

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

**Dome Pipeline Corporation  
Hydrocarbon Pipeline/Stutsman County  
Application**

**Case No. PU-391-00-657**

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

**January 9, 2001**

**Appearances**

**Brian R. Bjella, Fleck, Mather & Strutz, Ltd.**, Bismarck, North Dakota,  
appearing on behalf of Dome Pipeline Corporation.

**William W. Binek**, State Capitol, Bismarck, North Dakota 58505-0480,  
appearing as substantive Hearing Officer.

**Preliminary Statement**

On December 13, 2000, Dome Pipeline Corporation (Dome), 125 South Dubuque Street, Iowa City, Iowa 52240, filed a consolidated application for a waiver of procedures and time schedules and for an amendment to its existing route permit for the construction and relocation of approximately two miles of 12 inch liquid hydrocarbon pipeline within its previously-designated corridor in Sections 4, 9, 10 and 11, Township 144 North, Range 63 West, Stutsman County, North Dakota. The proposed construction will be entirely in Stutsman County.

The Dome Pipeline, together with the Cochin Pipeline which is located in Canada, transports light hydrocarbon liquids produced and refined in western Canada to markets in midwestern and eastern United States and eastern Canada.

In 1976, in Case No. 9400, The Commission issued Corridor Certificate No. 3 to Dome. The Commission approved a corridor six miles in width. The proposed route deviation and amendment, which is the subject of this proceeding, is contained within the prior approved corridor. Also in Case No. 9400, on August 1, 1977, the Commission issued Route Permit No. 4 to Dome for construction of this pipeline facility. Dome is proposing to amend Route Permit No. 4 to provide for the requested deviation.

Dome also requested that the criteria maps contained in its application be allowed to substitute for the required set of mylar maps required by Commission application guidelines.

On December 6, 2000, the Commission acknowledged Dome's Letter of Intent to construct a liquid hydrocarbons pipeline in Stutsman County, North Dakota, shortened the waiting period for filing an application from one year to one day, and assessed a filing fee of \$5,000.00 due upon filing of the application.

On December 20, 2000, the Commission found the application complete and issued its Notice of Filing and Notice of Hearing. A public hearing was scheduled for Monday, January 8, 2001, at 1:30 p.m. (CST) in the Stutsman County Courthouse, lower level, Whitney Room, at 511 2<sup>nd</sup> Avenue SE, Jamestown, North Dakota.

The issues to be considered in this proceeding were:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed transmission line route 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?
4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?
5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules would jeopardize the utility's system?
6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

On January 8, 2001, the public hearing was conducted as scheduled.

Having heard and considered this matter, the Hearing Officer makes the following:

## Findings of Fact

1. Dome proposes to reconstruct and operate approximately two miles of nominal 12-inch outside diameter pipeline for transportation of liquid hydrocarbon products in Stutsman County, North Dakota. Dome proposes to amend Route Permit No. 4 to allow for this deviation from its approved pipeline route. The area for the proposed deviation is contained within the Corridor approved by the Commission in Corridor Certificate No. 3 issued in Case No. 9400. The proposed pipeline will become part of the existing pipeline facility used to transport liquid hydrocarbon products from western Canada to markets in the midwestern and eastern United States and eastern Canada.
2. The proposed pipeline will be constructed of nominal 12-inch diameter, .0219 inch (mainline) wall thickness, API 5L PSL2 grade X-60 ERW pipe, with additional wall thickness of 0.281 at road crossings, with a maximum design operating pressure of 2000 PSI. The pipeline will be operated at a maximum pressure of 1440 PSI and minimal burial depth will be 36 inches..
3. All construction, testing and operation of the pipeline will conform to the U.S. Department of Transportation's minimum pipeline safety requirements as outlined in Title 49 of the Code of Federal Regulations.
4. The total estimated cost of this project is approximately \$1,000,000.00. Dome desires to commence construction in early to mid January 2001 and have the pipeline operational by late February 2001.
5. Dome has identified in a very recent high resolution internal inspection anomalies in a portion of the pipeline which it is proposing to replace. As the area of the corrosion is underneath a large wetland, Dome has proposed this route deviation for purposes of replacement of the affected pipeline.
6. The area of the proposed deviation will parallel the Alliance Pipeline, which was recently constructed in the immediate vicinity, which pipeline project was approved by the United States Federal Regulatory Commission. As a result, the area of the proposed route deviation has been extensively studied both in 1976 at the time of Dome's original application to the Commission, and most recently in conjunction with the Alliance Pipeline project. As a result, any adverse affects produced by the construction and operation of the proposed pipeline will be minimized.
7. The pipeline primarily crosses cropland. All affected landowners have granted right-of-way easements to Dome.
8. Dome has contacted all appropriate road authorities, and has received approval to cross all affected roads with granular surfaces by open cut during pipeline construction. The Hearing Officer finds that it is reasonable and prudent to allow Dome to construct the pipeline through county and/or township roads by open cutting as approved by the appropriate road authority.

9. Dome has retained an environmental firm, Natural Resource Group, Inc., of Minneapolis, Minnesota (NRG) to assist it in evaluating of effects upon the environment. NRG also performed a previous environmental study of this area for the Alliance project. A senior environmental scientist with NRG testified at the hearing that there will be no adverse environmental affects from reconstruction of this two miles of pipeline. NRG has reviewed the studies completed for the Alliance project in order to identify any significant environmental issues associated with the Dome pipeline replacement project. Of that portion of the proposed route outside of the Alliance Corridor, NRG has evaluated available published information (e.g., National Wetland Inventory Maps, topographic maps, current aerial photos, etc.), and conducted a field inspection of the route. Additionally, NRG has developed construction mitigation measures to protect environmental resources. Based on these evaluations and Dome's utilization of said construction mitigation measures, it was the opinion of the senior environmental scientist that the project will not adversely affect environmentally sensitive areas.

10. By response dated December 15, 2000, the State Historical Society of North Dakota, constituting the State Historic Preservation Office (SHPO) has determined that the proposed Dome pipeline project will not affect any historic properties as proposed.

11. Both the United States Fish and Wildlife Service and the North Dakota Game and Fish Department indicate that no threatened or endangered species are known to frequent the project area.

12. With respect to wetlands, NRG has reviewed National Wetland Inventory data to identify wetlands crossed by the project. While it is not practicable to avoid wetlands with this pipeline project due to the nature of the terrain and topography in the area, NRG has assisted Dome with the development of special measures to protect wetlands crossed by the project. In addition, Dome will not be permanently filling or draining wetlands as a part of this project. Dome proposes to restore wetlands to contour and to take appropriate measures to maintain existing wetland hydrology. Dome's wetland protection measures have been submitted to the United States Army Corps of Engineers and a federal Clean Water Act section 404 permit from the Corps is pending. A copy of the section 404 permit must be filed with the Commission prior to commencement of construction in wetlands areas.

13. The United States Fish and Wildlife Service has identified several waterfowl protection parcels located near the project and the proposed route proposed by Dome does not cross any wetlands within these parcels.

14. Dome has reviewed route alternatives and determined that no reasonable alternatives exist to the proposed route which avoid the inundated wetland area under which the current pipeline is located and minimize the area of disturbance and disruption to local landowners, and also retain the proposed project within the previously approved pipeline corridor.

15. The proposed route will not impact any exclusion or avoidance areas listed in the Commission regulations and in the Energy Conversion and Transmission Facility Siting Act (Siting Act).

16. Dome has adopted a Construction Spill Prevention, Containment and Control Plan and has also adopted a contractor safety, health and environmental policy, both of which are contained within its application and will be provided to the contractor prior to the commencement of construction.

17. The North Dakota Game and Fish Department has reviewed the project for wildlife concerns, and has no objections to the construction provided adequate steps are taken to protect any wetland basins that must be crossed.

18. North Dakota Century Code § 49-22-07.2 authorizes the Commission to waive procedures, and time schedules otherwise required by the Siting Act when the Commission finds that the proposed facility is of such length, design, location or purpose that will produce minimal adverse effects. However, it has been determined that no waivers are needed in this proceeding.

19. The Hearing Officer finds that the proposed route deviation is compatible with environmental preservation and the efficient use of resources, and will result in minimal adverse effects on the environment, natural resources and upon the welfare of the citizens of North Dakota, while ensuring continuing system reliability and integrity and ensuring that the energy needs of the nation are met and fulfilled in an orderly and timely fashion.

From the foregoing Findings of Fact, the Hearing Officer makes the following:

### **Conclusions of Law**

1. The Commission has jurisdiction over Dome and the subject matter of this proceeding under the Siting Act.

2. The pipeline proposed by Dome is a transmission facility as defined in § 49-22-03(11), N.D.C.C.

3. The proposed project is of such design, location and purpose that it will produce minimal adverse effects as defined in § 49-22-07.2, N.D.C.C.

4. The application submitted by Dome meets the route evaluation criteria required by the Siting Act.

5. The location, length, design, construction and operation of the proposed route deviation will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

6. The proposed pipeline project is compatible with environmental preservation and the efficient use of resources.

7. The proposed deviated pipeline route will minimize adverse human and environmental impacts, while ensuring continuing system reliability and integrity and ensuring that the energy needs of the state and nation are met and fulfilled in an orderly and timely fashion.

From the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends the following:

### **Order**

It is hereby ordered:

1. Dome is issued amended Route Permit No. 90 granting authority to construct the pipeline on the location shown on the attached map.

2. A preconstruction conference shall be held prior to the commencement of any construction. The conference shall include a Dome representative, Dome's construction supervisor, and Commission staff, to ensure that Dome fully understands the conditions set forth in this order.

3. Dome shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed pipeline, and shall obtain all other necessary licenses and permits, and shall provide copies to the Commission prior to construction of the pipeline.

4. If any cultural resource, paleontological, archeological, historical or grave site is discovered, it shall be marked, preserved, and protected from further disturbances until a professional examination can be made by the State Historical Society, a report filed with the Commission, and clearance to proceed is given.

5. During construction in wetlands, Dome shall utilize the mitigation measures described in its application and determined acceptable by the US Army Corps of Engineers.

6. Dome is permitted to open cut through graded township or county roads where the appropriate road authority has granted permits allowing such open cuts. All pre-existing roads shall be restored to a condition that will accommodate their previous use. Areas used as temporary roads during construction shall be restored to their original condition.

7. Construction must be suspended during periods when weather conditions are such that construction activities would cause irreparable harm to the environment, unless adequate measures approved by the Commission are taken.
8. Topsoil over and along the trench area shall be stripped and segregated from the subsoil and be replaced only after the subsoil is replaced.
9. The reclamation required along the route of the pipeline shall be performed by a reclamation crew and coordinated with landowners.
10. Reclamation, reseeding and fertilization is to be completed by Dome according to National Resources Conservation Service recommendations, unless otherwise specified by the landowners and approved by the Commission.
11. Dome's obligation for reclamation and maintenance of the right-of-way shall continue throughout the life of the pipeline.
12. Dome shall construct and operate the pipeline in the manner described in its application, and in accordance with all applicable safety requirements.
13. Dome shall provide the Commission with a copy of the design specifications for the construction of the pipeline showing the location of the pipeline as built.
14. The authorization granted by the amended route permit is subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

By: \_\_\_\_\_  
William W. Binek, Hearing Officer  
Public Service Commission  
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