

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Grayson Mill Operating, LLC**  
**Missouri River Crossing Pipeline-Williams&McKenzie**  
**Siting Application**

**Case No. PU-24-311**

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **23rd day of January 2025**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

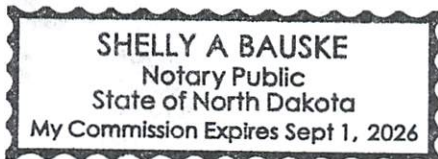
- Order

The envelope was addressed as follows:

Wade Mann  
Crowley Fleck PLLP  
PO Box 2798  
Bismarck, ND 58502-2798  
**Cert. No. 9589 0710 5270 2139 4602 40**

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

Subscribed and sworn to before me  
this **23rd day of January 2025**.



SEAL

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Grayson Mill Operating, LLC  
Missouri River Crossing Pipeline-Williams&McKenzie  
Siting Application

Case No. PU-24-311

ORDER ADOPTING ALJ RECOMMENDED FINDINGS of FACT, CONCLUSIONS of  
LAW and ORDER

January 22, 2025

On January 2, 2025, the Hearing Officer in Case No. PU-24-311 filed an ALJ Recommended Findings of Fact, Conclusions of Law and Order dated December 31, 2024.

Order

The Commission orders the Hearing Officer's December 31, 2024, ALJ Recommended Findings of Fact, Conclusions of Law and Order, a copy of which is attached to and made a part of this Order, is ADOPTED as the Commission's approval to grant Grayson Mill Operating, LLC, Missouri River Crossing Pipeline-Williams&McKenzie, Siting Application, and Issue Certificates of Site Compatibility Number 236 and Route Permit Number 247 designating a location for the construction, operation and maintenance of an existing 8-inch diameter crude oil pipeline and associated facilities in Williams County and McKenzie County, North Dakota.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Sheri Haugen-Hoffart  
Commissioner

  
\_\_\_\_\_  
Randy Christmann  
Chair

  
\_\_\_\_\_  
Jill Kringstad  
Commissioner

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Grayson Mill Operating, LLC  
Missouri River Crossing Pipeline- Williams & McKenzie  
Siting Application**

**Case No. PU-24-311**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**December 31, 2024**

**Appearances**

Wade Mann, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, North Dakota 58501, on behalf of Applicant Grayson Mill Operating, LLC.

Brian L. Johnson, Special Assistant Attorney General, 600 E. Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480, North Dakota Public Service Commission.

Timothy Dawson, Administrative Law Judge (ALJ), Office of Administrative Hearings, 2911 North 14<sup>th</sup> Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

**Preliminary Statement**

On August 15, 2024, Grayson Mill Operating, LLC (Grayson Mill), filed with the North Dakota Public Service Commission (Commission), a consolidated application for a Certificate of Corridor Compatibility and Route Permit (Application) concerning an approximately 14.72-mile long, 8-inch diameter crude oil pipeline, and associated facilities in Williams and McKenzie Counties, North Dakota (Project).

On November 7, 2024, the Commission issued a Notice of Filing and Public Hearing (Notice) scheduling a public hearing for December 10, 2024, at 9:00 a.m. Central Time at the Little Missouri Inn & Suites, 109 9th Avenue SE, Watford City, North Dakota 58854.

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

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On December 10, 2024, the public hearing was held as scheduled. Exhibits 1 through 8 were admitted at the hearing.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following:

### **FINDINGS OF FACT**

1. Applicant, Grayson Mill, is a Delaware limited liability company. Grayson Mill has been authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission in Case No. PU-24-218.
2. The Project is owned and will be operated by Grayson Mill.

#### **Size, Type, and Preferred Location of Facility**

3. The Project consists of approximately 14.72 miles of existing 8-inch diameter steel pipeline in Williams and McKenzie Counties, North Dakota. The Project originates at the Aune Oil Terminal in Williams County and terminates at the Alexander Oil Terminal in McKenzie County. The Project is returning to service an existing pipeline that has been inactive since 2018 and acquired by Grayson Mill in 2021 for use as a crude oil transmission pipeline. The Project will provide additional markets for crude oil produced in the State of North Dakota without requiring construction of a new pipeline.
4. The Project will include upgrading the existing pipeline with additional safety features including the installation of an isolation valve on the west side of the Missouri River and replacement of the existing isolation valve on the east side of the river.
5. The Project utilizes an existing 8-inch diameter steel pipeline with a wall thickness ranging from 0.219-inch to 0.500-inch. The Project will have a normal operating pressure of 365 pounds per square inch with a maximum operating pressure of 1,480 pounds per square inch and a normal throughput of approximately 20,000 barrels per day with a maximum throughput of approximately 50,000 barrels per day.
6. The proposed Project corridor and route are identified in Appendix B of the Application.

7. The estimated cost of the Project is approximately \$1 million dollars.
8. Grayson Mill anticipates a third quarter 2025 in-service date for the facility.
9. Grayson Mill has obtained all easements and land agreements necessary for the siting and construction of the Project.

### **Study of Preferred Location**

10. Grayson Mill conducted a Class I cultural resource literature review and a desktop analysis for wetlands, waterbodies, woodlands, and other sensitive environmental resources across a one-mile wide area centered on the proposed Project route (Study Corridor).

11. Grayson Mill conducted several studies and field surveys across the proposed Project corridor consisting of an approximately 250-foot-wide area generally centered on the Project route (Survey Corridor). Grayson Mill conducted a natural resources survey, which included a wetland and waterbody survey, a noxious weed survey, a threatened and endangered species habitat assessment, a tree and shrub inventory, an eagle nest survey, and a biological survey.

12. Grayson Mill conducted a Class III cultural resource inventory across the Survey Area. The Class III reports were submitted to the North Dakota State Historic Preservation Office. On December 19, 2024, SHPO issued a letter for archaeological resources located within the Project and determined there are no adverse direct effects on significant sites.

13. Section 49-22.1-13(4) of the North Dakota Century Code provides that a site shall not be designated that violates the rules of any state agency, and that compliance with an agency's rules shall be presumed if the agency fails to present its position at the public hearing with respect to the proposed facility.

14. Mill initiated correspondence with federal, state and local departments, agencies, and entities including the following:

a. Federal: U.S. Fish and Wildlife Service ("USFWS"); U.S. Army Corps of Engineers – Regulatory Office Omaha District; and, U.S. Army Corps of Engineers – Garrison Project.

b. State: North Dakota State Historical Preservation Office ("NDSHPO"); North Dakota Department of Parks and Recreation; North Dakota Department of Trust Lands; North Dakota Department of Environmental Quality; North Dakota Geological Survey ("NDGS"); North Dakota Department of Water Resources; North Dakota Indian Affairs Commission; North Dakota Industrial Commission – Pipeline Authority; North Dakota Game and Fish Department; North Dakota Attorney General's Office; North Dakota Department of Agriculture; North Dakota

Department of Commerce; North Dakota Governor's Office; and, North Dakota Department of Transportation.

c. Local: Western Area Water Supply Authority; Williams County Board of Commissioners; Williams County Water Resource District; Williams County Weed Control Board; Williams County Planning and Zoning; McKenzie County Water Resource District; McKenzie County Weed Control Board; McKenzie County Board of Commissioners; McKenzie County Planning and Zoning; McKenzie County Emergency Management.

### **Siting Criteria**

15. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22.1-03 to guide the corridor and route suitability evaluation and designation process. The criteria set forth in North Dakota Administrative Code Section 69-06-08-02 include Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

16. Grayson Mill evaluated the Project with respect to the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

17. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative. A transmission facility route may not be sited within an Exclusion Area.

18. Class I and Class III inventories identified archaeological sites within the Corridor. The Project includes an existing, in the ground pipeline and improvements for the Project require only one location, approximately 50 feet by 75 feet, to have any surface disturbance. Archaeological resources will be avoided and will not be impacted by the Project.

19. Areas critical to the life stages of threatened or endangered animal or plant species are classified as an exclusion area. The pipeline crosses beneath the Missouri River which is designated critical habitat for the piping plover and pallid sturgeon. However, the Project involves the return to service of an existing pipeline beneath the bed of the Missouri River and no construction will occur near the river. No critical habitat will be impacted by the Project.

20. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that under the circumstances, there is no reasonable alternative. In determining whether the Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

21. Areas that are geologically unstable are an Avoidance Area. Potential areas of geologic instability were identified in the Corridor but are not crossed by the pipeline route. The project involves the return to service of an existing pipeline and no additional construction near any area of geologic instability will be required. With the Project involving a return to service of an existing pipeline and no impacts from areas of geologic instability, there is no other reasonable alternative for the route.

22. Grayson Mill's surveys did not identify any other known Avoidance Areas within the Survey Area.

23. The Commission's Selection Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(3). A corridor or route shall be approved only if it is determined that any significant adverse effects that will result from the location, construction and operation of the facility as they relate to the selection criteria will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum. Grayson Mill analyzed the effects that may result from the location, construction, and operation of the Project.

24. The Project will not have any measurable impact to agricultural land, family farms or ranches, land suitable for irrigation, surface drainage patterns, groundwater disturbance, noise sensitive resources, extractive and storage resources, communication facilities, plant life or human or animal life and safety as it involves the return to service of an existing pipeline and requires only one minimal area of surface disturbance for the installation of an isolation valve.

25. The Project will not involve any ground disturbing construction activities within wetlands or waterbodies. No trees or shrubs will be removed as part of the Project. Grayson Mill has agreed to comply with the Tree and Shrub Mitigation Specifications for any future construction impacting trees or shrubs.

26. The Commission's Policy Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(4). The Commission may give preference to an applicant demonstrating certain benefits from the proposed transmission facility. Grayson Mill testified it has maximized the benefits that result from implementing various policies and practices set forth in the Policy Criteria applicable to the Project.

27. Grayson Mill testified it has obtained all necessary easement and right-of-way agreements for the Project. A Grayson Mill subsidiary secured a transfer of USACE NOW-2011-2353 BIS and Consent to Easement DACW45-9-12-8007 from the U.S. Army Corps. of Engineers (USACE). USACE indicated that USACE NOW-2011-2353 BIS would not be impacted because no construction will be performed in or under the Missouri River. USACE's Consent to Easement DACW45-9-12-8007 will allow ongoing maintenance work within the USACE easement. Additionally, North Dakota Sovereign Land Permit S-1749 originally issued to Brigham prior to construction of the pipeline and subsequently transferred to Equinor for crossing the Missouri River has been transferred to Grayson Mill. By letter dated April 17, 2024, the North Dakota Department of Water

Resources (DWR) confirmed that Grayson Mill does not require any additional approvals from DWR for the Project improvements at the valve sites on either side of the Missouri River.

### **Measures to Minimize Impact**

28. Grayson Mill has agreed to a number of measures to mitigate potential Project impacts, as indicated by the attached Certification Relating to Order Provisions – Transmission Facility Siting Gathering Line Conversion to Transmission Line, with accompanying Tree and Shrub Mitigation Specifications.

29. Grayson Mill is reducing the Project's environmental disturbance by utilizing existing pipeline infrastructure. The Project will require only one area of surface disturbance for the installation of a new isolation valve to enhance the safety of the Project in operation. The single area of surface disturbance is limited to an areas approximately 50 feet by 75 feet.

30. The Project will have a leak detection system. Volumes leaving the Alexander terminal will have a Coriolis meter at the booster skid to measure crude oil shipped in the pipeline. There will also be an inlet Coriolis meter to measure the received barrels from the pipeline to the Aune terminal. If the received barrel versus shipped barrel percentage difference is outside the acceptable limits, automated valves at Alexander and Aune oil terminals will close. In addition to the automated valves, manual isolation valves on each side of the river will be closed to further isolate the river crossing segment. The isolation valves will have the ability to be closed within one hour after the automated close at each oil terminal.

31. Grayson Mill has a Facility Response Plan to address emergency situations and will conduct emergency response training annually. A PHMSA Report will be prepared annually, no later than June 15th. Submission of any changes to the National Pipeline Mapping System will be submitted annually, no later than March 15th. An O&M Plan review, and Emergency Preparedness Plan review and a Public Awareness Plan review will each be conducted annually.

32. Grayson Mill testified that it will comply with all applicable safety laws and standards. Additionally, training to recognize safety related conditions, emergency response training and a review of FRP and site-specific information will each be conducted annually. The pipeline will be patrolled at intervals not exceeding three weeks, but at least 26 times each calendar year, including inspection of the surface conditions on or adjacent to the pipeline right-of-way. Methods of inspection include walking, driving, flying or other appropriate means of traversing the right- of-way. At intervals not exceeding 15 months, but at least once each calendar year, over pressure safety devices and overfill protection systems will be inspected and tested, including each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service

in which it is used. Break out tanks will be inspected monthly. At intervals not exceeding seven and a half months, but at least twice each calendar year, each mainline valve will be inspected to determine that it is functioning properly. An annual cathodic protection survey will be conducted. Non-critical bonds and monitor isolation devices will be inspected each calendar year, and not to exceed 15 months. A rectifier and critical bonds survey will be conducted six times each calendar year but with intervals not exceeding two and a half months and an atmospheric inspection will be conducted every three years not to exceed 39 months.

33. Grayson Mill will participate in the North Dakota One-Call Excavation Notice System.

From the foregoing Findings of Fact, the Commission makes the following:

### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over Grayson Mill and the subject matter of the application submitted in Case No. PU-24-311 under North Dakota Century Code Chapter 49-22.
2. Grayson Mill is a utility as defined in North Dakota Century Code section 49-22.1-01(12).
3. The Project is a transmission facility as defined in North Dakota Century Code section 49- 22.1-01(7).
4. The application submitted by Grayson Mill for the Project meets the site evaluation criteria as required by North Dakota Century Code Ch. 49-22.
5. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
6. The location, construction, and operation of the Project is compatible with environmental preservation and the efficient use of resources.
7. The location, construction, and operation of the Project minimizes adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.


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

## RECOMMENDED ORDER

1. Grayson Mill shall operate and maintain the pipeline in accordance with the Commission's Findings of Fact.
2. Certificate of Corridor Compatibility No. \_\_\_ is issued to Grayson Mill Operating, LLC, designating a corridor for the construction, operation, and maintenance of approximately 14.72 miles of existing 8-inch diameter crude oil pipeline and associated facilities in Williams County and McKenzie County, North Dakota. For purposes of this Certificate, the designated corridor consists of an approximately 250-foot-wide-area generally centered on the designated route as depicted in Appendix B of the Application, Hearing Exhibit 1.
3. Route Permit No. \_\_\_ is issued to Grayson Mill Operating, LLC, designating a route for the construction, operation, and maintenance of approximately 14.72 miles of existing 8-inch diameter crude oil pipeline and associated facilities in Williams County and McKenzie County, North Dakota. For purposes of this Permit, the designated route is the route of the Project as depicted in Appendix B, Hearing Exhibit 1.
4. The Certification Relating to Order Provisions – Transmission Facility Siting Gathering Line Conversion to Transmission Line with accompanying Tree and Shrub Mitigation Specifications executed December 19, 2024, is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between Grayson Mill's Application and the Certification, the Certification provisions control.
6. Grayson Mill shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required and shall provide copies to the Commission prior to beginning construction in said areas.
7. Grayson Mill is required to comply with all applicable laws, rules, and regulations in the event it desires to construct another or a different transmission pipeline facility than was specified in the Application within the corridor designated in this proceeding.

Dated this 31<sup>st</sup> day of December 2024.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
Timothy J. Dawson  
Administrative Law Judge

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Grayson Mill Operating, LLC  
Missouri River Crossing Pipeline- Williams & McKenzie  
Siting Application

Case No. PU-24-311

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **RECOMMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER** was mailed, inside mail, at the State Capitol, on the 31 day of December 2024, to:

John Schuh  
Public Service Commission  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

and that true and correct copies of the above document was mailed, regular mail, on the 31 day of December 2024, to

Wade Mann  
Crowley Fleck, PLLP  
PO Box 2798  
Bismarck, ND 58502

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 31 day of December 2024, to

Brian Johnson  
Special Assistant Attorney General  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
\_\_\_\_\_  
Louise Wetzel

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 236**

*This is to certify that the Commission has designated a transmission facility corridor for Grayson Mill Operating LLC for the construction, operation, and maintenance of approximately 14.72 miles of 8-inch diameter crude oil pipeline and associated facilities in Williams County and McKenzie County, North Dakota.*

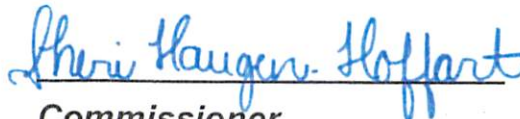
*This certificate is issued in accordance with the Order of this Commission dated January 22, 2025, in Case No. PU-24-311 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, January 22, 2025*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Executive Secretary**

  
\_\_\_\_\_  
**Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Route Permit Number 247**

*This is to certify that the Commission has designated a transmission facility route for Grayson Mill Operating LLC for the construction, operation, and maintenance of approximately 14.72 miles of 8-inch diameter crude oil pipeline and associated facilities in Williams County and McKenzie County, North Dakota.*

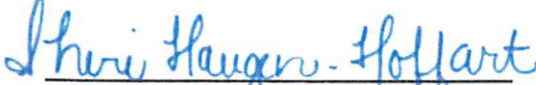
*This permit is issued in accordance with the Order of this Commission dated January 22, 2025, in Case No. PU-24-311 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, January 22, 2025.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
Executive Secretary

  
Commissioner

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Grayson Mill Operating, LLC  
Missouri River Crossing Pipeline –  
Williams and McKenzie Counties  
Siting Application

Case No. PU-24-311

CERTIFICATION RELATING TO ORDER PROVISIONS  
TRANSMISSION FACILITY SITING  
GATHERING LINE CONVERSION TO TRANSMISSION LINE

I am ADAM NOVELLI, a representative of GRAYSON MILL OPERATING ("Company") with authority to bind ~~GRAYSON MILL OPERATING~~ to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22.1 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all necessary licenses and permits and shall provide copies of all licenses and permits to the Commission prior to initiating operation of the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

**Construction:**

7. Company agrees to hold a construction conference prior to initiating operation of the facility as a transmission facility, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior initiating operation of the facility as a transmission facility.
9. Company agrees to inform the Commission and the Commission's third-party construction inspector immediately prior to the Company initiating operation of the facility as a transmission facility.
10. Company certifies that the pipeline has been buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines based on information in as built alignment sheets provided by Equinor.
11. Company certifies that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts are made, will be stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed will also be stripped of topsoil. After backfilling is completed, any excess subsoil will be placed over the excavation area, blending the grade into existing topography. Topsoil will be replaced over areas from which it is stripped only after the subsoil is replaced.
12. Company certifies that all buried facility crossings of graded roads will be bored unless the responsible governing agency permits the Company to open cut the road.
13. Company certifies that staging areas or equipment required for the valve site improvements to the pipeline will not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction conducted by the Company, such site will be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the North Dakota State Historic Preservation Office.

15. Company certifies that construction conducted by the Company will be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.

**Restoration and Maintenance:**

16. Company certifies that upon completion of construction undertaken by the Company for the improvements to the pipeline, Company will restore the area affected by the activities to as near as was practicable to the condition as it exists prior to the beginning of construction.
17. Company certifies that all pre-existing township and county roads and lanes used during construction by the Company will be repaired to a condition that is equal to or better than the condition prior to the construction conducted by the Company of the improvements to the pipeline and accommodates their previous use, and that areas used as temporary roads or working areas during construction will be restored to their original condition.
18. Company certifies that any necessary reclamation, fertilization, and reseeded resulting from construction conducted by the Company will be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, and roadways will continue throughout the life of the transmission facility.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
21. Company certifies that it has removed all waste that was a product of construction and has properly disposed of it. Company understands and agrees that it shall remove all waste that is a product of operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
22. Company certifies that it will provide any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction conducted by the Company.

**Communication with Landowners and PSC:**

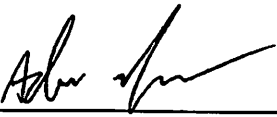
23. Company understands and agrees that, prior to operating its facility as a transmission facility, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
24. Company understands and agrees that it will file with the Commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The Company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
25. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior initiating operation of the facility as a transmission facility.
26. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
27. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.
28. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
29. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of commencement of operation of the facility as a transmission facility. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of commencement of operation of the facility as a transmission facility. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate

system used. All submissions must specify the datum in which the data was developed.

30. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during activities conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend activities in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.
31. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

Dated this 19<sup>th</sup> day of DECEMBER, 2024

GRAYSON MILL OPERATING, LLC

By   
ADAM NOVELLI

Its DIRECTOR OF MIDSTREAM

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Grayson Mill Operating, LLC  
Missouri River Crossing Pipeline –  
Williams and McKenzie Counties  
Siting Application**

**Case No. PU-24-311**

**Tree and Shrub Mitigation Specifications**

**Inventory**

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

**Clearing**

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

**Replacement**

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.