

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

**Hiland Crude, LLC**  
**Hiland Express Spine Pipeline Project**  
**Siting Application**

**Case No. PU-25-84**

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

**August 7, 2025**

**Appearances**

Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Jill Kringstad.

Lawrence Bender, Fredrikson & Byron, P.A., 304 E. Front Avenue, Suite 400, Bismarck, North Dakota 58504 on behalf of Hiland Crude, LLC.

Zachary Pelham, Special Assistant Attorney General, 314 E. Thayer Avenue, Bismarck, North Dakota 58501, North Dakota Public Service Commission.

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

**Preliminary Statement**

On March 3, 2025, Hiland Crude, LLC (Hiland), filed with the North Dakota Public Service Commission (Commission) a combined application for a certificate of corridor compatibility and route permit concerning the location and construction of a 10-inch steel natural gas liquids pipeline, approximately 28.1 miles long, in McKenzie County, North Dakota (Application).

Also on March 3, 2025, Hiland filed an application for waiver of procedures and time schedules established in North Dakota Century Code Chapter 49-22.1 and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06 regarding separate notices and separate hearings on the consolidated Application.

On April 14, 2025, the Commission provided notification of the Application to the townships with retained zoning authority, cities, and counties in which any part of the proposed pipeline corridor is located.

On May 22, 2025, the Commission issued a Notice of Filings and Notice of Public Hearing scheduling a public hearing for July 3, 2025, at 8:00 a.m. Central Time, at Teddy's Residential Suites, 113 9<sup>th</sup> Avenue Southeast, Watford City, North Dakota 58854 (Notice).

On June 4, 2025, the Commission deemed the Application complete.

The Notice identified the following issues to be considered with respect to the Application for a certificate of corridor compatibility and route permit:

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?

The Notice identified the following issues to be considered with respect to the application for waiver of procedures and time schedules:

1. Is the proposed facility of such length, design, location, or purpose that it will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

As set forth in the Notice, the public hearing on the Application was consolidated with the public hearing on the consolidated application for a certificate of corridor compatibility and route permit submitted by Hiland in Case No. PU-25-083.

On July 3, 2025, the consolidated public hearing was held as scheduled allowing any interested parties to present testimony in person. Hiland submitted Exhibits 1 through 3 which were admitted at the hearing.

On July 29, 2025, Hiland made a supplemental filing.

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

### **Findings of Fact**

1. Hiland Crude, LLC is an Oklahoma limited liability company authorized to do business in the State of North Dakota, as evidenced by the certificate of good standing filed with the Application in this case.

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

2. Hiland intends to construct an approximately 28.1-mile-long natural gas liquids pipeline in McKenzie County, North Dakota (Project). The Project will connect Hiland's Roosevelt Gas Plant to existing infrastructure for transportation to Mid-Continent and Gulf Coast locations for additional processing prior to distribution to the market.
3. The Project will be 10-inch outside diameter steel pipe with a wall thickness of 0.219 inches (0.307-inches for bored locations) and a maximum operating pressure of 1,440 pounds per square inch. The maximum operating temperature of the Project will be 100 degrees Fahrenheit.
4. The Project will have a maximum design capacity of 80,000 barrels per day.
5. Aboveground facilities for the Project will be limited to pipeline markers, cathodic test stations, four mainline block valves, one pig launcher and one pig receiver.
6. The Application's proposed corridor for the Project is a 300-foot-wide area generally centered on the Project route. The proposed locations of the Project corridor and Project route are depicted on the maps attached as Exhibit B to the Application. Hiland testified that two minor re-routes were implemented at the request of landowners. The proposed reroutes are depicted on hearing Exhibit 3 (Docket No. 32).
7. Hiland testified that construction of the Project will take approximately six months with an anticipated Project in-service date of March 1, 2026.
8. The estimated cost of the Project is approximately \$37.2 million.

#### Study of Preferred Location

9. Hiland initiated correspondence seeking comments from the following federal, state and local agencies regarding the Project:
  - a. Federal: (1) Federal Aviation Administration; (2) U.S. Fish and Wildlife Service; (3) U.S. Army Corps of Engineers; (4) U.S. Department of Defense; (5) Federal Bureau of Land Management; (6) Grand Forks Air Force Base; (7) Minot Air Force Base; (8) Military Aviation and Installation Assurance Siting Clearinghouse; (9) Natural Resource Conservation Service; (10) Twentieth Air Force Ninety-first Missile Wing.
  - b. State: (1) ND Attorney General; (2) ND Department of Agriculture; (3) ND Department of Career and Technical Education; (4) ND Department of Commerce; (5) ND Department of Environmental Quality; (6) ND Aeronautics Commission; (7) ND Department of Human Services; (8) ND Department of Labor and Human Rights; (9) ND Department of Transportation; (10) ND Department of Trust Lands; (11) ND Energy Infrastructure and Impact Office; (12) ND Game and Fish Department; (13) ND Office of the Governor; (14) ND Indian Affairs Commission; (15) ND Industrial Commission; (16) Job Service of North Dakota; (17) ND Forest Service; (18) ND Geological Survey; (19) ND Pipeline Authority; (20) ND Transmission Authority; (21) ND Parks and Recreation

Department; (22) ND Department of Health; (23) ND State Historical Society; (24) ND Department of Water Resources.

c. Local: (1) McKenzie County Commission; (2) McKenzie County Weed Control Board.

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

11. Hiland conducted surveys across an approximately 300-foot-wide area centered on the Project route and the reroutes depicted on hearing Exhibit 3 (Survey Area). Hiland conducted surveys for wetlands, waterbodies, threatened and endangered species, critical habitats, noxious weeds, and trees/saplings/shrubs. Hiland also conducted a 0.5-mile line-of-sight binocular survey for raptor nests.

12. Hiland conducted a Class III cultural resources inventory across the Survey Area. The Class III report was submitted to the North Dakota State Historic Preservation Office (SHPO). Hiland testified that it is coordinating with SHPO regarding avoidance measures and the addendum provided to SHPO regarding the reroutes depicted on hearing Exhibit 3.

#### Siting Criteria

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

14. Hiland evaluated the Project for the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

15. 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 width unless there is no reasonable alternative. A transmission facility route must not be sited within an Exclusion Area.

16. Designated or registered state archeological sites are considered Exclusion Areas. Hiland identified one state archeological site within the Survey Area that will not be crossed by the Project route. No impacts to the archeological site are anticipated.

17. Hiland's studies and surveys did not identify any other Exclusion Areas within the Survey Area.

18. An Avoidance Area is a geographic area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes. Avoidance Areas may be located within a corridor, but cannot encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

19. Areas within 500 feet of a residence, school or place of business are considered Avoidance Areas. Hiland testified there are five areas where the Project route is located within 500 feet of a residence, place of business, or other occupied structure. Hiland has obtained setback waivers from the landowners of each of these locations.

20. Geologically unstable areas are considered Avoidance Areas. Hiland identified landslide deposits within the Survey Area. Hiland testified that the Project route does not cross any of the identified landslide deposits.

21. Water sources for organized rural water districts are considered Avoidance Areas. The Western Area Water Supply Authority (WAWSA) project is located within the Survey Area. Hiland testified that the Project route crosses WAWSA water lines at road crossings and that Hiland will obtain crossing approvals as part of the road crossing permit process. No impacts to the WAWSA water lines are anticipated.

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

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

24. Hiland testified that it will employ horizontal directional drilling (HDD) technique to cross any wetlands and waterbodies to avoid impacts to those features.

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

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

#### Additional Measures to Minimize Impact

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

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

29. Hiland has developed a comprehensive construction standards control document that includes a Stormwater Pollution Prevention Plan, a Dust Control Plan, a Waste Management Plan, and addresses mitigation measures for upland construction, wetland crossings, dewatering and hydrostatic testing and revegetation.

30. Hiland has also developed an HDD Inadvertent Return Mitigation Plan, an Unanticipated Discoveries Plan, and a Spill Prevention, Control and Countermeasure Plan that provides control measures to prevent spills and measures to control and remediate any spills that may occur.

31. Hiland will implement a Weed Management Plan for controlling noxious weeds.

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

33. Hiland will conduct regular pipeline monitoring, periodic inspection, internal inspections, and foot patrol inspections as required by U.S. Department of Transportation regulations.

34. The Project will have a leak detection system comprised of a line balancing system with transmitters capable of relaying temperature, pressure, and density information among other things. A Supervisory Control and Data Acquisition system will allow Hiland to monitor the flow and pressure of the system that triggers an alarm for anything outside normal operating conditions 24 hours a day, 7 days a week, and 365 days a year. Hiland will have employees located near the Project route to respond in the event of an emergency.

35. Hiland testified it will collaborate with local emergency response officials and meet with them on an annual basis to discuss their Emergency Response Plan. Hiland will also coordinate with local emergency response officials to develop an appropriate Emergency Response Plan.

36. Hiland will participate in the North Dakota One-Call notification system.

37. Hiland will comply with all applicable safety laws and standards.

38. Hiland requested a route construction buffer of 20 feet on each side of the designated Project Route, contingent upon not impacting an Avoidance Area without the prior approval of the NDPSC, to account for minor deviations to the designated route due to the high degree of co-location between the proposed Project Route and existing infrastructure in addition to other landowner concerns or constructability issues.

39. At the July 3, 2025, consolidated public hearing, Sandee Kimpel, Director, McKenzie County Planning & Zoning, stated that no work is approved to take place within the County Road Right of Way, that the McKenzie County Planning and Zoning Department requires Conditional Use Permits for any stock piles or borrow bits associated with the project, and that Hiland would need to obtain permits for some of the bores associated with the project.

40. Hiland's July 29, 2025, supplemental filing stated that Hiland has no objection to a 200 foot wide corridor for the Project should the Commission be inclined to approve such width.

From the foregoing Findings of Fact, the Commission now makes its:

#### **Conclusions of Law**

1. The Commission has jurisdiction over the applicant, Hiland Crude, LLC, and the subject matter of the Application under Chapter 49-22.1 of the North Dakota Century Code.
2. Hiland is a utility as defined in Section 49-22.1-01(13) of the North Dakota Century Code.
3. The Project is a liquid transmission facility as defined in Section 49-22.1-01(7) of the North Dakota Century Code.
4. The construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with environmental preservation and the efficient use of resources.
6. The construction, operation, and maintenance of the Project minimizes adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. The proposed facility at the proposed location will produce minimal adverse effects, and it is appropriate for the Commission to waive applicable procedures and time schedules as requested in the application for waiver of procedures and time schedules

pursuant to North Dakota Century Code Section 49-22.1-05 and North Dakota Administrative Code Chapter 69-06-06.

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

### **Order**

1. Hiland's application for a waiver of procedures and time schedules is granted.
2. Hiland shall construct, operate, and maintain the pipeline in accordance with the Commission's Findings of Fact.
3. Certificate of Corridor Compatibility No. 242 is issued to Hiland Crude, LLC designating a corridor for the construction, operation, and maintenance of approximately 28.1 miles of 10-inch outside diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota. The corridor consists of a 200-foot-wide area generally centered on the Project route as identified on Exhibit B to the Application, as modified by hearing Exhibit 3 (Docket No. 32), and identified precisely by the associated GIS map data provided to the Commission.
4. Route Permit No. 253 is issued to Hiland Crude, LLC designating a route for the construction, operation, and maintenance of approximately 28.1 miles of 10-inch outside diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota. The route is identified on Exhibit B to the Application, as modified by hearing Exhibit 3 (Docket No. 32), and identified precisely by the associated GIS map data provided to the Commission. The designated route includes a route construction buffer of 20 feet on each side of the designated route, contingent upon not impacting an Avoidance Area unless Hiland receives written authorization from the Commission before conducting any associated construction activities. Construction activities must not impact an Exclusion Area.
5. The Certification Relating to Order Provisions - Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, executed by Hiland on July 1, 2025, is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between Hiland's Application and the Certification, the Certification provisions control.
7. Hiland shall not begin construction on any portion of the Project for which it has not received concurrence from SHPO. Hiland shall update the Commission with respect to any concurrence or non-concurrence provided by SHPO.
8. Hiland shall obtain all other necessary licenses and permits prior to commencing construction on such portion of the Project for which the license and/or permit is required

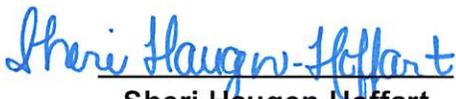
and shall provide copies of such licenses and permits to the Commission prior to construction.

9. In the event that construction is undertaken by Hiland after topsoil has frozen to the point that frost inhibits proper soil segregation, Hiland will follow applicable winter construction guidelines as given in the following documents: North Dakota State University Extension Service, Publication R1728, "Successful Reclamation of Lands Disturbed by Oil and Gas Development and Infrastructure Construction," August 2014 and INGAA Foundation, Inc., Report No. 2013.04, "Planning Guidelines for Pipeline Construction During Frozen Conditions," December 2013.

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

11. If a spill by Hiland requires notification to any other state or federal agency, Hiland will also inform the Commission of such spill within 25 hours of occurrence by leaving a message at the Commission's Toll Free Number, with a follow-up email to the Commission's Executive Secretary.

**PUBLIC SERVICE COMMISSION**

		
<b>Sheri Haugen-Hoffart</b> Commissioner	<b>Randy Christmann</b> Chair	<b>Jill Kringstad</b> Commissioner

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

**Certificate of Corridor Compatibility Number 242**

*This is to certify that the Commission has designated a transmission facility corridor for Hiland Crude, LLC designating a corridor generally 200-feet-wide for the construction, operation, and maintenance of approximately 28.1 miles of 10-inch diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota.*

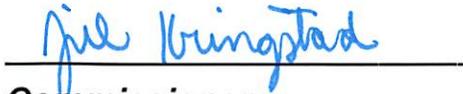
*This certificate is issued in accordance with the Order of the Commission dated August 7, 2025, in Case No. PU-25-84 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, August 7, 2025.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

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

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Route Permit Number 253**

*This is to certify that the Commission has designated a transmission facility route for Hiland Crude, LLC for the construction, operation, and maintenance of approximately 28.1 miles of 10-inch diameter natural gas liquids pipeline and associated facilities in McKenzie County, North Dakota.*

*This permit is issued in accordance with the Order of this Commission dated August 7, 2025, in Case No. PU-25-84 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, August 7, 2025.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

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

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

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Hiland Crude, LLC  
Hiland Express Spine Pipeline Project  
Siting Application**

**Case No. PU-25-84**

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

I am John S. Long, a representative of Hiland Crude, LLC ("Company") with authority to bind the Company to requirements to be set forth by the Commission in its Order and I certify the following:

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

**Construction:**

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.
12. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

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

**Restoration and Maintenance:**

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

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

**Communication with Landowners and PSC:**

27. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
28. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
29. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
30. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
31. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.

32. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

**Route Adjustments Before or During Construction:**

35. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.
36. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
37. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:

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

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

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

Company acknowledges and agrees that:

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

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

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

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

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

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

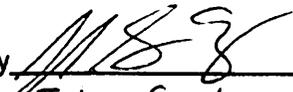
Company acknowledges and agrees that:

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

- 41. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
- 42. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 1<sup>st</sup> day of July, 2025.

HILAND CRUDE, LLC

By   
John S. Long

Its Director - PROJECT MANAGEMENT

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Hiland Crude, LLC  
Hiland Express Spine Pipeline Project  
Siting Application**

**Case No. PU-25-84**

**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.