deliver renewable diesel to the Dakota Prairie Refining, LLC's Dickinson Rail Terminal (south of Patterson Rail Terminal). The renewable diesel was loaded onto rail cars at the Dickinson Rail Terminal. Burlington Northern Santa Fe (BNSF) Railway moved (switched) the loaded renewable diesel rail cars north to the Patterson Rail Terminal for aggregation into a 108-rail car unit train which BNSF then picks up and transports to market(s). The switching occurred via BNSF and would cross 115th Ave SW and 116th Ave SW public roadways.

Renewable diesel will continue to be conveyed between Dickinson Rail Terminal and Patterson Rail Terminal in this way if the existing pipeline were to become inactive for any reason.

3.3 New Pipeline

A new pipeline would result in impacts to the environment from construction and additional costs. Tesoro Great Plains estimates that constructing a new pipeline similar to the existing one would be approximately $3,000,000 to $4,000,000.

3.4 Preferred Alternative

Converting the existing pipeline to transport renewable diesel directly from the Dickinson Renewable Fuels Facility to the Patterson Rail Terminal is the preferred alternative. The Project provides a more direct connection to Patterson Rail Terminal rail cars. The Project reduces train-crossing traffic at public roadways (115th Ave SW and 116th Ave SW), reduces redundancies associated with switching rail cars between the Dickinson Rail Terminal and the Patterson Rail Terminal, and it eliminates emissions associated with current rail locomotive switching. Lastly, the Project does not require additional ground disturbing activities associated with the construction of a new pipeline. Figure A.1 and Figure A.2 (Exhibit A) illustrate the preferred corridor/route.

4 Construction and Operation

4.1 Construction Activities

Minor construction activities associated with the configuration of the existing pipeline for its converted use was completed in fall 2022. A pig launcher and pig receiver were installed, and installation and/or modifications to the meter skids were required (Section 2.3). Additionally, two valve sites were removed.

The existing pipeline was initially constructed as three separate segments between 1995 and 2014 under different ownership. The first segment of the Project extending from the Renewable Fuels Facility is approximately 3,476 feet and was installed in 2014. The second segment is approximately 3,469 feet and was installed in 1995. The third segment is approximately 5,331 feet ending at the Patterson Rail Terminal and was installed in 2011.

Conversion of the existing pipeline also required installation of approximately 50 feet of new in-facility pipeline within the existing disturbance footprint of the Patterson Rail Terminal to connect to the pig receiver. The recently installed 50 feet of new pipeline was hydrostatically tested in fall 2022 to confirm pipeline integrity prior to being placed into service. Previous owners performed hydrostatic testing of the existing pipeline in 2020.

Given that the Project was constructed in segments at different times, under different ownership, the ROW preparation and construction and reclamation procedures are assumed to have followed processes and typical best management practices (BMPs) for pipeline construction. ROW preparation for pipeline construction typically starts with the installation of erosion and sediment control devices to prevent off-site soil migration, followed by clearing, grubbing, and grading. Topsoil is stripped and stored separately from subsoil. Construction and reclamation of the pipeline would have occurred on land that is now entirely owned by Tesoro Great Plains and its affiliate.

Pipelines are typically installed via an open trench that is completed using an excavator or ditching machine, and/or installed via trenchless methods such as horizontal directional drilling (HDD) or boring. HDD and boring methods are used to avoid impacts to sensitive resources and/or roads and railroads. Based on the best available information (e.g., Google Earth imagery), the Heart River near the Dickinson Renewable Fuels Facility, 116th Ave SW, and the Burlington Northern Railroad Company railroad appear to have been crossed via HDD.

After the pipe is installed, the subsoil is returned first, followed by the topsoil, and restoration activities are initiated. Construction-related wastes and rocks deemed unsafe to be returned to the trench are disposed of off-site. The area is reseeded and graded as close to pre-existing conditions as possible. As further detailed in Section 5, Barr Engineering Co. (Barr) completed a field reconnaissance effort documenting the current ROW conditions which is reflective of previous reclamation efforts.

Prior to the pipeline becoming active, Tesoro Great Plains ran multiple cleaning/brush pigs through the pipeline and subsequently dried it using foam drying pigs. Once the pipeline was dry, renewable diesel was injected from the Dickinson Renewable Fuels Facility.

4.2 Operations

Based on exception defined in 49 CFR Subpart 195.1(b)(3)(ii), the Project is unregulated due to the pipeline being under low-stress, is less than one-mile in length (measured outside of Tesoro Great Plains terminal or MPC refinery grounds) and does not cross commercially navigable waterways.

Therefore, the pipeline is exempt from U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) 49 CFR Subpart 195 except for the reporting requirements in 195.15. Pipeline integrity and emergency response procedures will be followed in accordance with company policy and applicable rules and regulations.

The system is controlled and monitored 24 hours a day, 7 days a week, and 365 days a year by trained control room personnel in San Antonio, Texas. Additionally, the system is equipped with a monitoring and alarm system that continuously monitors the flow and pressure and readily signifies anything outside normal operating conditions. If a spill were to occur, Tesoro Great Plain would implement a response in accordance with their parent company's (MPLX's) Northern Great Plains Pipeline Oil Spill Response Plan. The Northern Great Plains Pipeline Oil Spill Response Plan was drafted in accordance with PHMSA regulations and reviewed and approved by PHMSA.

4.2.1 Technology to be Employed

The pipeline will continue to have a supervisory control and data acquisition (SCADA) system to monitor operations as described above and use a balancing system for leak detection. Implementation of this technology will minimize the potential for adverse effects.

4.3 Landowner Notification, Easement Acquisition, and Compensation

The Project is located on land entirely owned by Tesoro Great Plains and affiliate Dakota Prairie Refining, LLC (Section 2.2); therefore, easement acquisition and compensation were not required. At the time of the Project's original construction; coordination with Burlington Northern Railroad Company and county highway department was completed.

Tesoro Great Plains contacted the previous owner of the pipeline, Bridger Pipeline, LLC (Bridger), to request information on and copies of railroad crossing permits previously issued for the Project's pipeline segments. Bridger provided a copy of Pipeline Permit No. PX95-22041, issued to Belle Fourche Pipeline Company by Burlington Northern Railroad Company in 1995 to "excavate for, construct, maintain, and operate…" the pipeline (Exhibit B.1).

Tesoro Great Plains reached out to Bridger and Stark County requesting information on and copies of county road crossing permits previously issued for the Project's pipeline segments. Bridger was unable to provide a copy of a road crossing permit from Stark County for the Project pipeline. Stark County too was unable to provide any documentation of previous installation permits. Al Heiser, Stark County Road Superintendent, suggested the county did not maintain electronic records of road crossing permits during the period (approximately 2014) when the pipeline crossing of 116Th Ave SW would have occurred, and

hard copy records were not readily available to review. Mr. Heiser did identify that Stark County did not require any action at this time for the Project (Exhibit B.2).

If required, notifications to the railroad and county highway department will occur to facilitate future maintenance needs.

5 Environmental Studies

Environmental data was collected using both desktop resources and information collected during field reconnaissance completed by Barr in early October 2022. Data was collected for general land use, cultural resources, wetland and waterbodies, existing vegetation, wildlife, and protected species. The inventory of exclusion areas and avoidance areas are presented in Section 6.1 and Section 6.2.

The study area included the 100-foot-wide Corridor. The study area was extended to one mile to inform the cultural resource review completed by Juniper Environmental Consulting (Juniper) and for some field reconnaissance efforts, including a field raptor nest survey, as noted in the following subsections.

5.1 Cultural Resources

A portion of the 2.4-mile Corridor was included in a previous siting application, documented in NDPSC Case No. PU-18-405. This application for the Belle Fourche Pipeline Company (6" Skunk Hill to DPR; PU-18-405) included a cultural resource inventory of the western half of the Project, reported in Hanley (reference (1)).

A new Class I Literature Review of the State Historical Society of North Dakota's site and manuscript files was conducted for a one-mile radius study area around the Corridor by Juniper on October 4, 2022 (Exhibit C.1). The review noted 61 previously recorded cultural resources and 34 previously reported cultural resource investigations within a one-mile radius. Two of the previously recorded cultural resources lie adjacent to or within the area of potential effect (APE) for the Project; both cultural resources (Site 32SK9 and Site 32SK795) have been previously recommended *not eligible* for inclusion in the National Register of Historic Places. A redacted version of the Class I Literature Review is provided in Exhibit C.1.

Juniper recommended that the Class I Literature Review constituted a reasonable and good faith effort to identify cultural resources within the APE and Juniper also recommended a finding of No Historic Properties Affected for the proposed undertaking. Juniper further proposed that a Class III cultural resources-based pedestrian survey was unnecessary. The eastern portion of the Project has experienced significant levels of prior ground disturbance and the western portion of the Project has undergone previous cultural resources surveys within the recent past. Juniper's report summarizing these findings was provided to the North Dakota State Historic Preservation Office (SHPO) on December 26, 2022.

The SHPO agreed with Juniper via letter on January 20, 2023, that no significant sites would be affected by the Project; thereby indicating that no additional work regarding cultural resources would be necessary for the Project to proceed. The SHPO response letter is provided in Exhibit C.2.

5.2 Wetlands and Waterbodies

Barr conducted a preliminary desktop survey using the following data sets to identify the potential for wetlands and waterbody crossings within the Corridor:

- aerial photographs

- U.S. Geological Survey topographic maps
- National Hydrography Database
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI)
- SSURGO Soil Survey
- LiDAR surface contours

In addition, Barr conducted a field visit on October 3, 2022, to document wetlands and waterbody crossings within the Corridor.

The Corridor crosses the wetlands and waterbodies summarized in Table 5-1 and are illustrated in Figure A.2 (Exhibit A).

Table 5-1 Wetlands and Waterbodies Within Preferred Corridor/Route

Waterbody crossed (location description)	Type	Description
Heart River (east of Dickinson Renewable Fuels Facility)	Waterway	Per National Wetland Inventory (NWI), the Heart River is a semi-permanently flooded lower perennial riverine system with an unconsolidated bottom. This is consistent with the findings of the field reconnaissance.
Unnamed tributary to Heart River (east of Heart River)	Wetland / waterway	Per NWI, there is a palustrine seasonally flooded wetland (PEM1Ch) connected to a seasonally flooded, intermittently flowing riverine streambed (R4SBC). This is consistent with the findings of the field reconnaissance.
Culvert with riprap channel (northwest corner of Patterson Rail Terminal)	Waterway	Per National Hydrography Database, this is mapped as an intermittent stream and, per NWI, is a R4SBC riverine wetland. This channel was dry at the time of the October 3, 2022, site visit and would not meet wetland criteria within the Corridor due to the rock lining.

It is assumed given common pipeline installation practices and BMPs (Section 4), that no wetlands or waterbodies were permanently impacted or filled during construction of the Project. If temporary impacts occurred during construction, the resources have since been restored. Tesoro Great Plains will complete appropriate consultation and permitting for future maintenance activities that may require impacts to wetlands or waterbodies.

5.3 Vegetation

Barr inventoried vegetation types present during the October 2, 2022, field reconnaissance site visit. The Corridor from the west side of the Heart River to the Dickinson Renewable Fuels Facility is in an area previously disturbed by agricultural practices, and refinery development. Vegetation observed in this area included a smooth brome grass (*Bromus inermis)* field with leafy spurge (*Euphorbia esula*), absinth wormwood (*Artemisia absinthium)*, thistle, and burdock (*Arctium minus)*.

The Heart River crossing location included brome, goldenrod (*Solidago spp*.), honeysuckle (*Lonicera spp*.) shrubs, boxelder (*Acer negundo*), silver buffaloberry (*Shepherdia argentea*), and green ash (*Fraxinus pennsylvanica*). Cattails and American common reed (*Phragmites australis subsp. americanus*) were present at the bottom of the steep slope along the river's edge.

The Corridor crosses a corn field east of the Heart River crossing location that was harvested at the time of the site reconnaissance. Vegetation along the corn field edge consisted of:

- sweet clover (*Melilotus officinalis*),
- common ragweed (*Ambrosia artemisiifolia*),
- Canada thistle (*Cirsium arvense*),
- absinth wormwood,
- prickly Russian thistle (*Salsola tragus*),
- wild licorice (*Glycyrrhiza lepidota*),
- redroot pigweed (*Amaranthus retroflexus*), and
- garlic mustard (*Alliaria petiolata*).

Approaching the channelized wetland area at the unnamed tributary to Heart River crossing location, vegetation is dominated by:

- narrowleaf cattail (*Typha angustifolia*),
- American common reed,
- reed canary grass (*Phalaris arundinacea*),
- hummock sedge (*Carex stricta*), and
- sandbar willow shrubs (*Salix interior*).

Adjacent vegetation in this area included:

- smooth brome,
- switchgrass (*Panicum spp*.),
- common milkweed (*Asclepias syriaca*),
- Canada thistle, rose (*Rosa sp*.),
- Russian olive shrubs (*Elaeagnus angustifolia)*, and

- chokecherry (*Prunus virginiana*) saplings.

From this crossing location and adjacent to 116th Avenue Southwest, vegetation types included mowed grass areas with sweet clover, absinth wormwood, Canada thistle, and common ragweed.

West of the Patterson Rail Terminal along the roadway edge, and within the Patterson Rail Terminal, noted vegetation types consisted of:

- smooth brome grass,
- alfalfa (*Medicago sativa*),
- wheat (*Triticum spp*.),
- gumweed (*Grindelia squarrosa*),
- sweet clover,
- goldenrod,
- hairy golden aster (*Heterotheca villosa*),
- absinth wormwood,
- Canada thistle,
- prickly Russian thistle,
- redroot pigweed,
- common milkweed,
- common ragweed, and
- leafy spurge.

Russian olive, cottonwood (*Populus deltoides*) and Siberian elm (*Ulmus pumila)* saplings were also present.

Grading activities during construction of the Project would have required temporary disturbance to existing vegetation which have since been restored. Tesoro Great Plains will reseed areas disturbed as part of future maintenance activities.

5.3.1 Trees and Shrubs

Barr documented tree and shrub species observed within the Corridor during the site reconnaissance on October 3, 2022. Most of the Corridor did not contain trees or shrubs. Trees and shrubs observed are summarized in Table 5-2.

Table 5-2 Summary of Trees/Shrubs Observed

Location description	Woody Vegetation Observed
Banks of Heart River (east of Dickinson Renewable Fuels Facility)	Honeysuckle shrubs, one 10-inch diameter at breast height (dbh) and one 3-inch dbh boxelder, five 1 to 3-inch dbh silver buffaloberry, and three six-inch dbh green ash
Unnamed tributary to Heart River (east of Heart River)	Several 1-inch dbh sandbar willow shrubs were observed within the channelized wetland (Figure A.2 [Exhibit A]). Three 2-inch dbh Russian olive shrubs, and ten 2-inch dbh chokecherry saplings were observed within the Corridor adjacent to the channelized wetland.
Eastern Patterson Rail Terminal portion of the Corridor	Several Russian olive shrubs, three 2-inch dbh cottonwood saplings, and one 2-inch dbh Siberian elm sapling were observed.

Construction of the pipeline may have required clearing of some woody vegetation existing at the time of construction activities which would have been limited to clearing only what was necessary to accommodate safe pipeline installation. Given the total length of pipeline, the industrial nature of the immediate proximity of the Project, and the Project is located on land owned by Tesoro Great Plains and its affiliate, no adverse impacts to wooded areas are anticipated.

5.3.2 Noxious Weeds

North Dakota Century Code 4.1-47 codifies the requirements for managing noxious weeds and requires that: "Each person shall do all things necessary and proper to control the spread of noxious weeds." This can be enforced if/when a county weed officer determines there are noxious weeds present and subsequently provides written notification to a landowner requiring that they be removed.

Table 5-3 summarizes the state-listed noxious weeds identified the North Dakota Department of Agricultural website (reference (2)).

Table 5-3 State Noxious Weeds

Common Name	Scientific Name
Absinth Wormwood	*Artemisia absinthium*
Canada Thistle	*Cirsium arvense*
Dalmatian Toadflax	*Linaria genistifolia*
Diffuse Knapweed	*Centaurea diffusa*
Hounds tongue	*Cynoglossum officinale*
Leafy Spurge	*Euphorbia esula*
Musk Thistle	*Carduus nutans*
Palmer amaranth	*Amaranthus palmeri*
Purple Loosestrife	*Lythrum salicaria*
Russian Knapweed	*Centaurea repens*
Salt cedar	*Tamarisk spp.*
Spotted Knapweed	*Centaurea maculosa*
Yellow Toadflax	*Linaria vulgaris*

Counties and cities have the option to add additional weeds onto a list for enforcement only in their jurisdiction (Table 5-4).

Table 5-4 Stark County Noxious Weeds

Common Name	Scientific Name
Black henbane	*Hyoschyamus niger*
Hoary cress	*Cardaria draba*

Source: reference (3)

Noxious weeds that were identified during the October 3, 2022, field reconnaissance site visit included Absinth Wormwood (*Artemisia absinthium*), Canada Thistle (*Cirsium arvense*), and Leafy Spurge (*Euphorbia esula*). Locations of noxious weeds identified are provided in Figure A.2 [Exhibit A]. A formal noxious weed survey was not conducted. As the owner of the property underlying the Project, Tesoro Great Plains will implement its weed management plan moving forward. Herbicide application for weeds identified in Fall 2022 is scheduled to take place in Spring 2023. Tesoro Great Plains will complete ongoing, applicable, and appropriate weed management practices seasonally and as necessary to control weeds.

5.4 Wildlife

Documented observations of wildlife during the October 3, 2022, field reconnaissance included crickets, mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), sharp tailed grouse

(*Tympanuchus phasianellus*), mourning doves (*Zenaida macroura),* and thirteen-lined ground squirrel (*Ictidomys tridecemlineatus*). Deer, coyote (*Canis latrans*), and raccoon (*Procyon lotor*) scat and tracks were observed throughout the Corridor. One coyote roadkill was observed along 116th Avenue Southwest just west of the Patterson Rail Terminal.

Public roadways within a one-mile radius of the Project were driven subsequent to the October 3, 2022, field reconnaissance site visit. Signs of wildlife observed within one mile were similar to that found within the Corridor, including:

- another coyote roadkill,
- thirteen-lined ground squirrel holes,
- sharp tailed grouse, one Swainson's hawk (*Buteo swainsoni*),
- mourning doves,
- Canada geese (*Branta canadensis*),
- sparrows,
- blue jay (Cyanocitta cristata),
- goldfinch (*Spinus tristis*),
- common grackle (*Quiscalus quiscula*),
- black capped chickadee (*Poecile atricapillus*),
- American robin (*Turdus migratorius*),
- house finch (Haemorhous mexicanus),
- evening grosbeak (Hesperiphona vespertine),
- gulls (*Larus spp.*),
- American white pelicans (*Pelecanus erythrorhynchos*), and
- American crows (*Corvus brachyrhynchos*).

In addition to general wildlife observations, on October 4, 2022, a raptor nest survey was completed via public roadways within a one-mile radius of the Project. No raptor nests were identified within the one-mile radius of the Corridor; however, a single Swainson's hawk (*Buteo swainsoni*) was observed perched on a tree in a residential neighborhood near Patterson Lake.

North Dakota Game and Fish Department (NDGFD) identifies species that are considered Species of Conservation Priority and set a strategic vision with the goal of preserving the state's wildlife diversity

through their State Wildlife Action Plan. Species of Conservation Priority are categorized into three levels according to their conservation need as listed below (reference (4)).

- Level I: These are species are in decline and receive little or no monetary support or conservation efforts. NDGFD has a clear obligation to use State Wildlife Grant (SWG) funding to implement conservation actions that directly benefit these species. Level I species are those having a:
    - high level of conservation priority because of declining status either here or across their range, or
    - high rate of occurrence in North Dakota constituting the core of the species breeding range (i.e., "responsibility" species) but are at-risk range wide.
- Level II: NDGFD will use SWG funding to implement conservation actions to benefit these species if SWG funding for Level I species is sufficient or conservation needs have been met. Level II species are those having a:
    - moderate level of conservation priority, or
    - high level of conservation priority but a substantial level of non-SWG funding is available to them.
- Level III: These are species having a moderate level of conservation priority but are believed to be peripheral or non-breeding in North Dakota.

Of the wildlife species identified within the Corridor during the October 3, 2022, field reconnaissance site visit, one species is designated as Species of Conservation Priority: Sharp-tailed grouse (Level II). Of the noted wildlife species within a mile of the Project, two species are designated as Species of Conservation Priority: Swainson's hawk (Level I) and American white pelican (Level II).

Additionally, while the Monarch butterfly (Level I Species of Conservation Priority and candidate species for federal Endangered Species Act [reference (5)]) was not observed, common milkweed was found in sporadic populations throughout the Corridor. Common milkweed is a primary food source for the Monarch butterfly.

No adverse effects are expected to occur to wildlife as a result of the Project. The Project consists of existing infrastructure located within a largely previously disturbed and industrial area. Temporary impacts during construction may have included the temporary displacement of wildlife as a result of the noise and equipment use. Tesoro Great Plains will monitor the future listing status of the Monarch butterfly and complete appropriate consultation and permitting for future maintenance activities, if required.

5.5 Federally Protected Species

5.5.1 Federally Listed Threatened or Endangered Species

Barr reviewed the Information for Planning and Consultation list of federally listed threatened or endangered species with a potential to occur along the Corridor and other resources managed by the Ecological Services Program of the USFWS. The results of this database search are summarized in Table 5-5.

No currently listed threatened or endangered species were observed within the Corridor or within a one-mile radius during the October 3, 2022, field reconnaissance site visit. No USFWS listed threatened or endangered species designated critical habitat is located within the Corridor.

Table 5-5 Federally Listed Threatened and Endangered Species

Common Name	Scientific Name	Federal ESA Status	Habitat	Evaluation	Justification
Northern Long-eared Bat	*Myotis septentrionalis*	Endangered	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During late spring and summer roosts and forages in upland forests.	No Effect	Removal of woody vegetation greater than 3 inches diameter at breast height during the active season, April 1 - October 31, may affect this species. No removal of suitable woody vegetation is anticipated. Additionally, there are no known hibernacula for this species within 0.25 miles of the Project area. If removal of suitable woody vegetation will occur in the future, additional review may be required.
Whooping Crane	*Grus americana*	Endangered	During migration, use primarily wetlands and cropland ponds for roosting, feeding, or both. Seasonal and semipermanent wetlands are the most commonly used. Larger wetlands are used for roosting and smaller wetlands for foraging.	No Effect	While there may be suitable areas for migrating cranes to use the Corridor for foraging, nesting is unlikely in the Corridor due to the lack of large wetland complexes. Adult cranes are large, mobile birds that would avoid human activity.

5.5.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act prohibits the taking, killing, possessing, and transporting migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. Both native prairie and

non-native grasslands provide breeding, nesting, foraging, brood-rearing, and dispersal habitat for many species of migratory birds in North Dakota. The migratory bird nesting season in North Dakota is February 1 to July 15. Future maintenance activities that may require clearing activities with potential to impact nesting birds will be scheduled, temporally and spatially, when possible, to avoid significant impacts to migratory birds.

5.5.3 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BGEPA) prohibits the taking of a bald or golden eagle, including their parts, nests, or eggs without a permit. Take is defined by the BGEPA as to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. Impacts resulting from human activity occurring around previously used bald or golden eagle nesting sites is also addressed in the BGEPA.

Bald eagles (*Haliaeetus leucocephalus*) are common throughout North Dakota and usually nest in large trees near waterbodies; however, they may also nest in other tall structures such as cliffs, communication towers, and utility poles. Golden eagles (*Aquila chrysaetos*) are less common in North Dakota but may breed in the westernmost portions of the state. Golden eagles typically nest in incised landscapes such as the badlands, as well as in tall buttes or trees that overlook native grassland and prairie habitats. Eagles nesting season in North Dakota is February 1 to July 31.

A database search was submitted to NDGFD for known bald or golden eagle nests within a one-mile radius of the Corridor. On September 29, 2022, Barr received a response from the NDGFD that no known bald or golden eagle nests are documented within 2 miles of the Corridor (Exhibit D). The closest known nest is more than 4 miles southwest. In addition, no eagle nests were observed within a one-mile radius of the Corridor during a raptor nest survey conducted on October 4, 2022.

6 Criteria

An inventory and suitability analysis of the Corridor was conducted to identify exclusion areas, avoidance areas, and selection criteria that relate to minimizing potential land use and environmental impacts as well as policy criteria that relate to maximizing public benefits, and design and construction limitations.

6.1 Exclusion Areas

NDAC 69-06-08-02-(1) specifies geographic areas referred to as "exclusion areas" that must be excluded in the consideration of a route for a transmission facility. A corridor may contain an exclusion area; however, exclusion areas may not encompass more than 50 percent of the corridor width at any point, unless there is no reasonable alternative. Table 6-1 summarizes exclusion areas. There are no exclusion areas within the Corridor; therefore, no buffers are proposed.

Table 6-1 Exclusion Areas

Exclusion Area	Present within corridor/route?	Potential Impacts
National parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas	Not present	No potential impacts. The nearest federal land is U.S. Bureau of Reclamation Lands located outside of the Corridor (Figure A.1 [Exhibit A]).
State parks; historic sites; monuments; historical markers; archeological sites; and nature preserves	Not present	No potential impacts. The nearest state land is surface trust land (Figure A.1 [Exhibit A]) greater than five miles to the east of the Corridor.
County parks and recreational areas; municipal parks; and parks owned or administered by other governmental subdivisions	Not present	No potential impacts. The nearest recreational area is Patterson Lake Recreation Area located approximately 0.6 mile southeast of the Corridor (Figure A.1 [Exhibit A]).
Areas critical to the life stages of threatened or endangered animal or plant species	Not present	No potential impacts. No USFWS listed designated critical habitat is located within or immediately adjacent to the Corridor.
Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged	Not present	While some unique or rare species may occur within the Corridor (e.g., Species of Conservation Priority as discussed in Section 5.4), however no irreversible damages to the species are anticipated as a result of the Project.
Areas within one thousand two hundred feet of the geographic center of an Intercontinental Ballistic Missile (ICBM) launch or launch control facility	Not present	No potential impacts. Tesoro Great Plains is not aware of any ICBM facilities within the Corridor
Areas within thirty feet on either side of a direct line between ICBM launch and launch control facilities to avoid microwave interference	Not present	No potential impacts. Tesoro Great Plains is not aware of any ICBM facilities within the Corridor or in close proximity.

6.2 Avoidance Areas

NDAC 69-06-08-02-(2) specifies geographical areas referred to as "avoidance areas" that must be excluded in the consideration of a route for a transmission facility (unless the applicant shows that under the circumstances there is no reasonable alternative). If present within the route, a buffer zone of a reasonable width must be established to protect the integrity of the area. Table 6-2 summarizes avoidance areas. Except for industrial buildings within 500 feet, which are all owned by Tesoro Great Plains and its affiliated companies, there are no avoidance areas within the Corridor. No avoidance buffers are proposed.

Table 6-2 Avoidance Areas

Avoidance Area	Present within corridor/route?	Potential Impacts
National historic districts, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, grasslands	Not present	No potential impacts. The nearest avoidance area in this category is more than three miles from the Corridor.
State wild, scenic or recreational rivers, game refuges, game management areas, management areas, forests, forest management lands, grasslands	Not present	No potential impacts. No avoidance area in this category were identified within five miles from the Corridor.
Historical resources not specifically designated as exclusion areas	Not present	Per Section 5.1, no potential impacts.
Geologically unstable areas	Not present	No potential impacts given the area is generally flat.
Within 500 feet of a residence, school, or place of business	Facilities associated with adjacent industrial uses are located within 500 feet of the Corridor.[1]	No impacts are anticipated to these industrial facilities and no buffer is proposed.
Reservoirs and municipal water supplies	Not present	No potential impacts. The City of Dickinson receives its water supply from the Southwest Water Authority pipeline which is fed by the Missouri River (Lake Sakakawea).
Water sources for organized rural water districts	Not present	No potential impacts. The Corridor is part of the Southwest Water Pipeline rural water regional system which will not be impacted by the Project.
Irrigated land	Not applicable	No buffer is proposed.
Areas of recreational significance not designated as exclusion areas	Not present	The nearest recreational area is Patterson Lake Recreation Area located approximately 0.6 mile southeast of the corridor/route. No potential impacts.

[1] The Project crosses property owned by Marathon Petroleum Corporation, including the Dickinson Renewable Fuels Facility and the Tesoro Great Plains Patterson Rail Terminal

6.3 Selection Criteria

Table 6-3 summarizes the selection criteria specified in NDAC 69-06-08-02(3) and any necessary measures to minimize potential significant impacts.

Table 6-3 Selection Criteria

Selection Criteria	Potential Adverse Effects
Agricultural production	Corn is grown within a portion of the Corridor and in the broader area surrounding the Corridor, agricultural and pasture lands (including wheat, hay, corn, and sunflowers fields) are present. Livestock (including horses, cows, and domestic bison) are also present in the area surrounding the Corridor. Agricultural practices to grow corn within the Corridor are ongoing and no broader impacts to adjacent agricultural practices are anticipated.
Family farms and ranches	No family farms were previously or will be displaced due to the Project.
Land suitable for irrigation	Most of the Corridor is designated as irrigable (reference (6)) which indicates the soil can generally be irrigated from most water sources (reference (7)). However, the Project did not impact irrigated lands during construction and no future impacts to irrigated lands are anticipated.
Surface drainage and groundwater flow patterns	No impacts to surface drainage patterns are anticipated as a result of the Project and the Project is primarily comprised of existing underground pipeline. Groundwater moves under the influence of gravity from areas of higher potential (recharge) to areas of lower potential (discharge). In Stark County groundwater generally flows eastward and northwest of the City of Dickinson, groundwater flows to the north (reference (8)). According to well logs within 1,000 feet of the Project (well log locations shown in Figure A.2 [Exhibit A]), depth to groundwater is as shallow as 8 feet and up to 30 feet below ground surface (reference (6)). No impacts to groundwater are anticipated as a result of the Project.
Sound sensitive areas	The Project is in an industrial area and no noise is generated along the ROW during normal operation of the pipeline. No pump stations are proposed as part of the Project. No inhabited residences within 500 feet of the Project. Therefore, no noise impacts or noise-sensitive land uses are anticipated.
Visual effects	The pipeline is buried, and aboveground associated facilities are located adjacent to existing, industrial facilities. No visual effects are anticipated.
Extractive and Storage Resources	No extractive and storage resources were impacted by construction of the Project. Mineral trust lands are located adjacent to but outside of the Corridor. Due to the narrow and linear nature of the Project and proximity to refinery and transportation infrastructure, operation of the Project is not anticipated to impact future extractive development or storage resources.
Wetlands, woodlands, and wooded areas	Existing wetlands and wooded areas are described in Section 5. No wetlands or waterbodies were permanently impacted or filled during construction. If temporary impacts occurred during construction, the resources have been restored. Construction of the pipeline may have required clearing of some woody vegetation. Given the total length of pipeline and the industrial nature of the immediate proximity of the Project, no adverse impacts to wooded areas are anticipated.

Selection Criteria	Potential Adverse Effects
Communication or electric control facilities	No impacts on television or radio reception or communication or electronic control facilities are anticipated as a result of the Project.
Human health and safety	The pipeline has and will continue to be operated in accordance with applicable safety rules and laws, as further described in Section 4.2.
Animal health and safety	No impacts to livestock occurred during construction or are anticipated. Minimal impacts to wildlife, such as temporary displacement, may have occurred during construction of the Project and could be possible during future maintenance of the pipeline; however, impacts are expected to be negligible.
Plant life	Temporary impacts to existing vegetation occurred during construction and have since been restored. Future maintenance activities may also result in temporary disturbance which would be restored following maintenance activities.

6.4 Policy Criteria

Per NDAC 69-06-08-02(4), the NDPSC may give preference to an applicant that will maximize benefits that result from the adoption of the policies and practices summarized in Table 6-4. The NDPSC may also give preference to an applicant that would maximize interstate benefits.

Table 6-4 Policy Criteria

Policy Criteria	Suitable Policy or Practice of Applicant
Location and design	The Project is the is preferred alternative for the reasons provided in Section 3.4.
Training and utilization of in-state labor	Future maintenance activities would likely use in-state labor resources.
Economics of construction and operation	Conversion of an existing pipeline versus constructing a new pipeline is cost effective.
Use of citizen coordinating communities	Because the pipeline is already constructed, the Project does not have citizen coordinating communities.
Commitment of portion of transmitted product for use in-state	The product is shipped out of state, as described in Section 2.
Labor relations	Tesoro Great Plain does not have labor relations policies applicable to the Project.
Coordination of facilities	The existing six-inch pipeline and associated pumping, control, and operating systems are used in conjunction with other refinery and rail loading systems to optimize system capacity, safety, and efficiency. The pipeline is used to transport renewable diesel from the Dickinson Renewable Fuels Facility to the Patterson Rail Terminal as described in Section 1.
Monitoring impacts	Construction related Best Management Practices (BMPs) are described in Section 4.1. BMPs and monitoring activities for future Project maintenance would occur in accordance with applicable permits. Monitoring activities related to operation of the Project are described in Section 4.2.
Using existing and proposed right of ways and corridors	The Project is in an existing ROW and uses an existing pipeline.
Other existing or proposed transmission facilities	Not applicable to this Project.

7 Agency Notifications and Permitting

In December 2022, Barr initiated agency consultation via an introductory letter to the agencies and other means as summarized in Table 7-1. The introductory letter notified the recipients of Tesoro Great Plain's intent to submit this application and invited feedback. Sample notifications (Exhibit D.1) and responses received are provided in Exhibit D. Feedback received from agencies is also summarized in the following subsections.

Table 7-1 Agency Notifications

Agency Contacted	Means of Communication	Date of Contact
Attorney General of North Dakota	Mailed project introductory letter	December 21, 2022
Bureau of Land Management	Mailed project introductory letter	December 21, 2022
Grand Forks Air Force Base	Mailed project introductory letter	December 21, 2022
Job Service North Dakota	Mailed project introductory letter	December 21, 2022
Military Aviation and Installation Assurance Siting Clearinghouse	Mailed project introductory letter	December 21, 2022
Minot Air Force Base Twentieth Airforce Ninety-First Missile Wing	Mailed project introductory letter	December 21, 2022
North Dakota Aeronautics Commission	Mailed project introductory letter	December 21, 2022
North Dakota Department of Agriculture	Mailed project introductory letter	December 21, 2022
North Dakota Department of Career and Technical Education	Mailed project introductory letter	December 21, 2022
North Dakota Department of Commerce	Mailed project introductory letter	December 21, 2022
North Dakota Department of Environmental Quality	Mailed project introductory letter	December 21, 2022
	Received letter response (Section 7.1)	January 9, 2023
North Dakota Department of Health and Human Services	Mailed project introductory letter	December 21, 2022
North Dakota Department of Labor and Human Rights	Mailed project introductory letter	December 21, 2022
North Dakota Department of Transportation	Mailed project introductory letter	December 21, 2022
	Received letter response (Section 7.2)	January 11, 2023
North Dakota Department of Trust Lands, Energy Infrastructure and Impact Office	Mailed project introductory letter	December 21, 2022
North Dakota Department of Water Resources	Mailed project introductory letter	December 21, 2022
North Dakota Game and Fish Department, Conservation Section	Mailed project introductory letter	December 21, 2022
	Received email response (Section 7.3)	June 5, 2023

Agency Contacted	Means of Communication	Date of Contact
North Dakota Geological Survey	Mailed project introductory letter	December 21, 2022
North Dakota Governor's Office	Mailed project introductory letter	December 21, 2022
North Dakota Indian Affairs Commission	Mailed project introductory letter	December 21, 2022
North Dakota Industrial Commission Pipeline Authority	Mailed project introductory letter	December 21, 2022
North Dakota Parks and Recreation Department, Director	Mailed project introductory letter	December 21, 2022
	Received email response (Section 7.3)	January 4, 2023
North Dakota Soil Conservation Committee	Mailed project introductory letter	December 21, 2022
North Dakota State Historic Preservation Office (SHPO) [1]	Mailed cover letter with accompanying Class I Literature Review Report (Exhibit C.1)	December 20, 2022
	Received North Dakota SHPO concurrence letter response. (Section 7.5, Exhibit C.2))	January 20, 2023
North Dakota State University Extension	Mailed project introductory letter	December 21, 2022
North Dakota Transmission Authority	Mailed project introductory letter	December 21, 2022
Stark County Commissioners	Mailed project introductory letter	December 21, 2022
Stark County Planning and Zoning Dept	Mailed project introductory letter	December 21, 2022
Stark and Billing Soil Conservation District	Mailed project introductory letter	December 21, 2022
Stark County Weed Control Board	Mailed project introductory letter	December 21, 2022
U.S. Air Force, Cable Affairs Officer	Mailed project introductory letter	December 21, 2022
	Emailed to provide opportunity to assess the Project for presence of Intercontinental Ballistic Missile related systems	January 4, 2023
U.S. Army Corps of Engineers, Regulatory Program Manager	Mailed project introductory letter	December 21, 2022
U.S. Department of Agriculture, Natural Resources Conservation Service, State Conservationist	Mailed project introductory letter	December 21, 2022
U.S. Federal Aviation Administration	Mailed project introductory letter	December 21, 2022
U.S. Fish and Wildlife Services, Refuge Manager - Lake Ilo National Wildlife Refuge and North Dakota Ecological Services Field Office	Mailed project introductory letter	December 21, 2022
	Received letter responses (Section 7.6)	January 12, 2023 and June 5, 2023
U.S. Forest Service Little Missouri National Grasslands Medora Ranger District	Mailed project introductory letter	December 21, 2022

7.1 North Dakota Department of Environmental Quality

The North Dakota Department of Environmental Quality (NDDEQ) provided a letter dated January 9, 2023 (Exhibit D.2). The NDDEQ confirmed it does not own any land in or adjacent to the Project, nor were they aware of projects scheduled in the area.

7.2 North Dakota Department of Transportation

The North Dakota Department of Transportation (NDDOT) provided a letter dated January 11, 2023 (Exhibit D.3). The NDDOT indicated the Project should have no adverse effect on NDDOT highways.

7.3 North Dakota Game and Fish Department

The NDGFD provided a response dated June 5, 2023 (Exhibit D.4).The NDGFD indicated they do not believe the Project will have significant adverse effects on wildlife or wildlife habitat.

7.4 North Dakota Parks and Recreation Department

The North Dakota Parks and Recreation Department (NDPRD) provided a response dated January 4, 2023 (Exhibit D.5). The NDPRD indicated the Project does not appear to affect properties owned, leased, or managed by them and no known plant and animal species of concern or significant ecological communities were documented within or immediately adjacent to the Project.

7.5 North Dakota State Historical Preservation Office

The North Dakota SHPO provided a response letter dated January 20, 2023 (Exhibit C.2.). The SHPO confirmed there are no significant sites affected by the Project.

7.6 U.S. Fish and Wildlife Services

The USFWS Supervisory Wildlife Refuge Specialist responded via email on January 12, 2023 (Exhibit D.6). The USFWS confirmed they have no fee title or easement properties adjacent to the Project. Additionally, the USFWS responded on May 23, 2023 confirming they have no comments or concerns on the Project (Exhibit D.6).

8 Other Factors Considered

NDCC 49-22.1-09 lists 11 factors to guide the NDPSC in the evaluation of sites, corridors, and routes. Table 8-1 identifies six evaluation factors previously addressed in this combination application and provides reference to the discussions of these factors.

Table 8-1 Evaluation Factors Discussed Prior in this Application

Evaluation Factor	Factor Previously Addressed in this Application
Public Health, Welfare, Natural Resources, and the Environment	The effects of the location, construction, and operation of the pipeline on public health and welfare, natural resources, and the environment is discussed in Sections 5, 6, and 7.
New Technologies and Systems to Minimize Adverse Environmental Effects	Technologies to be employed for operation of the Project are discussed in Section 4.2.
Corridor or Route Alternatives	Alternatives to the preferred corridor/route are discussed in Section 3.
Effect of the Proposed Route on Existing Scenic Areas, Historic Sites and Structures, and Paleontological or Archeological Sites	Project effects on scenic areas, historic sites, and structures, and paleontological or archeological Sites are discussed in Sections 5.1. Tesoro Great Plains has contacted North Dakota SHPO and received a concurrence letter (Exhibit D) of no anticipated impacts to cultural or paleontological resources as described in Section 7.5.
Effect of the Proposed Route on Areas That Are Unique Because of Biological Wealth or Because They Are Habitats for Rare and Endangered Species	Project effects to areas that are unique because of biological wealth or because they are habitats for rare and endangered species are discussed in Section 5.
Problems Raised by Federal, State, and Local Agencies	No issues have been raised by federal, state, and/or local agencies as discussed in Section 7.

The following sections address the remaining evaluation factors, where applicable, to the preferred corridor/route.

8.1 Unavoidable Adverse Direct and Indirect Environmental Effects

Environmental effects during construction of the Project may have included short-term or temporary impacts on vegetation, wildlife, agricultural operations, transportation, and/or noise levels. However, because the Project is limited to converted use of an existing pipeline and given its short length and heavily developed surrounding land use, the environmental effects of the Project are minor. Long-term, discernible impacts to wildlife, wildlife habitat, or vegetation are not anticipated.

8.2 Irreversible and Irretrievable Commitments of Natural Resources

The Project would require minimal irreversible and irretrievable commitments of natural resources because the Project is a conversion of an existing pipeline. Areas impacted by the original construction were returned to their pre-disturbance use, except for the small areas where aboveground facilities are located.

8.3 Direct and Indirect Economic Impacts

The Project presents an optimization of existing pipeline capacity within an existing pipeline to meet the demand for renewal diesel.

8.4 Existing Plan for Other Developments in the Vicinity

Tesoro Great Plains is not aware of additional development by local, state, or federal public entities at or near the preferred corridor/route. No conflicts are anticipated.

8.5 Policies and Commitments to Limit Environmental Impact

Tesoro Great Plains and parent company MPC employ multiple proactive measures to protect plant and animal species and preserve their natural habitats. They have developed an Operational Excellence Management System that provides the procedural framework that establishes accountability for the potential effects corporate activities have on ecosystems and prepare necessary mitigative procedures. Tesoro Great Plains is also involved in ongoing collaboration with applicable state and federal regulatory agencies, including the U.S. Environmental Protection Agency, USFWS, U.S. Bureau of Land Management and U.S. Army Corps of Engineers.

Tesoro Great Plains and MPC are continually working to reduce the volume of waste generated and to find alternatives for disposal. Since 2013, over 100,000 tons of waste from its facilities has become an alternative resource for other industries or have been recycled for future reuse by industry, eliminating approximately 248,000 tons of greenhouse gas emissions and overall volume of material landfilled. Tesoro Great Plains and MPC have a comprehensive approach to improving air quality that aims to lower emissions of criteria pollutants by producing cleaner fuels, reducing gas flaring, and minimizing fugitive emissions. Through a variety of innovations, they have reduced their freshwater withdrawal intensity by 15% and reduced their methane intensity by 46% since 2016. MPC has adopted formal “Focus on Energy”, “Focus on Water” and “Focus on Methane” programs to further assess energy use, water use, and decrease methane emission intensity.

9 Mitigative Measures

9.1 Measures to Protect Soils and Vegetation

Mitigative measures used during installation of the pipeline were assumed to have followed processes and typical BMPs for pipeline construction as described in Section 4.1.

Tesoro Great Plains maintains the ROW to the extent necessary to provide suitable access for the safe operation and maintenance of the pipeline. If or when future maintenance activities are required, temporary erosion and sedimentation control measures may include installation of silt fences, straw bales, slope breakers, trench breakers, erosion control fabric, mulch, and seed. Installation, inspection, and maintenance of these BMPs will occur in accordance with any applicable permits and will mitigate impacts to soils and existing vegetation by reducing soil erosion and avoiding sediment from leaving the construction area. Tesoro Great Plains and its contractors will also effectively control the spread of invasive and noxious plant species through appropriate control treatments and avoiding existing populations were possible. Treatments will be initiated prior to activity to disperse propagules in the area of disturbance.

9.2 Measures to Protect Wetlands and Waterbodies

Tesoro Great Plains will complete appropriate consultation and permitting for future maintenance activities that may require impacts to wetlands of waterbodies. If disturbance within the wetlands and waterbodies cannot be avoided, BMPs, such as topsoil stripping to preserve the native seed bank, would be used.

9.3 Measures to Protect Wildlife

The pipeline operation is not anticipated to significantly affect terrestrial wildlife, or aquatic species.

9.4 Measures to Preserve the Human Environment

A railroad crossing permit was obtained from Burlington Northern Railroad Company (Pipeline Permit No. PX95-22041, Exhibit B.1) prior to original pipeline construction in 1995. Neither Bridger nor Stark County were able to provide any documentation of previously issued county road crossing permits. During recent coordination with Al Heiser, Stark County Road Superintendent (Exhibit B.2), Mr. Heiser suggested the county did not maintain electronic records of road crossing permits during the period (approximately 2014) when the pipeline crossing would have occurred, and hard copy records were not readily available for review. Mr. Heiser did identify that Stark County did not require any action at this time for the Project.

Also, at the time of the original construction, the new 50-foot segment of pipeline was hydrostatically tested prior to being placed into service as described in Section 4.1.

If future maintenance will require activity in the Burlington Northern Railroad or county road ROWs, Tesoro Great Plains will obtain and/or comply will all applicable permits.

The Northern Great Plains Pipeline Oil Spill Response Plan, developed and maintain by Tesoro Great Plains' parent company MPLX, will be implemented in the event of a pipeline release.

9.5 Measures to Protect Land Use Permits

No permits were required for the Project. Project modifications were limited to features within existing disturbance footprints of the Dickinson Renewable Fuels Facility and Patterson Rail Terminal; therefore, state and county permits were not required. Tesoro Great Plains will obtain and comply with all applicable state and county permits regulating zoning and land use for any necessary maintenance activities.

10 Development

Tesoro Great Plains notified federal, state, and local agencies regarding the Project (Section 7). As a result of these consultations, Tesoro Great Plains was not made aware of any current or future developments of natural resources in the area that would affect the proposed Project.

11 Qualification of Preparers

1. **Sarah Johnson**
   Senior Environmental Scientist – Barr Engineering, Co.
   Degree: Bachelor of Arts-Environmental Studies, Austin College
   Experience: 14 years of experience in environmental and regulatory permitting and compliance

2. **David Taylor**
   Senior Environmental Scientist – Barr Engineering, Co.
   Degree: Bachelor of Science-Fisheries and Wildlife Science, Pennsylvania State University
   Experience: 19 years of experience in environmental and regulatory permitting and compliance

3. **Karen Wold**
   Senior Environmental Scientist – Barr Engineering, Co.
   Degree: Bachelor of Arts-Environmental Studies, St. Olaf College
   Experience: 20 years of experience in wetland and natural resource surveys, inventories, assessments, monitoring, permitting, planning, restoration, and compliance.

4. **Jessica Butler**
   Senior Ecologist – Barr Engineering, Co.
   Degree: Bachelor of Science-Natural Resource Conservation, University of Montana; Master of Science-Soil Science, Oregon State University
   Experience: 15 years of experience in environmental review

5. **Stefanie Scherbenske**
   Environmental Specialist- Barr Engineering Co.
   Degree: Bachelor of Science- Agricultural Studies-Natural Resource Management, Dickinson State University, ND; Master of Science- Range Science, North Dakota State University
   Experience: 7 years of experience in environmental and regulatory permitting and compliance

12 References

1. **Beaver Creek Archaeology, Inc.** A Class I and III Cultural Resource Inventory of the Existing Dickinson to Calument Pipeline in Billings, Dunn, and Stark Counties, North Dakota. August 2017.

2. **North Dakota Department of Agriculture.** Noxious Weeds. [Online] [Cited: January 7, 2023.] https://www.ndda.nd.gov/divisions/plant-industries/noxious-weeds.

3. —. North Dakota County and City Listed Noxious Weeds. [Online] November 2022. [Cited: 02 07, 2023.] https://www.ndda.nd.gov/sites/www/files/documents/files/2022%20July%20-%20City%20County%20Noxious%20Weeds%20List.pdf.

4. **North Dakota Game and Fish.** Species of Conservation Priority. [Online] [Cited: 02 07, 2023.] https://gf.nd.gov/wildlife/scp.

5. **U.S. Fish and Wildlife Service.** Monarchs. *Pollinators.* [Online] [Cited: 02 07, 2023.] https://www.fws.gov/initiative/pollinators/monarchs.

6. **North Dakota Department of Water Resources.** Well Drillers Logs and Reports. *ND Department of Water Resources MapService.* [Online] [Cited: February 2, 2023.] https://mapservice.dwr.nd.gov.

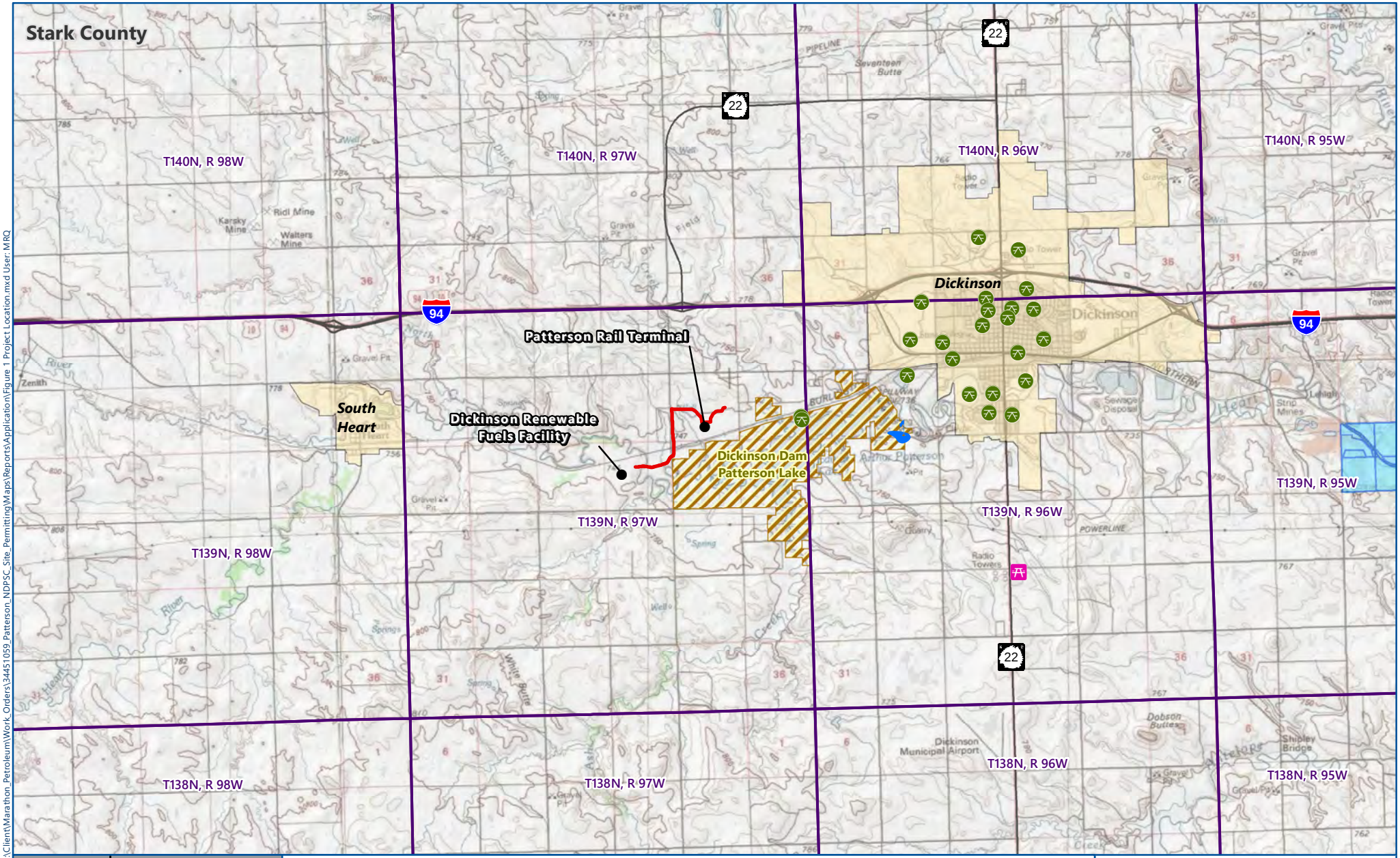
7. **Scherer, Tom, Sieler, Steve and Franzen, Dave.** Compatibility Of North Dakota Soils For Irrigation. 2018. AE1637.

8. **U.S. Geological Survey.** Geology and Ground-Water Resources of Hettinger and Stark Counties, North Dakota. 1975.

Exhibits

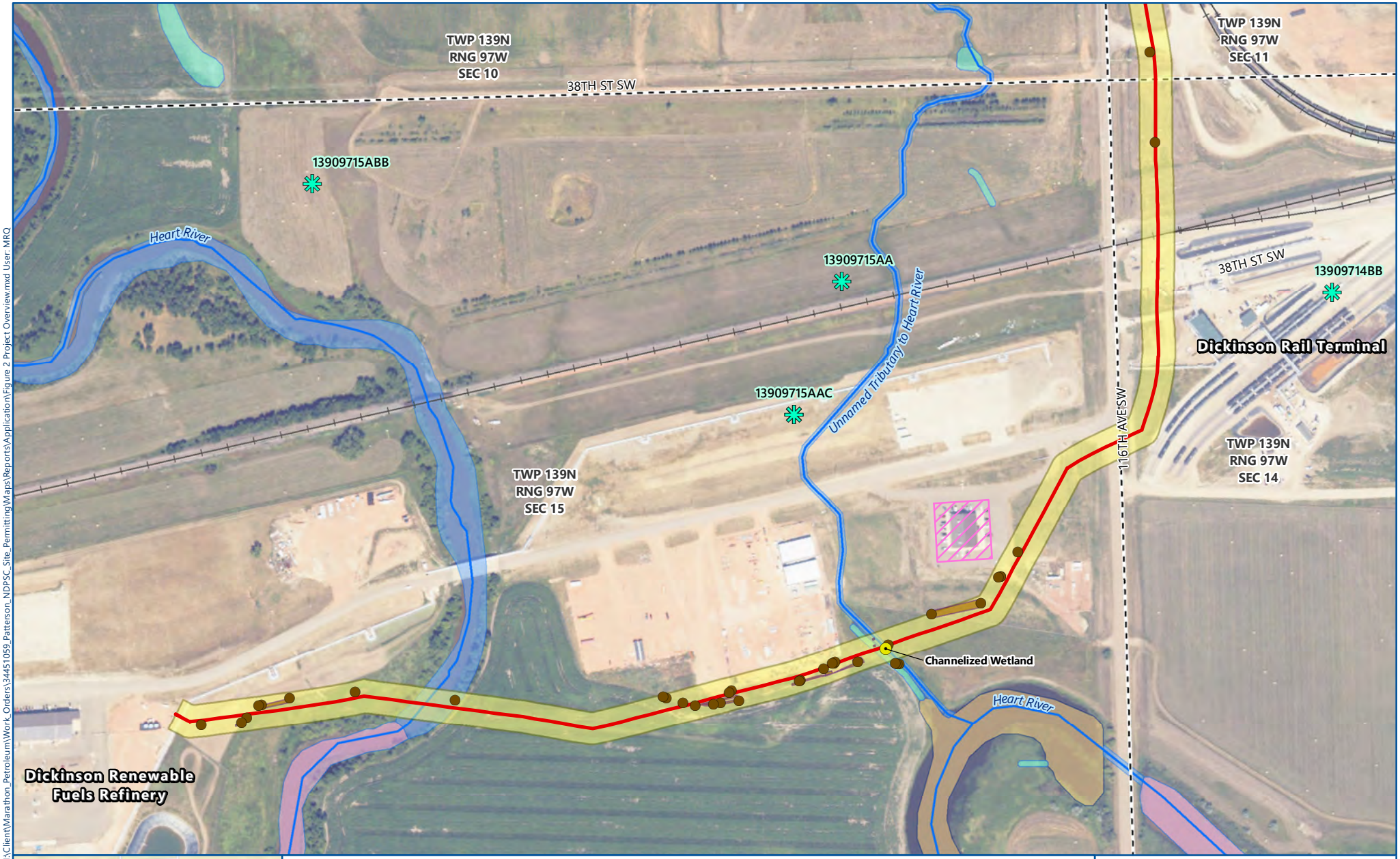
Exhibit A

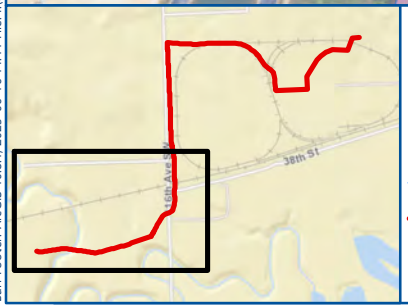
Project Maps



PROJECT LOCATION
6-in Renewable Diesel
Pipeline Conversion Project
Tesoro Great Plains
Gathering & Martketing LLC
Stark County, North Dakota

FIGURE A1





Water Well
Stream Crossing
Noxious Weed
Railroad
NHD Flowline
Existing Pipeline for Converted Use
Preferred Corridor/Route (100' Wide)
Building/Residence
Public Land Survey Section

NWI Wetlands
Freshwater Emergent Wetland
Freshwater Pond
Lake
Riverine

N

0 100
Meters

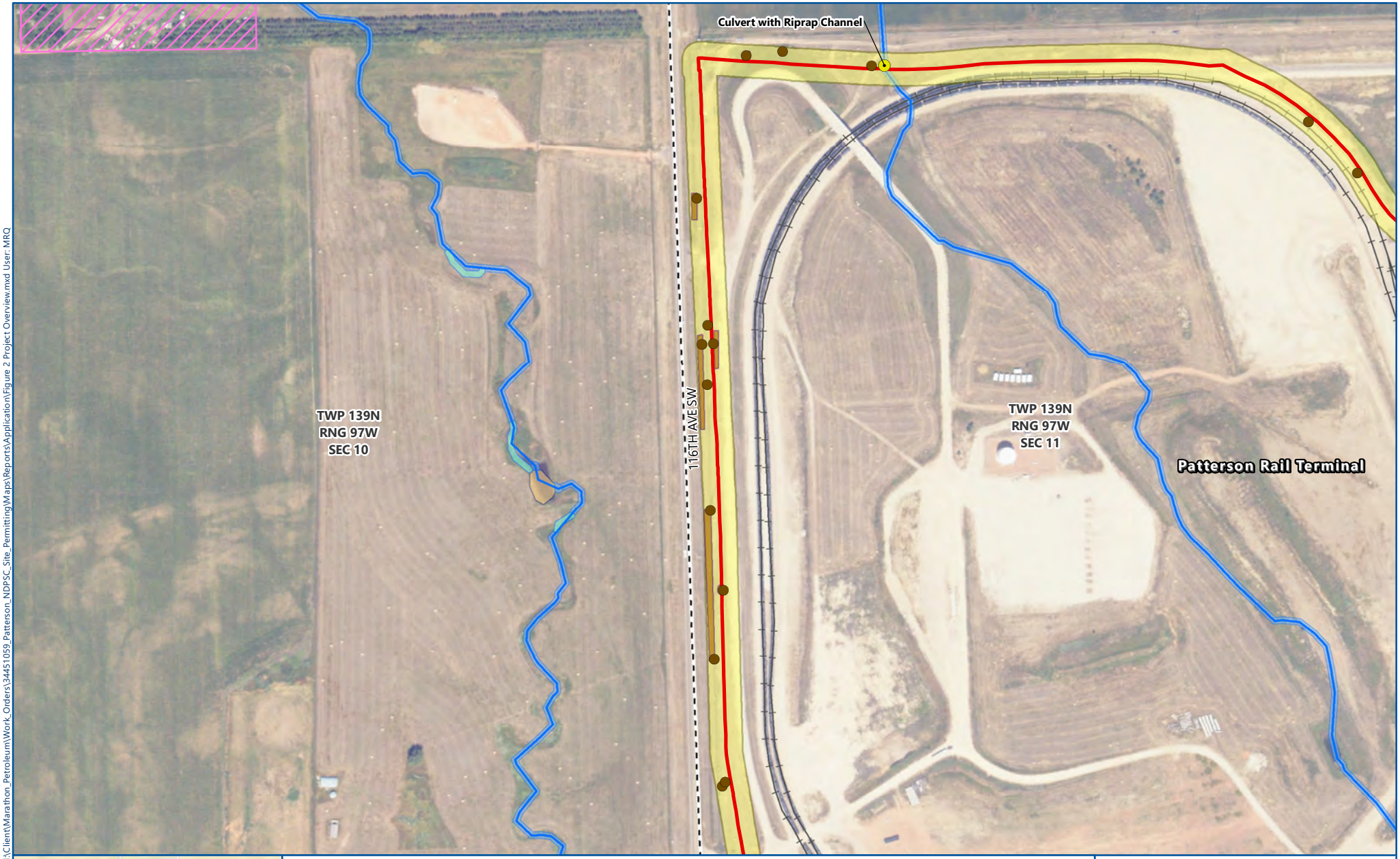
0 400
Feet

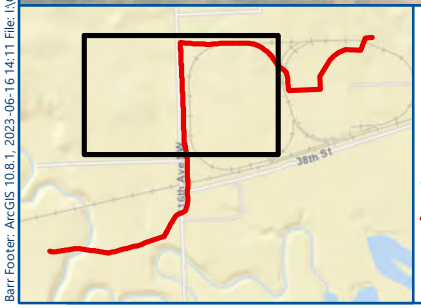
Imagery: USDA NAIP 2022

PROJECT OVERVIEW
6-in Renewable Diesel
Pipeline Conversion Project
Tesoro Great Plains
Gathering & Martketing LLC
Stark County, North Dakota

FIGURE A2-1

Barr Footer: ArcGIS 10.8.1, 2023-06-16 14:11 File: I:\Client\Marathon_Petroleum\Work_Orders\34451059_Patterson_NDPSC_Site_Permitting\Maps\Reports\Application\Figure 2 Project Overview.mxd User: MRQ





- Water Well
- Stream Crossing
- Noxious Weed
- Railroad
- NHD Flowline
- Existing Pipeline for Converted Use
- Preferred Corridor/Route (100' Wide)
- Building/Residence
- Public Land Survey Section

NWI Wetlands

- Freshwater Emergent Wetland
- Freshwater Pond
- Lake
- Riverine

N

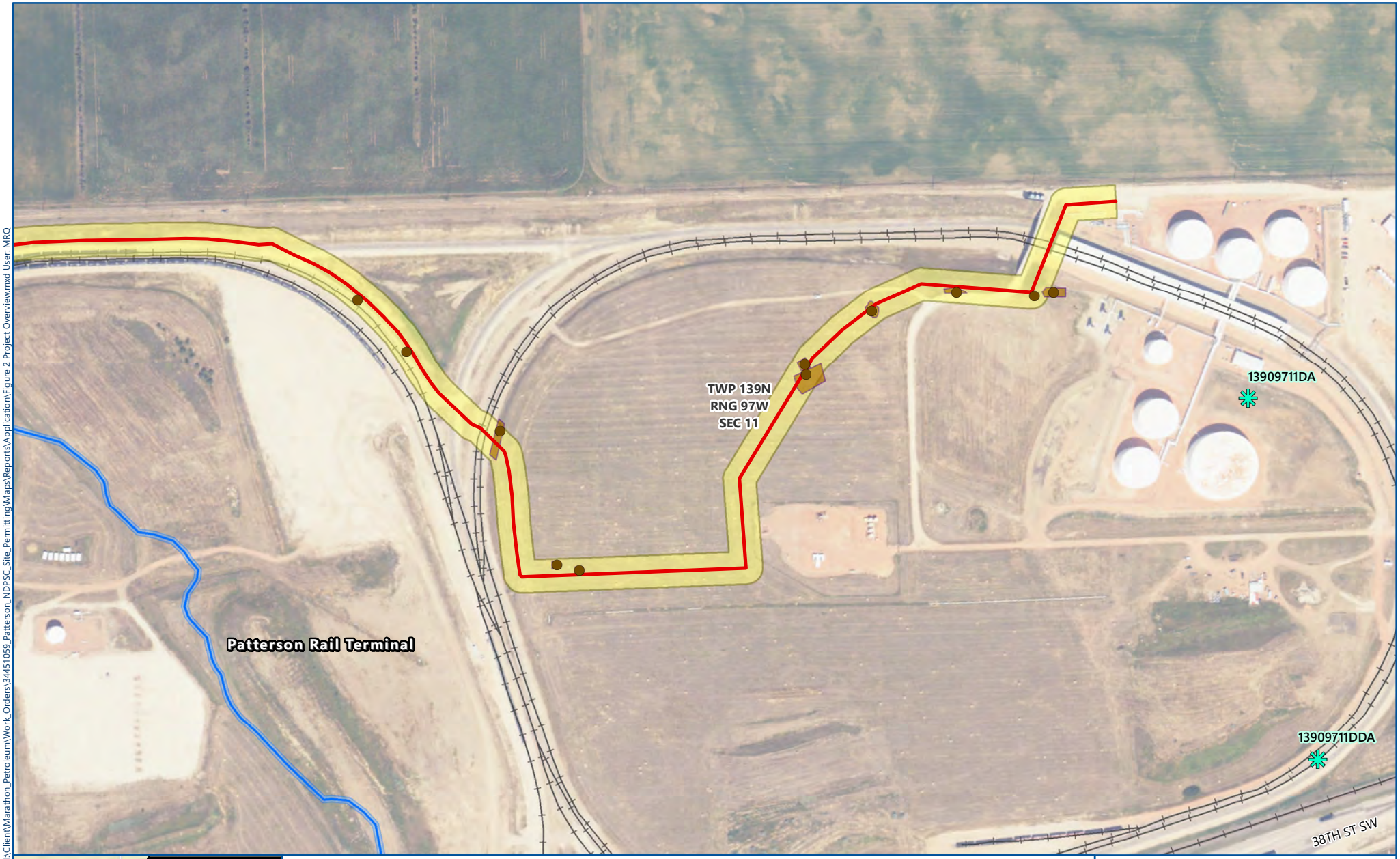
0 100
Meters

0 400
Feet

Imagery: USDA NAIP 2022

PROJECT OVERVIEW
6-in Renewable Diesel
Pipeline Conversion Project
Tesoro Great Plains
Gathering & Martketing LLC
Stark County, North Dakota

FIGURE A2-2



Water Well
Stream Crossing
Noxious Weed
Railroad
NHD Flowline
Existing Pipeline for Converted Use
Preferred Corridor/Route (100' Wide)
Building/Residence
Public Land Survey Section

NWI Wetlands
Freshwater Emergent Wetland
Freshwater Pond
Lake
Riverine

N

0 100
Meters

0 400
Feet

Imagery: USDA NAIP 2022

PROJECT OVERVIEW
6-in Renewable Diesel
Pipeline Conversion Project
Tesoro Great Plains
Gathering & Martketing LLC
Stark County, North Dakota

FIGURE A2-3

Exhibit B

Permits

Exhibit B.1

Burlington Northern Railroad Pipeline Permit No. PX95-22041

BURLINGTON NORTHERN RAILROAD

PIPELINE PERMIT NO. PX95-22041

AGREEMENT made this 30th day of March, 1995, between BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation, hereinafter called "Burlington," and

BELLE FOURCHE PIPELINE COMPANY, a Wyoming corporation, hereinafter called 'Permittee," whose address is:

BELLE FOURCHE PIPELINE COMPANY
P. O. Drawer 2360
Casper, Wyoming 82602

WITNESSETH:

Burlington, for and in consideration of the fee herein provided to be paid by Permittee to Burlington, and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain, and operate

A 6.188-INCH, X-42 GRADE, JOINT WELDED STEEL CRUDE OIL CARRIER PIPE WITH 500 PSI ACTUAL WORKING PRESSURE, INSIDE A 12.15-INCH STEEL CASING PIPE BURIED AT A MINIMUM DEPTH OF 11-FEET AND CROSSING UNDER THE TRACKS AT A 78-DEGREE ANGLE, INSTALLATION BY JACK AND BORE, WITH FACE OF JACKING/RECEIVING PITS A MINIMUM OF 25-FEET FROM CENTERLINE OF NEAREST TRACK

hereinafter referred to as 'Facility' upon, along or across the right-of-way of Burlington, underneath the surface thereof, and under the tracks of Burlington, as the case may be, at or near **DICKINSON** Station, in the County of **Stark**, State of **North Dakota** to be located as follows, to wit:

Line Segment: 0039 Survey Station: n/a Mile Post: 115.15

Prior to installation, 48 hours' advance notice must be given to the following BN offices:

Network Control Center 1-800-533-2891
Roadmaster Dean Dalquist, Dickinson, ND at 701-227-0264
Signal Supervisor W. R. Leonard, Glendive, MT at 406-359-4220
Telecommunications Supervisor D. A. Olson, Billings, MT at 406-256-4247

Also, upon completion of your work on BN property, advise the Roadmaster, allowing final inspection of the site.

Permittee in consideration of such license and permission hereby covenants and promises as follows:

1. For this Permit, Permittee will pay Burlington, in advance, the sum of Four Hundred Fifty Dollars ($450) for the entire time this Permit remains in effect and Permittee will also pay or reimburse Burlington for all taxes and assessments that may be levied or assessed against said Facility. Burlington reserves the right to change the fee on future Permits at any time without notice. This provision shall in no way affect Burlington's right to terminate said Permit pursuant to Paragraph 10 hereof. Either party hereto may assign any receivables due them under this

Exhibit B.2

Communication with Stark County, North Dakota Road Superintendent

From: Al Heiser
To: Miller, Heather J.
Subject: Re: [EXTERNAL] Re: 2014 Road Crossing Permit
Date: Tuesday, May 30, 2023 10:52:09 AM
Attachments: image001.png

No

Al Heiser
701-290-8429

> On May 30, 2023, at 10:21 AM, Miller, Heather J. <HJMiller@marathonpetroleum.com> wrote:
>
> Al,
>
> I just wanted to confirm if the county had any concerns that we have been unable to track down or confirm the original crossing was permitted with the county.
>
> Is there any further action you need from MPLX?
>
> Thanks,
> Heather

<image001.png>

Heather Miller
Advanced Environmental Engineer
1611 E. Century Ave, Ste 300
Bismarck, ND 58503
Office: 701.250.1959
Mobile: 701.400.1337
Email: HJMiller@marathonpetroleum.com

From: Al Heiser <AHeiser@starkcountynd.gov>
Sent: Thursday, May 25, 2023 10:27 AM
To: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Subject: Re: [EXTERNAL] Re: 2014 Road Crossing Permit

I don't believe we had them stored electronically back then

Al Heiser
701-290-8429

On May 25, 2023, at 9:32 AM, Miller, Heather J. <HJMiller@marathonpetroleum.com> wrote:

Hi Al,

I did follow-up with KLJ and they were not able to locate anything in their records. Any chance of confirming this was in fact permitted with the county?

Thanks,
Heather

<image001.png>

Heather Miller
Advanced Environmental Engineer
1611 E. Century Ave, Ste 300
Bismarck, ND 58503
Office: 701.250.1959
Mobile: 701.400.1337
Email: HJMiller@marathonpetroleum.com

From: Andrew Krebs <Andrew.Krebs@kljeng.com>
Sent: Thursday, May 25, 2023 8:12 AM
To: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Subject: RE: [EXTERNAL] Re: 2014 Road Crossing Permit

We are not typically involved in these permits unless there is a project planned for the location to verify the proposed crossing wouldn't be impacted. We had a project farther north around this time but nothing where the line is currently located. I didn't see anything in the file for this, so I don't think we were involved. Thanks.

Andrew Krebs PE
KLJ
701-456-3174 Direct
701-690-3954 Cell
677 27th Avenue East
Dickinson, ND 58601

From: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Sent: Thursday, May 25, 2023 7:06 AM
To: Andrew Krebs <Andrew.Krebs@kljeng.com>
Subject: RE: [EXTERNAL] Re: 2014 Road Crossing Permit

> You don't often get email from hjmiller@marathonpetroleum.com. Learn why this is important

Thanks, Andrew. Would that indicate it was not completed or just that KLJ wasn't involved?

Thanks,
Heather

<image001.png>

Heather Miller
Advanced Environmental Engineer
1611 E. Century Ave, Ste 300
Bismarck, ND 58503
Office: 701.250.1959
Mobile: 701.400.1337
Email: HJMiller@marathonpetroleum.com

From: Andrew Krebs <Andrew.Krebs@kljeng.com>
Sent: Thursday, May 25, 2023 8:04 AM
To: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Subject: RE: [EXTERNAL] Re: 2014 Road Crossing Permit

Hi Heather,

I was looking around in our files and I don't think we have anything on this. Thanks.

Andrew Krebs PE
KLJ
701-456-3174 Direct
701-690-3954 Cell
677 27th Avenue East
Dickinson, ND 58601
kljeng.com

From: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Sent: Friday, May 19, 2023 12:33 PM
To: Andrew Krebs <Andrew.Krebs@kljeng.com>
Subject: FW: [EXTERNAL] Re: 2014 Road Crossing Permit

Hi Andrew,

I work for MPLX and we operate a pipeline that was constructed in 2014 by Bridger that we later acquired. We are looking to track down permits for this line. Below is the crossing location of 116th Ave SW. Al Heiser recommended I reach out to KLJ and I was forwarded your contact information as a starting point. Any chance you would have or know how I could get a copy of the crossing permit?

<image002.png>

Thanks,
Heather

<image001.png>

Heather Miller
Advanced Environmental Engineer
1611 E. Century Ave, Ste 300
Bismarck, ND 58503
Office: 701.250.1959
Mobile: 701.400.1337
Email: HJMiller@marathonpetroleum.com

From: Al Heiser <AHeiser@starkcountynd.gov>
Sent: Thursday, May 18, 2023 1:33 PM
To: Miller, Heather J. <HJMiller@marathonpetroleum.com>
Subject: [EXTERNAL] Re: 2014 Road Crossing Permit

Check with KLJ.

Al Heiser
701-290-8429

> On May 18, 2023, at 12:31 PM, Al Heiser <AHeiser@starkcountynd.gov> wrote:
>
> It would be difficult to find it.
>
> Al Heiser
> 701-290-8429
>
> > On May 18, 2023, at 10:37 AM, Miller, Heather J. <HJMiller@marathonpetroleum.com> wrote:
> >
> > Al,
> >
> > We operate a pipeline that was constructed in 2014 by Bridger and we later acquired. We are looking to track down permits for this line. Would you happen to have a copy of the crossing permit for this line? Below is the crossing location of 116th Ave SW.
> >
> > <image002.png>
> >
> > Thank you,

<image001.png>

Heather Miller
Advanced Environmental Engineer
1611 E. Century Ave, Ste 300
Bismarck, ND 58503
Office: 701.250.1959
Mobile: 701.400.1337
Email:
HJMiller@marathonpetroleum.com

Exhibit C

Cultural Resources Class I Literature Review

Exhibit C.1

MPLX-Tesoro Pipeline Siting Project, Class I Literature Review, Stark County, ND

December 14, 2022

Ms. Veronica A. Parsell
Senior Cultural Resources Specialist
Barr
4300 Market Pointe Drive
Suite 200
Minneapolis, MN 55435

RE: MPLX-Tesoro Pipeline Siting Project, Class I Literature Review, Stark County, ND

Juniper ROI: 766

Dear Ms. Parsell,

This letter serves as a Class I Literature Review report for the research Juniper conducted for the MPLX-Tesoro Pipeline Siting Project. MPLX converted a previously constructed, existing, in-ground pipeline for the transport of renewable diesel from Marathon Petroleum Corporation's Dickinson Renewable Fuels Plant to Tesoro's Great Plains Patterson Rail Terminal. The existing pipeline lies within Sections 11, 14, and 15, T. 139 N., R. 97 W., Stark County, along the western side of Dickinson, ND (Figure 1 - Figure 4). As part of the conversion and reuse of the pipeline, the Public Service Commission will need to reauthorize the pipeline.

The majority of the project corridor has previously been inventoried and reviewed as part of three projects. In 2012, the north to south running portion of the pipeline corridor within Section 11, T. 139 N., R. 97 W., was inventoried and reported in *Dickinson Loop Pipeline: A Class III Cultural Resource Inventory for a Proposed Pipeline in Billings, Dunn, and Stark Counties, North Dakota* (Bluemle 2012, MS#15055) (Figure 5). A portion of the east to west running corridor of the pipeline, within Section 11, T. 139 N., R. 97 W., Stark County, was partially inventoried as part of the project reported in *BOE Pipeline: A Class III Resource Inventory in Dunn and Stark Counties, North Dakota, Volumes 1 and 2* (Robinson and Dodson 2013, MS 14471) (Figure 5).

The pipeline corridor in Sections 14, and 15, T. 139 N., R. 97. was inventoried in 2017 and reported in *A Class I and Class III Cultural Resource Inventory of the Existing Dickinson to Calument Pipeline in Billings, Dunn, and Stark Counties, North Dakota* (Hanley 2017, MS#17558). Areas of the proposed pipeline corridor were also partially covered by inventories for waterlines and telecommunications in 1988 and 2011 (Figure 5).

A portion of the 2.4 mile pipeline corridor was included in a previous siting application, documented in PSC Case No. 18-405 (the link for the original application https://www.psc.nd.gov/database/documents/18-0405/001-020.pdf.). This application for the Belle Fourche pipeline included cultural resource inventory of the western half of the proposed pipeline corridor, reported in Hanley (2017, MS#17558) (Figure 5).

A new Class I Literature Review of the State Historical Society of North Dakota's site and manuscript files was conducted for a one mile radius study area around the project location by William Christensen of Juniper, LLC, on October 4, 2022. The review noted 61 previously recorded cultural resources and 34 previously reported cultural resource investigations within a one mile radius. Two of the previously recorded cultural resources lie adjacent to or within the area of potential effect (APE) for the proposed project. Because the majority of the corridor for the conversion project has been previously inventoried and has gone through the PSC review process, tables detailing the results of the literature review are not included in this letter. Maps of the associated data are included in this document (Figure 5).

The two cultural resources that lie within 50' the APE of the project have been previously recommended *not eligible* for the NRHP.

Site 32SK9 is the remains of a possible farmstead recorded by Floodman in 1980. The site consisted of basement depression (currently used as a dump with a mixture of modern and historic materials), a dugout foundation, and another possible foundation, all surrounded by a cultural material scatter. Floodman recommended Site 32SK9 as *not eligible* for the NRHP. The site form for the site was updated in 2017, noting little change to the site since it had been recorded. The construction of the pipeline had not impacted the site area (Hanley 2017:20). Hanley also recommended the site as *not eligible* for the NRHP. As this is the same pipeline and pipeline corridor as reviewed in 2017, the proposed conversion undertaking should not impact the site.

Site 32SK795 consists of features associated with the Burlington Northern Santa Fe (BNSF) Railroad, including portions of abandoned tracks and railbeds as well as other structures (grain elevators, track sidings, etc.) related to the railroad. Redacted. These modern portions of the rail terminal are no longer recorded as cultural resources according to NDSHPO Guidelines (SHSND 2020). While the development of railroads was important to the historic settlement of North Dakota, these modern aspects of the rail terminal have been previously recommended *not eligible* for the NRHP.

Because the cultural resources closest to the pipeline have been previously recommended *not eligible* for the NRHP, because the majority of the project corridor was previously inventoried, because the majority of it was reviewed as part of an earlier Public Service Commission process, because the pipeline has already been constructed, and because portions pass through areas that have been extensively disturbed by modern development, this project has a low probability to contain previously unrecorded cultural resources. Juniper recommends that this Class I Literature Review constitutes a *reasonable and good faith effort to identify cultural resources* within the APE and Juniper also recommends a finding *of No Historic Properties Affected* for the proposed undertaking. If you have any questions, need further information, or would like additional documentation, please contact us at (701) 400-3575 or (701) 223-6306.

Sincerely,

John G. Morrison

Principal Investigator
Juniper, LLC

Bluemle, William, J.
2012 *Dickinson Loop Pipeline: A Class III Cultural Resource Inventory for a Proposed Pipeline in Billings, Dunn, and Stark Counties, North Dakota*. Manuscript on file at the State Historical Society of North Dakota. MS#15055.

Hanley, Raina
2017 *A Class I and Class III Cultural Resource Inventory of the Existing Dickinson to Calument Pipeline in Billings, Dunn, and Stark Counties, North Dakota*. Manuscript on file at the State Historical Society of North Dakota. MS#17558.

Robinson, Andrew and Timothy Dodson.
2013 *BOE Pipeline: A Class III Resource Inventory in Dunn and Stark Counties, North Dakota, Volumes 1 and 2*. Manuscript on file at the State Historical Society of North Dakota. MS#14471.

State Historical Society of North Dakota (SHSND)
2020 *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects, Revised Edition*. Produced by and available at the Division of Archaeology and Historic Preservation, State Historical Society of North Dakota, Bismarck, ND.

Redacted

Figure 1: The proposed MPLX-Tesoro Pipeline Siting project area and previously recorded cultural resources as depicted on the USGS 7.5' New Hradec South (1973), Dickinson North (1981), South Heart (1973), and Dickinson South (1981), quadrangle maps.

Redacted

Figure 2: The proposed project area and previously conducted inventory as depicted on the 2012 NAIP Stark County aerial photograph.

Redacted

Figure 3: The proposed project area and previously conducted inventory as depicted on the 2014 NAIP Stark County aerial photograph. Note the construction of the various petroleum related facilities as well as the Patterson Rail Terminal.

Redacted

Figure 4: The proposed project area and previously conducted inventory as depicted on the 2021 NAIP Stark County aerial photograph. Note the construction of the Patterson rail Terminal.

Redacted

Figure 5: Image of the previously conducted investigations and previously recorded cultural resources within the project area as of October 4, 2022, from the ND SHPO.

Exhibit C.2

North Dakota State Historic Preservation Office Response

January 20, 2023

Veronica Parsell
Barr Engineering Co.
4300 MarketPointe Dr, Ste 200
Minneapolis, MN 55435

ND SHPO Ref: 23-0103 Tesoro 6-Inch Renewable Diesel Pipeline Conversion Project in portions of [T139N R97W Sections 11, 14, and 15] in Stark County, North Dakota

Dear Veronica,

We reviewed ND SHPO Ref: 23-0103 Tesoro 6-Inch Renewable Diesel Pipeline Conversion Project in portions of [T139N R97W Sections 11, 14, and 15] in Stark County, North Dakota. There are no significant sites affected by this project provided it takes place in the location and in the manner described in the documentation.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347).

If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist at lbmeidinger@nd.gov or (701) 328-2089.

Sincerely,

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

23-0103

Exhibit D

Agency Consultation

Exhibit D.1 Sample Notification letters
Exhibit D.2 North Dakota Department of Environmental Quality Letter
Exhibit D.3 North Dakota Department of Transportation Letter
Exhibit D.4 North Dakota Game and Fish Department
Exhibit D.5 North Dakota Parks and Recreation Department Response
Exhibit D.6 U.S. Fish and Wildlife Services Responses

Exhibit D.1

Sample Notification letters

resourceful. naturally.
engineering and environmental consultants

BARR

December 21, 2022

Re: Tesoro Great Plains Gathering and Marketing LLC – 6-inch Renewable Diesel Pipeline
Stark County, ND

To Whom It May Concern:

Tesoro Great Plains Gathering & Marketing LLC (Tesoro) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (Commission) for the continued operation of an approximately 2.4-mile existing pipeline temporarily approved to transport renewable diesel. Tesoro acquired the existing pipeline by way of purchase and sale agreement. When acquired, the pipeline was not in operation and had been purged and filled with nitrogen. The pipeline originates at parent company Marathon Petroleum Corporation's Dickinson Renewable Fuels Facility and terminates at the Tesoro Great Plains Patterson Rail Terminal. Tesoro received temporary permission from the Commission to operate the pipeline to transport renewable diesel on July 27, 2022 (Case No. PU-22-328). The Project is located entirely within Stark County, ND and is referred to as the 6-inch Renewable Diesel Pipeline Project (Project).

On behalf of Tesoro, Barr Engineering (Barr) was contracted to compile and submit the Certificate of Corridor Compatibility and Route Application by August 2023. The Commission requires any issues raised by federal, state, or local entities be considered as a factor in evaluation of the route application. Enclosed please find a topographic and aerial view map of the pipeline route for your review and potential comment.

Barr appreciates the opportunity to assist with the Project. I will serve as the primary Barr contact and can be reached at (218) 529-7119 or via email at sjohnson@barr.com with any comments or concerns you might have related to the Project which will be incorporated and added in the Project's application.

Sincerely,

Sarah L. Johnson
Barr Engineering Project Manager
sjohnson@barr.com
218-260-8025

Enclosure: Pipeline Route

Attorney General of North Dakota
600 E Boulevard Ave Ste 125
Bismarck, ND 58505

Bureau of Land Management
99 23rd Avenue West, Suite A
Dickinson, ND 58601

Grand Forks Air Force Base
226 Steen Blvd, Bldg. 812
Grand Forks AFB, ND 58205

Job Service North Dakota
PO Box 5507
Bismarck, ND 58506-5507

Military Aviation and Installation Assurance Siting Clearinghouse
3400 Defense Pentagon, Room 5C646
Washington, DC 20301

Minot Air Force Base
Twentieth Airforce Ninety-First Missile Wing
196 Missile Avenue
Minot AFB, ND 58705

North Dakota Aeronautics Commission
2301 University Dr Ste 22
Bismarck, ND 58504

North Dakota Department of Agriculture
600 E Boulevard Ave
Bismarck, ND 58505

North Dakota Department of Career and Technical Education
600 E Boulevard Ave Ste 270
Bismarck, ND 58505

North Dakota Department of Commerce
1600 E Century Ave Ste 2
Bismarck, ND 58503

North Dakota Dept of Environmental Quality
4201 Normandy Street
Bismarck, ND 58505

North Dakota Department of Health and Human Services
600 East Boulevard Ave
Bismarck, ND 58505-0200

North Dakota Department of Labor and Human Rights
600 E Boulevard Ave Department 406, Room 107
Bismarck, ND 58505

North Dakota Department of Transportation
608 East Boulevard Ave
Bismarck, ND 58505

North Dakota Department of Trust Lands
Energy Infrastructure and Impact Office
1707 N 9th ST
Bismarck, ND 58501-5523

North Dakota Department of Water Resources
1200 Memorial Highway
Bismarck, ND 58504-5262

North Dakota Game and Fish Department
Conservation Section
100 Bismarck Expressway
Bismarck, ND 58501-5095

North Dakota Game and Fish Department
Director Jeb Williams
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505

North Dakota Governor's Office
600 E Boulevard Ave Ste 101
Bismarck, ND 58505

North Dakota Indian Affairs Commission
600 E. Boulevard Ave
1st Floor Judicial Wing, Rm. 117
Bismarck, ND 58505

North Dakota Industrial Commission Pipeline Authority
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505

North Dakota Parks and Recreation Department
Director Cody Shultz
1600 E Century Ave, Suite 3
Bismarck, ND 58503-0649

North Dakota Soil Conservation Committee
North Dakota State University Dept. 7390
PO Box 6050
Fargo, ND 58108

NDSU Extension
PO Box 6050
Fargo, ND 58108

North Dakota Transmission Authority
600 E. Boulevard Ave. Dept. 405
Bismarck, ND 58505

Stark County Commissioners
51 3rd St East
Dickinson, ND 58601

Stark County Planning and Zoning Dept
Steve Josephson
PO Box 130
Dickinson, ND 58602

Stark and Billing Soil Conservation District
2493 4th Ave West
Dickinson, ND 58601

Stark County Weed Control Board
Travis Jepson
2680 Empire Road, Suite B
Dickinson, ND 58601

U.S. Air Force
Cable Affairs Officer
91 MMXS/MMXSFK
300 Minuteman Dr
Minot AFB, ND 58705

Regulatory Program Manager
U.S. Army Corps of Engineers
PO Box 527
Riverdale, ND 58565

U.S. Department of Agriculture
Natural Resources Conservation Service
State Conservationist
PO Box 1458
Bismarck, ND 58502

U.S. Federal Aviation Administration
4620 Amber Valley Parkway
Fargo, ND 58104

Refuge Manager
Lake Ilo National Wildlife Refuge
U.S. Fish and Wildlife Service
3275 11th St NW
Coleharbor, ND 58531
U.S. Forest Service

US Fish and Wildlife Service
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

Little Missouri National Grasslands
Medora Ranger District
99 23rd Ave W. Suite B
Dickinson, ND 58601

From: Sarah L. Johnson
To: Allen.hazen.2@us.af.mil
Cc: David J. Taylor; Miller, Heather J.
Subject: Tesoro Great Plains Gathering and Marketing LLC – 6-inch Renewable Diesel Pipeline
Date: Wednesday, January 4, 2023 8:07:00 AM
Attachments: 6-inch Renewable Diesel Pipeline Project Letter.pdf
Pipeline_Corridor.kmz
image001.png

Mr. Hazen,

As noted in the attached letter, Tesoro Great Plains Gathering & Marketing LLC (Tesoro) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (Commission) for the continued operation of an approximately 2.4-mile existing pipeline temporarily approved to transport renewable diesel. The pipeline originates at parent company Marathon Petroleum Corporation's Dickinson Renewable Fuels Facility and terminates at the Tesoro Great Plains Patterson Rail Terminal (see attached aerial). Tesoro received temporary permission from the Commission to operate the pipeline to transport renewable diesel on July 27, 2022 (Case No. PU-22-328). The Project is located entirely within Stark County, ND and is referred to as the 6-inch Renewable Diesel Pipeline Project (Project).

The purpose of this email is to provide Cable Affairs the opportunity to assess the Project for presence of Intercontinental Ballistic Missile (ICBM) related systems that could potentially be impacted by the Project and to allow Cable Affairs an opportunity to provide comments if appropriate. We respectfully request that any concerns known in the area are identified so that Tesoro may address any such matters. Attached are an aerial photography and kmz of the Project for the Minot Air Force Base Cable Affairs Office review.

I will serve as the primary Project contact and can be reached at (218) 260-8025 or via email at sjohnson@barr.com with any comments or concerns you might have related to the Project. Thank you for your time and consideration to these matters.

Sarah L. Johnson

Senior Environmental Scientist
Duluth, MN office: 218.529.7119
cell: 218.260.8025
SJohnson@barr.com
www.barr.com

From:	Sarah L. Johnson
To:	Sarah L. Johnson
Subject:	RE: Eagle Nest Database Search
Date:	Wednesday, February 8, 2023 1:40:31 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png image007.png

---

From: Johnson, Sandra K. <sajohnson@nd.gov>
Sent: Thursday, September 29, 2022 1:45 PM
To: David S. Haar <DHaar@barr.com>
Subject: RE: Eagle Nest Database Search

CAUTION: This email originated from outside of your organization.

Hi David,
There are no known bald or golden eagle nests with 2 miles of the project. The closest known nest is more than 4 miles southwest of the site.
Let me know if you have any other questions,
Sandy

Sandra Johnson
Conservation Biologist

(701) 328-6382 • sajohnson@nd.gov • gf.nd.gov

NORTH Dakota | Game and Fish
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From: David S. Haar <DHaar@barr.com>
Sent: Thursday, September 15, 2022 12:03 PM
To: Johnson, Sandra K. <sajohnson@nd.gov>
Cc: Sarah L. Johnson <SJohnson@barr.com>
Subject: Eagle Nest Database Search

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello Sandra,

Would you be able to check for known eagle nests within a two-mile radius of the attached shapefile? The project area is located just west of the City of Dickinson in Stark County.

Thank you,

David S. Haar

Environmental Scientist
Minneapolis, MN office: 952.842.3625
DHaar@barr.com
www.barr.com

Exhibit D.2

North Dakota Department of Environmental Quality Letter

NORTH Dakota | Environmental Quality
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January 9, 2023

Sarah Johnson
Project Manager
Barr Engineering
234 West Century Ave
Bismarck, ND 58503

Re: Tesoro Great Plains - 6 inch Renewable Diesel Pipeline in Stark County

Dear Ms. Johnson:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on December 23, 2022 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | deq.nd.gov

Director's Office 701-328-5150
Division of Air Quality 701-328-5188
Division of Municipal Facilities 701-328-5211
Division of Waste Management 701-328-5166
Division of Water Quality 701-328-5210
Division of Chemistry 701-328-6140 2635 East Main Ave Bismarck ND 58501

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material place below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

Exhibit D.3

North Dakota Department of Transportation Letter

NORTH Dakota | Transportation
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January 11, 2023

Sarah L. Johnson
Project Manager
BARR Engineering
234 West Century Ave.
Bismarck, ND 58503

TESORO GREAT PLAINS GATHERING & MARKETING LLC – 6-INCH DIESEL PIPELINE, STARK COUNTY, NORTH DAKOTA

We have reviewed your December 21, 2022, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Rob Rayhorn at 701-227-6510

CHAD M. ORN, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/cmo/js
c: Rob Rayhorn, Dickinson District Engineer

Exhibit D.4

North Dakota Game and Fish Department

From: Schumacher, John D.
To: Sarah L. Johnson
Subject: Tesoro – 6-inch Renewable Diesel Pipeline
Date: Monday, June 5, 2023 4:03:03 PM
Attachments: image001.png

Sarah L. Johnson
Project Manager
Barr Engineering

RE: Tesoro Great Plains Gathering and Marketing LLC – 6-inch Renewable Diesel Pipeline Project

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have significant adverse effects on wildlife or wildlife habitat based on the information provided.

J.D. Schumacher
Resource Biologist

701.328.6321 • jdschumacher@nd.gov • gf.nd.gov

Exhibit D.5

North Dakota Parks and Recreation Department Response

From:	Duttenhefner, Kathleen G.
To:	Sarah L. Johnson
Subject:	Tesoro Great Plains Gathering and Marketing LLC – 6 – inch Renewable Diesel Pipeline – Stark Co.
Date:	Wednesday, January 4, 2023 1:44:06 PM
Attachments:	Barr_Tesoro_Pipeline_Stark_County_KD_Responce_Letter_DL1.4.23.pdf Barr_Tesoro_Pipeline_Stark_County_DL1.4.22_HERITAGE.pdf Barr_Tesoro_Pipeline_Stark_County_DL1.4.22_MAP.pdf

Re: Tesoro Great Plains Gathering and Marketing LLC – 6 – inch Renewable Diesel Pipeline – Stark Co.

North Dakota Parks and Recreation Department's Environmental Review Response letter is attached.

Kathy Duttenhefner
Natural Resources Division Chief
701.328.5370 • 701.220.3377 • parkrec.nd.gov
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NORTH Dakota | Parks & Recreation
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January 4, 2023

Sarah L. Johnson
Barr Engineering
Co. 234 West Century Ave.
Bismarck, ND 58503

Re: Tesoro Great Plains Gathering and Marketing LLC – 6 – inch Renewable Diesel Pipeline – Stark Co.

Dear Sarah,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed diesel pipeline project in Stark County, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have no known plant and animal species of concern or significant ecological communities documented within or immediately adjacent to the project site.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please contact Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or kgduttenhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.

Sincerely,
Kathy Duttenhefner

Kathy Duttenhefner, Chief Natural Resources Division

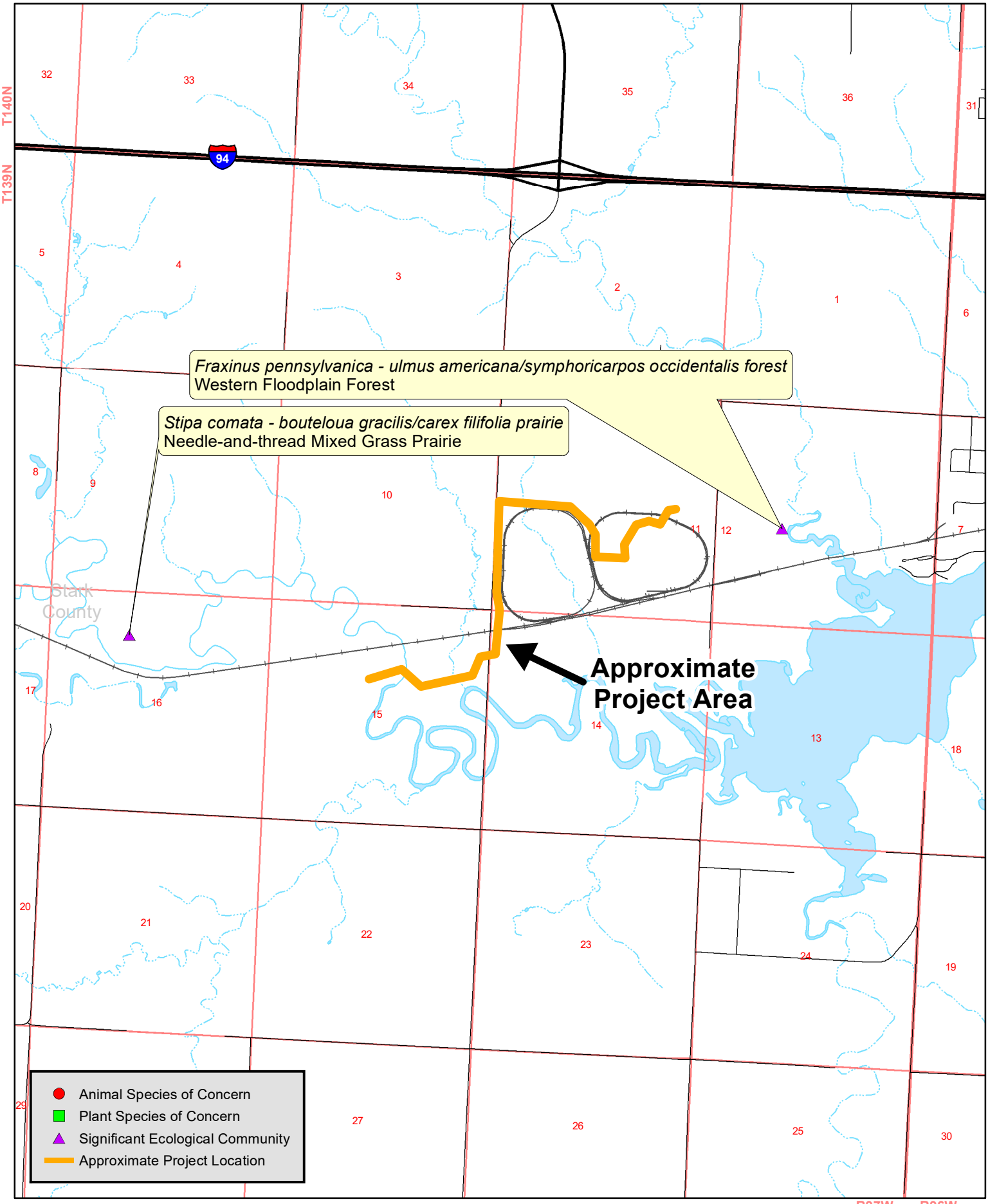
604 E Boulevard Ave Dept. 750 | Bismarck, ND 58505
PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov

North Dakota Natural Heritage Inventory

Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Fraxinus pennsylvanica - ulmus americana/symphoricarpos occidentalis forest	Western Floodplain Forest	S3	GNR		139N096W - 06; 139N097W - 11; 139N097W - 02; 139N096W - 18; 139N097W - 13; 139N097W - 14; 139N097W - 01; 139N096W - 07; 139N097W - 12	Stark	1976-09-12		M
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		139N097W - 16; 140N098W - 34; 139N097W - 36; 139N097W - 27; 139N097W - 09; 139N098W - 36; 139N097W - 07; 140N097W - 36; 140N097W - 27; 139N097W - 29; 139N096W - 08; 138N097W - 10; 140N097W - 28; 140N097W - 19; 139N096W - 18; 140N097W - 29; 139N096W - 17;	Stark	1935-08-03		G

North Dakota Parks and Recreation Department
North Dakota Natural Heritage Inventory



NORTH Dakota | Parks & Recreation
Be Legendary.

January 2023

Exhibit D.6

U.S. Fish and Wildlife Services Response

From: Baer, Kathy
To: Sarah L. Johnson
Subject: Tesaro Great Plains Gathering Line
Date: Thursday, January 12, 2023 4:35:04 PM
Attachments: Outlook-thj14bs5.png

Sarah,

I received your Dec 21, 2022 letter regarding the Tesaro Great Plains Gathering pipeline in Stark county. USFWS has no fee title or easement properties adjacent to this project.

Thank you for you coordination,

KB

Kathy Baer

Supervisory Wildlife Refuge Specialist

Audubon NWR/Audubon WMD

Coleharbor, ND

(701) 442-5474 ext.114

kathy_baer@fws.gov

https://www.fws.gov/refuge/audubon

https://www.fws.gov/refuge/audubon-wetland-management-district

"And onto the prairie I must go,
To lose my mind and find my soul."
Adapted from John Muir

NATIONAL WILDLIFE REFUGE SYSTEM

resourceful. naturally.
engineering and environmental consultants

BARR

May 19, 2023

US Fish and Wildlife Service
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

Re: Tesoro Great Plains Gathering and Marketing LLC – 6-inch Renewable Diesel Pipeline
Stark County, ND

To Whom It May Concern:

Tesoro Great Plains Gathering & Marketing LLC (Tesoro) plans to submit a Certificate of Corridor Compatibility Application and Route Permit Application, requesting permission from the North Dakota Public Service Commission (Commission) for the continued operation of an approximately 2.4-mile existing pipeline temporarily approved to transport renewable diesel. Tesoro acquired the existing pipeline by way of purchase and sale agreement. When acquired, the pipeline was not in operation and had been purged and filled with nitrogen. The pipeline originates at parent company Marathon Petroleum Corporation's Dickinson Renewable Fuels Facility and terminates at the Tesoro Great Plains Patterson Rail Terminal. Tesoro received temporary permission from the Commission to operate the pipeline to transport renewable diesel on July 27, 2022 (Case No. PU-22-328). The Project is located entirely within Stark County, ND and is referred to as the 6-inch Renewable Diesel Pipeline Project (Project).

On behalf of Tesoro, Barr Engineering (Barr) was contracted to compile and submit the Certificate of Corridor Compatibility and Route Application by August 2023. The Commission requires any issues raised by federal, state, or local entities be considered as a factor in evaluation of the route application. Enclosed please find a topographic and aerial view map of the pipeline route for your review and potential comment.

Barr appreciates the opportunity to assist with the Project. I will serve as the primary Barr contact and can be reached at (218) 529-7119 or via email at sjohnson@barr.com with any comments or concerns you might have related to the Project which will be incorporated and added in the Project's application.

Sincerely,

Sarah L. Johnson
Barr Engineering Project Manager
sjohnson@barr.com
218-260-8025

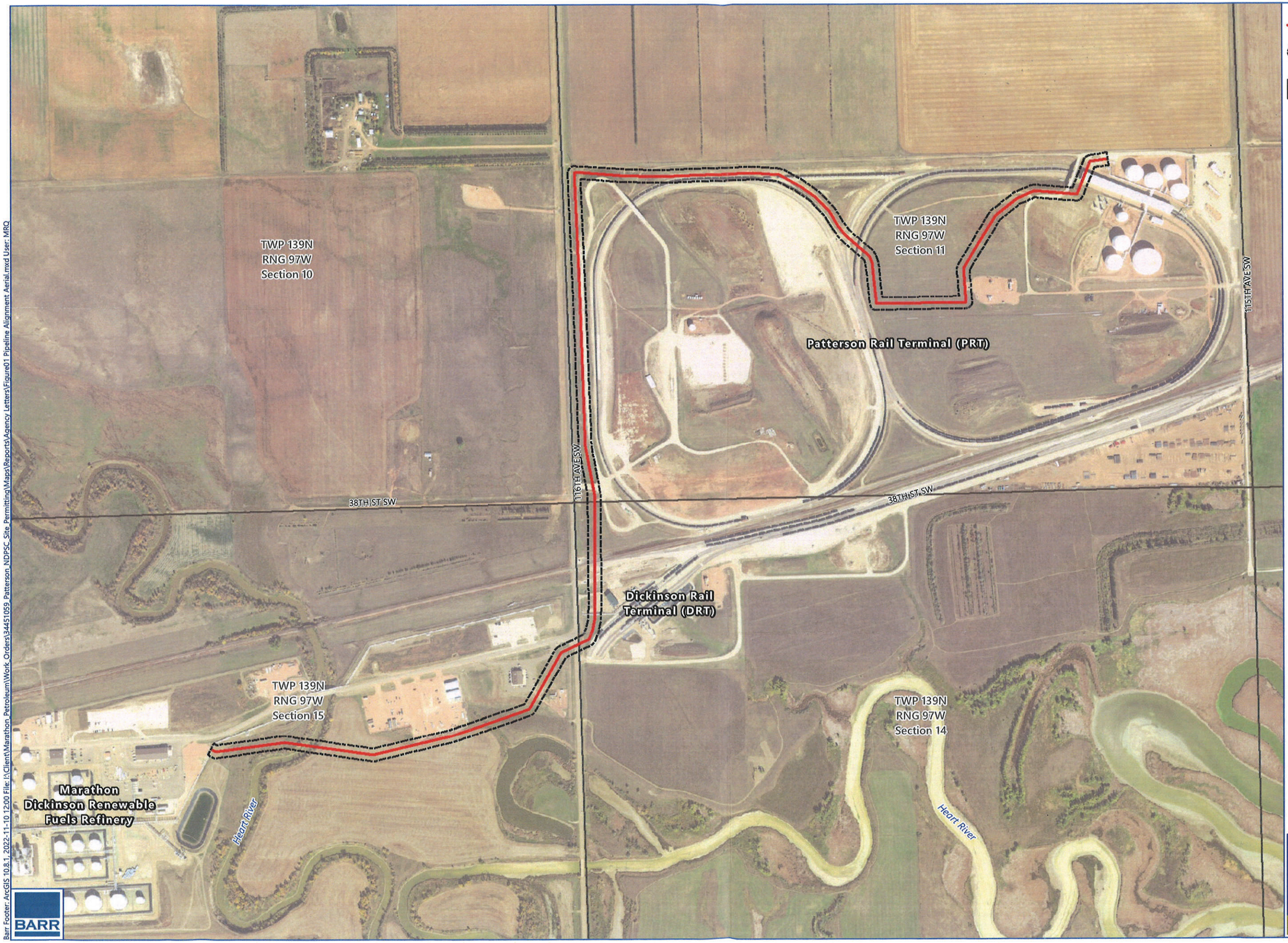
Enclosure: Pipeline Route

The U.S. Fish and Wildlife Service currently has no comments or concerns regarding this project as described. If the project changes or new information becomes available, please contact this office again so potential impacts to federally listed species and other trust resources may be reevaluated.

LUKE TOSO

Digitally signed by LUKE TOSO
Date: 2023.05.24 12:53:52 -05'00'

Supervisor, North Dakota Ecological Services Field Office Date



Pipeline Route

100-foot Wide Buffer

Public Land Survey Section

0 700

Feet

Imagery: USDA NAIP 2021

6-inch Renewable Diesel Pipeline
Stark County, North Dakota

Pipeline Route

BARR

Barr Footer: ArcGIS 10.8.1, 2022-11-10 12:00 File: I:\Client\Marathon_Petroleum\Work_Orders\34451059_Patterson_NDPSC_Site_Permitting\Maps\Reports\Agency Letters\Figure01 Pipeline Alignment Aerial.mxd User: MRQ