

DIVIDER

**STATE OF NORTH DAKOTA
INFORMATION TECHNOLOGY DEPARTMENT
SFN 2053 (4-2002)**

PU-391-00-657

**Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Siting Application
Filed 12/5/2000**

Closed 12/6/2001

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MEMORANDUM

To: Commissioners Wefald, Clark and Reinbold
Fr: Jerry Lein
Da: October 12, 2001
Re: Report of Post-Construction Inspection, Case No. PU-391-00-657

On August 30, 2001, I conducted a post-construction inspection of Dome Pipeline Corporation's reroute of approximately 2 miles of 12-inch liquid hydrocarbon pipeline in Stutsman County. This project was constructed in January and February of 2001.

The reroute is almost entirely over cropland, much of which is in CRP. The CRP land has been re-vegetated so well that it is difficult to see where it was disturbed. There were some weeds growing in non-CRP cropland where no crops appear to have been planted yet, but Dome reports the landowner requests these areas be left alone. The route required some trenching through wetland areas, but impact was mitigated by frozen ground. Overall, winter construction enabled narrow trenching and minimal disturbances.

Reclamation appears complete and in compliance with the Commission's order.

JRL

00-605
657

Lein, Jerry R.

From: Schweitzer, Gregg R [SCHWEIGR@bp.com]
Sent: Monday, February 19, 2001 9:00 AM
To: 'Jerry, Lein'; Barry, Bill E; Blume, Mike T; Clark, Duane D; Millage, David D; G CAL
Jamestown
Subject: Construction Number 90 Update

Jerry, The following is a weekly construction update for Route Permit for the Construction of a Transmission Facility Permit Number 90 dated February 19, 2001. I will send the next update once the grading is complete.

Progress to date.

Line has been back filled, hydrottested, tied in and is use.

Planned work

Once the spring thaw is complete do the final grading and seeding of CRP areas.

Lein, Jerry R.

From: Schweitzer, Gregg R [SCHWEIGR@bp.com]
Sent: Monday, February 05, 2001 8:06 AM
To: 'Lein, Jerry'; Millage, David D; Barry, Bill E; Blume, Mike T; Clark, Duane D; G CAL Jamestown; Carstens, Gary W; Debeir, Dennis R; Diercks, Eugene F
Subject: Construction Number 90 Update

Jerry, The following is a weekly construction update for Route Permit for the Construction of a Transmission Facility Permit Number 90 dated January 29, 2001.

Progress to date.

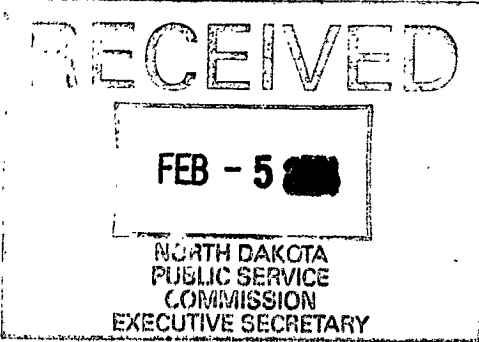
- 98% Pipe welded NDT and backfilled.
- Road crossings are complete.

This weeks planned activities.

- Complete tie in of the last bend.
- Fill, hydrottest, clean, and dry new line.

Next weeks planned activities.

- Tie in new line.
- Recover product and purge existing line to be abandoned.





January 16, 2001

Mr. Jerry Lien
North Dakota Public Service Commission
State Capital, 12th Floor
Bismarck, ND 58505-0480

RECEIVED

JAN 16 2001

Subject: Dome Pipeline Corporation
Dome Pipeline Replacement Project
ND PSC Case Number PU-391-00-657

ND PSC
PUBLIC SERVICE COMMISSION

Dear Mr. Lien:

This letter transmits a copy of a letter from the North Dakota Department of Health confirming NPDES coverage under a stormwater general permit for the Dome Pipeline Replacement Project. This letter confirms that Dome Pipeline Corporation (Dome) is authorized to discharge stormwater associated with construction activity to waters of the state.

Pursuant to the request of the Hearing Examiner, this letter supplements Dome's late filed Exhibit Number 7. Thank you for your continued assistance with this project. Please call me at 612-347-6787 if you have any questions or need any further information.

Sincerely,

Natural Resource Group, Inc.

Joseph C. Reinemann
Project Manager

Enclosure: December 18, 2000 North Dakota Department of Health letter

cc: Bill Barry, Dome Pipeline Corporation
Brian Bjella, Fleck, Mather & Strutz, Ltd.

27 PU-391-00-657 Pages: 2
Supplement to Late Filed Exhibit 7
by Dome Pipeline Corporation
01/16/2001 CC: Comm Legal PUD (3)



**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

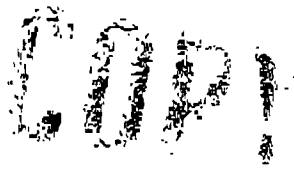
Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

December 18, 2000

Bill Barry
Dome Pipeline Corporation
Plaza Centre One, Suite 380
125 South Dubuque Street
Iowa City, IA 52240



Dear Mr. Barry:

Coverage under a stormwater general permit has been approved. Your facility has been assigned the serial number(s) listed below. Please include this number on all future correspondence.

NDR03 – 0430 – Dome Pipeline Replacement

Enclosed you will find a copy of the current Stormwater General permit. We would like to bring your attention to the following sections of the permit.

- Part II-A Prohibition on Non-stormwater Discharges
- Part II-C Stormwater Pollution Prevention (SWPP) Plans
- Part III Monitoring, Recording, and Reporting Requirements

In reviewing your application, it appears your SWPP (Storm Water Pollution Prevention) Plan is adequate. Implementation of the SWPP Plan shall be immediately upon start of construction. Please remember to periodically review the plan and submit any necessary changes to the Department.

If you should have any questions, please contact me at (701) 328-5242.

Sincerely,

Bryon Fuchs
Environmental Engineer
Division of Water Quality

Encl.

Environmental Health
Section Chief's Office
701-328-5150

Environmental
Engineering
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210



FAX MEMORANDUM

Date: January 16, 2001
To: Mr. Jerry Lien **Fax:** (701) 328-2410
Company: Public Service Commission
From: Joe Reinemann **Phone:** (612) 347-6787
Subject: Dome Pipeline Corporation

Number of pages, including cover:

Attached is a letter and attachment concerning the Dome Pipeline Corporation replacement project. Please call me at (612) 347-6787 if you have questions or require additional information.

cc: Bill Barry, Dome Pipeline Corp.
Brian Bjella, Fleck, Mather & Strutz

CONFIDENTIALITY NOTICE

The information contained in this fax message is confidential and is intended for the addressee named above. If you are not the named addressee or agent, note that dissemination of this information, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately at (612) 347.6789. Thank you.

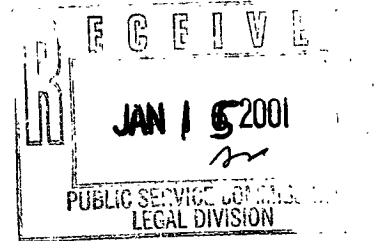
Lein, Jerry R.

From: Schweitzer, Gregg R [SCHWEIGR@bp.com]
Sent: Monday, January 15, 2001 5:19 PM
To: 'Lein, Jerry'; Millage, David D; Barry, Bill E; Blume, Mike T; Fisher, Samuel D
Subject: PSC Notification of Start-up

Jerry, thank you for the PSC Pre Job Construction Meeting you conducted at 11:30 AM January 15, 2001. The attendees at our Jamestown ND office were.

Name	Title	Company
Jerry Torgerson	Superintendent	Minnesota Limited Inc.
Dale Britzius	Construction Manager	Minnesota Limited Inc.
Sam Fisher	Sr. Maintenance Supervisor	Dome Pipeline Corp.
Gregg Schweitzer	Area Supervisor	Dome Pipeline Corp.

I would also like to give you notification of start up relating to Route Permit for the Construction of a Transmission Facility Permit Number 90. Our start up date is today January 15, 2001.





January 15, 2001

Mr. Jerry Lien
North Dakota Public Service Commission
State Capital, 12th Floor
Bismarck, ND 58505-0480

RECEIVED

JAN 15 2001

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION
EXECUTIVE SECRETARY

Subject: Dome Pipeline Corporation
Dome Pipeline Replacement Project
ND PSC Case Number PU-391-00-657

Dear Mr. Lien:

This letter transmits a copy of the permit authorizing Dome Pipeline Corporation (Dome) to discharge stormwater associated with construction activity to waters of the state. Dome filed an administratively complete Notification of Intent to Obtain Coverage form and Stormwater Protection Plan on December 12, 2000.

As specified in Section C.1 of the permit, Dome's Notice of Intent submittal was provided to the North Dakota Department of Health more than 30 days prior to the scheduled construction start date. Dome has not received a request for additional information or a denial of coverage from Health Department Staff. Therefore, as described in Section D.1 of the permit, authorization to discharge in accordance with the conditions of this permit is deemed granted.

Pursuant to the request of the Hearing Examiner, this letter constitutes Dome's late filed Exhibit Number 7. Thank you for your continued assistance with this project. Please call me at 612-347-6787 if you have any questions or need any further information.

Sincerely,

Natural Resource Group, Inc.

Joseph C. Reinemann
Project Manager

cc: Bill Barry, Dome Pipeline Corporation
Brian Bjella, Fleck, Mather & Strutz, Ltd.

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Pages: 17

Permit No.: NDR03-0000

Effective Date: October 1, 1999

Expiration Date: September 30, 2004

AUTHORIZATION TO DISCHARGE UNDER THE
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

facilities both qualifying for and satisfying the requirements identified in Part I of this permit

are authorized to discharge stormwater associated with **CONSTRUCTION ACTIVITY**

to waters of the state

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I-VI, hereof.

This permit and the authorization to discharge shall expire at midnight,

September 30, 2004.

Dennis R. Fewless, Director
Division of Water Quality

Date

Part I
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NDR03-0000

PART I - PERMIT COVERAGE

A. Permit Area

This permit applies to all areas within the jurisdiction of the state of North Dakota.

B. Eligibility and Limitations

1. Stormwater Discharges Covered by this Permit

This permit applies to all new and existing discharges of stormwater associated with construction activity from any of the following:

- a. Construction activity including: clearing, grading, and excavation activities.
- b. Examples of eligible construction projects include but are not limited to: road building/rebuilding, site development, housing subdivision development, utility trenching, ect.
- c. Areas that are dedicated to producing earthen materials (such as soils, sand and gravel) for use at a construction site(s) as approved by the Department.

2. Stormwater Discharges Not Covered by this Permit

The following are not provided coverage under this permit:

- a. Stormwater discharges associated with industrial activity from any source other than construction activities of those approved operations as in Part I.B.1.b..
- b. Stormwater discharges associated with mining activities.
- c. Stormwater discharges associated with industrial activity form discharge points subject to existing effluent limitations guidelines.
- d. Stormwater discharges that the Department has shown to be contributing to a violation of a water quality standard.

C. Notice of Intent to Obtain Coverage

1. Deadlines

The operator of the construction activity shall submit a Notice of Intent (NOI) (form attached as Appendix A) to obtain coverage for stormwater discharges and a SWPP plan (see Part II.C.3) for the construction project, 30 days prior to the start of construction. An operator is the company, individual, or organization who has day to day supervision and control of activities occurring at the construction site. This can be the owner, developer, the general contractor or, in some circumstances, the agent of one of these parties.

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2. Contents of the NOI

The Notice of Intent (NOI) shall contain, at a minimum, the following information:

- a. Name of the construction site.
- b. The status of the construction site (federal, state, private, or other entity).
- c. Name of the company, individual, or organization seeking authorization.
- d. County and location of the construction site, including latitude and longitude or Township, Range, section, and 1/4 section.
- e. A brief description of the construction activity.
- f. The anticipated starting date and the anticipated date of completion for the project.
- g. The estimated area of total disturbance in acres.
- h. Name of receiving water(s) or the name of the receiving municipal storm sewer system and receiving water(s).
- i. The signature of the applicant(s), signed in accordance with Part IV.E of this permit.

3. Submission

Completed NOIs and SWPP plans shall be submitted, by mail or hand delivery, to:

North Dakota Department of Health
Division of Water Quality
1200 Missouri Avenue
PO Box 5520
Bismarck, ND 58506-5520

D. **Permit Certification**

1. Automatic Coverage

If the applicant does not receive a request for additional information or a notification of denial from the Department within 10 days of receipt of the application by the Department, authorization to discharge in accordance with the conditions of this permit shall be deemed granted.

2. Request for Additional Information

The Department shall have the right to request additional data and/or deny the authorization for any particular discharge.

3. Individual or Alternative General Permits

- a. The Department may, at any time and by written notification only, require any person authorized by this permit to apply for and obtain either an individual NDPDES permit or to seek coverage under an alternative NDPDES general permit.
- b. Any person covered by this general permit may request to be excluded from such coverage by either applying for an individual NDPDES permit or filing a Notice of Intent to be covered under an alternative NDPDES general permit.

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- c. When an individual NDPDES permit is issued to a person otherwise subject to this permit or the person is approved for coverage under an alternative NDPDES general permit, the applicability of this permit to the individual permittee is automatically terminated upon the effective date of the individual permit or the date of approval for coverage under the alternative general permit.
- d. When an individual NDPDES permit is denied to a person otherwise subject to this permit, or the person is denied for coverage under an alternative NDPDES general permit, the applicability of this permit remains in effect, unless otherwise specified by the Department.

4. Local Authority

This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges of stormwater to storm sewer systems or other water courses within their jurisdiction.

E. **Continuation of Coverage**

Facilities covered under this permit can continue coverage under the renewed permit, provided a satisfactory request is made. Any request to retain coverage under a renewal of this permit shall be made in writing to the Department at least 15 days prior to the expiration date of this permit. If requested by the Department, a new NOI shall be submitted.

F. **Transfer of Ownership or Control**

1. Coverage under this permit may be transferred to a new permittee if the existing and new permittee notifies the Department, in writing, at least 48 hours before the transfer of ownership or control; and the notice includes a written agreement between the existing and new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them. If requested by the Department, a NOT shall be submitted by the existing permittee and a NOI submitted by the new permittee.
2. The new owner or operator must comply with all regulations in this permit and with all provisions of the existing SWPP plan until such time as the existing SWPP plan is amended or replaced by a new SWPP plan. If the personnel responsible for implementing the SWPP plan change, these changes must be amended to the SWPP plan within 30 days of transfer of ownership or control.

G. **Notice of Termination**

1. Final Stabilization

When a site has been finally stabilized, a Notice of Termination (see Appendix B) shall be submitted to the Department. Final stabilization is reached when all construction activities that are authorized by this permit have been completed, and uniform vegetative cover has been established with a density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

Part I/II
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2. Content of NOT

The Notice of Termination (NOT) shall contain, at a minimum, the following information:

- a. Permit number.
- b. Name of construction site.
- c. Operator's name, mailing address and phone number.
- d. County and location of the construction site, including latitude and longitude or Township, Range, section, and 1/4 section.
- e. Certification that the site has been finally stabilized.
- f. Signature of the applicant(s), signed in accordance with Part IV.E of this permit.

PART II - SPECIAL CONDITIONS

A. Prohibition of Non-stormwater Discharges

All discharges covered by this permit shall be composed entirely of stormwater. The discharge of materials other than stormwater must be identified as a potential source of pollution in the SWPP plan (Part II.C.3). Unless otherwise determined by the Department, discharges other than stormwater must be in compliance with an appropriate NDPDES permit issued for the discharge.

B. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302. Any release of a hazardous substance, including a release in a stormwater discharge, must be reported to the agencies identified in Part IV.F. The discharge of hazardous substances in stormwater discharges shall be minimized in accordance with the applicable SWPP plan for the facility. Should a reportable quantity release occur, the SWPP plan shall be revised to prevent the recurrence of such a release.

C. Stormwater Pollution Prevention Plans

1. All facilities covered by this permit shall prepare and implement a Stormwater Pollution Prevention (SWPP) plan that is subject to Department approval. Guidance forms for preparing a SWPP plan are located in Appendix C. The main objective of the plan shall be to identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity; and to describe Best Management Practices (BMPs) which will be used to reduce the pollutants in the stormwater discharges associated with construction activity. The implementation of these objectives will be used to meet the terms and conditions of this permit.
2. Plan Preparation and Implementation Deadlines
 - a. The SWPP plan shall be submitted with the NOI, 30 days prior to the start of construction. Implementation of the plan shall be at the start of construction. The SWPP plan may be submitted and/or implemented at later dates only upon written request by the permittee showing just cause and subsequent written approval by the Department.

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- b. SWPP plans approved and implemented under the previous version of this permit shall remain in effect under this permit. Operations covered under an existing SWPP plan shall amend the SWPP plan as described in Part II.C.2.d of this permit.
- c. If the permittee must also operate under an approved state or local sediment and erosion control plan, or any other stormwater management plan, it will be the permittee's responsibility to ensure that the SWPP plan for this permit complies with all other required plans. A SWPP plan is not a substitute for a stormwater management plan developed under other regulatory programs. It is acceptable for the plan to reflect the stormwater management measures developed under other regulatory programs and to incorporate the applicable portions of such programs by reference.
- d. The permittee shall amend the SWPP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the water of the state, or if the SWPP plan proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associate with construction activity.

3. SWPP Plan Contents

Key elements for SWPP plans shall include, at a minimum, the following information:

a. *Site Description*

A site description shall contain, at a minimum, the following information:

- i) A description of the nature of the construction activity.
- ii) The proposed timetable for major activities.
- iii) Estimates of the total area of the site, and the area of the site that is expected to undergo clearing, excavation, or grading.
- iv) A description of the fill material to be used, the existing soils at the site, and the erodibility of such soils.
- v) The name of any receiving water(s) and the size, type and location of any outfall or; for discharges to a municipal separate storm sewer, the name of the municipal owner of the system, the location of the storm sewer discharge, and the name of the ultimate receiving waters.

b. *Site Map*

A site map that indicates, at a minimum, the following information:

- i) Construction site boundaries and area of soil disturbance.
- ii) The location of springs, streams, wetlands, and other surface waters.
- iii) The location of areas used for storage of building materials, soils, or wastes.
- iv) The locations of proposed and existing stormwater controls.
- v) Stormwater runoff drainage patterns.
- vi) Township, range, section or lines of latitude and longitude.

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c. *Significant Material Inventory*

The location and description of any potential pollution sources, such as vehicle fueling, fertilizers, or chemicals, etc. Generally, significant materials are raw materials, finished products, and byproducts. The term also includes materials necessary for an operation which have the potential to be released with stormwater. The description should identify methods of storage, disposal, and outdoor processing involving significant materials.

d. *Best Management Practices (BMPs)*

The plan shall clearly describe the relationship between the phases of construction and the implementation and maintenance of BMPs. The description of BMPs shall include the following components:

i) Erosion and Sediment Controls

a) Nonstructural

A description of nonstructural practices designed to preserve existing vegetation where practicable and re-vegetate open areas as soon as practicable after construction activity ceases. In developing vegetative practices, the permittee shall consider: temporary and permanent seeding, mulching, sod stabilization, filter strips, grassed waterways, erosion blankets, geotextiles, preservation of mature vegetation and tree or shrub planting.

b) Structural

A description of structural practices which indicates how, to the degree practicable, the permittee will divert flows from exposed soil, store flows, or otherwise limit runoff from exposed areas of the site. In developing structural practices, the permittee shall consider the relevance of: straw bale dikes, silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, rock outlet protection, drain inlet and outlet protection, temporary drain diversion, sediment traps, temporary sediment basins, infiltration trenches or basins, and retaining walls.

ii) Other Controls

a) A description of methods to reduce the tracking of sediment onto public or private roads.

b) If applicable, a description of methods for handling and disposing of contaminated soils.

c) A description of methods for recovering sediments.

d) A description of spill prevention and response procedures for areas where potential spills can occur.

Part II
Page 8 of 16
NDR03-0000

e. *Post-construction Controls*

A description of the post-construction control measures to be implemented until final stabilization is achieved.

f. *Inspection and Maintenance*

A description of procedures which will be used to inspect and maintain, in good and effective operating condition, the stormwater controls identified in the SWPP plan. Site inspections must be in accordance with Part III of this permit.

g. *Signature*

All SWPP plans must be signed in accordance with Part IV-E of this permit.

D. Additional Terms and Conditions

Stormwater discharges from construction sites shall not cause pollution, contamination, or degradation to waters of the state.

1. Visible or measurable erosion which leaves the construction site is prohibited. Visible or measurable erosion is defined as:
 - a. Deposits of mud, dirt, sediment, or similar material exceeding one-half cubic foot in volume in any area of 100 square feet or less on public or private streets, adjacent property, or into the storm and surface water either by deliberate actions or as a result of erosion; or
 - b. Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare soil slopes, where runoff of water is not filtered or captured on the site using the techniques in the approved SWPP plan; or
 - c. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the property.
2. If any measurable quantity of sediment leaves the site because of structural failure or lack of design capacity of the BMPs, the sediment shall be placed back on the site or properly disposed of, as soon as is prudent. Under no conditions shall the sediment be washed into the storm sewers or drainage ways.
3. Concrete wash water shall not be discharged to waters of the state or to storm sewer systems.
4. Bulk storage structures for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state.

Part II/III
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5. No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by the Department. In granting the use of such chemicals, special conditions and monitoring may need to be addressed through an individual NDPDES permit or an alternative NDPDES general permit.
6. All stormwater discharges must comply with the requirements, policies, or guidelines, of municipalities and other local agencies. Any discharges of stormwater to storm drainage systems or other water courses under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with NDPDES permits, must comply with their local requirements.

PART III - EFFLUENT LIMITATIONS, MONITORING, AND RECORDING REQUIREMENTS

A. Effluent Limitations

The quality of stormwater discharges associated with construction activity shall reflect the best which is attainable through the proper implementation of all items in the SWPP plan for the construction site.

B. Monitoring requirements

The permittee shall inspect the construction site to ensure that the stormwater controls identified in the SWPP plan are effective and properly maintained. The construction site perimeter, disturbed areas, and areas used for material storage shall be inspected for evidence of, or the potential for, erosion, sediment accumulation, sediment material residue and spills. The following guidelines shall be used for monitoring the effectiveness of the SWPP plan:

1. Site inspections shall be performed by or under the direction of the permittee at least once every 7 calendar days and within 24 hours after any storm event of greater than 0.50 inches of rain per 24-hour period. The permittee shall have the option of maintaining a rain gauge at their site or utilizing the nearest National Weather Service precipitation gauge station. Any gauge station used shall be located within 10 miles of the stormwater discharge.
2. During storm events or periods of snow melt, when runoff occurs daily, all SWPP plan controls shall be inspected by or under the supervision of the permittee daily.
3. Stormwater runoff discharges shall be visibly monitored at the above frequency to evaluate the effectiveness of the SWPP plan controls. If any measurable quantities of sediment are leaving the property, corrective action shall be taken as soon as is prudent to reduce the discharge of sediments.
4. There may be times when the performance of the site inspection may not be practical during an inspection period. Adverse climatic conditions, such as flooding, high winds, tornadoes, electrical storms, etc., or impracticable climatic conditions, such as drought, extended frozen conditions, etc., may prohibit inspections. Should this occur the permittee must make a record of the description of why the inspection(s) could not be performed in lieu of the actual inspection data. Any available documentation of the events which did not allow for the inspection should also be available.

Part III/IV
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C. Recording Requirements

Inspection results shall be summarized and recorded on a Site Inspection Record (SIR, see Appendix D). The SIRs shall be maintained on-site, in accordance with Part IV.D of this permit. The SIR shall contain, at a minimum, the following information:

1. The date and time of inspection.
2. The name of the person performing the inspection.
3. The date and duration (in hours) of the storm event.
4. The rainfall measurements or estimates (in inches) of the storm event.
5. The duration of time between this event and the end of the most recent storm event which was 0.50 inches or greater in precipitation.
6. All incidents of erosion, sediment accumulation, material residue, or spills shall be documented and noted on the SIR. The report shall include the location and description of the incident, estimated quantity of material or size of area affected, and a brief explanation of potential cause and remedial action taken.
7. Any measurable quantities of sediment released off the site, shall be recorded with a brief explanation as to the measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site.
8. If no storm event occurs during an inspection period, "no discharge" shall be recorded on the SIR.

PART IV - COMPLIANCE RESPONSIBILITIES

- A. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.
- B. **Operation and Maintenance.** The permittee shall at all times maintain in good working order, and operate as efficiently as possible, all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit and with the requirement of the SWPP plans. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.
- C. **Duty to Provide Information.** The permittee shall furnish to the Department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.
- D. **Records Retention.** All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the Department or EPA.

Part IV
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- E. **Signatory Requirements.** All applications, reports, or information submitted to the Department shall be signed and certified by the permittee in accordance with the following criteria:
1. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official, in addition to contractors and subcontractors involved in the construction activity or SWPP plan.
 2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Department; or
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.
 3. If an authorization under Part IV.E.2 is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
- F. **Immediate Notification.** The permittee shall report any noncompliance of discharge which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstance. The report shall be made to the EPA, Region VIII, Emergency Response Branch, at (303) 293-1788 and the State of North Dakota, Division of Emergency Management, at (701) 328-2121. In addition, a written submission to both the Department and EPA shall be provided within five days of the time that the permittee became aware of the circumstances. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the estimated time noncompliance is expected to continue if it has not been corrected; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- G. **Bypassing.** Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass. The permittee shall provide notification of unanticipated bypasses as may be required by Part IV.F, Immediate Notification. If, for other reasons, a bypass is considered necessary, a request to bypass shall be submitted, at least 15 days in advance if possible, to the Department. No bypass of this type shall occur until permission has been obtained from the Department.

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- H. **Upset Conditions.** An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time, being properly operated;
3. The permittee submitted notice of the upset as may be required under Part IV.F, Immediate Notification; and
4. The permittee complied with any remedial measures required under Part IV.I, Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the Department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.
- J. **Removed Materials.** Collected screening, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering waters of the state or creating a health hazard.

PART V - GENERAL REQUIREMENT

- A. **Right of Entry.** The permittee shall allow Department and EPA representatives, at reasonable times and, if requested, upon the presentation of credentials, to inspect any facilities or equipment (including monitoring and control equipment), to sample discharges, and to have access to and copy any records required to be kept by this permit. For facilities which discharge to a municipal or other separated storm sewer, this shall also pertain to authorized representatives of the municipal operator or the separate storm sewer receiving the discharge.
- B. **Availability of Reports.** Except for data determined to be confidential under 40 CFR, Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

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- C. **Transfers.** This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent Department approval. The Department may require the new operator to apply for and obtain an individual NDPDES permit as stated in Part I.D. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.
- D. **New Limitations or Prohibitions.** The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307 (a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations, even if the permit has not yet been modified to incorporate the requirements.
- E. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. Also, if there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or coverage under an alternative general permit in accordance with Part I.D of this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit conditions.
- F. **Need to Halt or Reduce.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- G. **State Laws.** Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.
- H. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 311 of the Act.
- I. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights; nor any infringement of federal, state, or local laws or regulations.
- J. **Severability.** The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

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PART VI - DEFINITIONS

"the Act" means the Clean Water Act.

"BMP" or "Best Management Practices" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

"Construction" means any activity associated with construction, including but not limited to: clearing, grading, and excavation.

"Department" means the North Dakota State Department of Health and Consolidated Laboratories, Division of Water Quality.

"Grab" sample, for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.

"Non-stormwater discharges" means discharges other than stormwater. The term includes both process and non-process sources. Process waste water sources that require a separate NDPDES permit include, but are not limited to industrial processes, domestic facilities and cooling water. Non-stormwater sources that may be addressed in this permit include, but are not limited to: fire hydrant flushing and testing, potable water line flushing, infrequent building and pavement washdowns without detergents, uncontaminated foundation drains, springs, lawn watering and air conditioning condensate.

"Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NDPDES program. For the categories of industries identified in

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subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the categories of industries identified in subparagraph (xi), the term includes only stormwater discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are exposed to stormwater. For the purposes of this paragraph, material handling activities include: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are federally or municipally owned or operated that meet the description of the facilities listed in this paragraph [(i)-(xi)]) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR, Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry), including active or inactive mining operations [except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1)], and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection), including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;

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(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) - (vii) or (ix) - (xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility, with design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading, and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25 [and which are not otherwise included within categories (i) - (x)].

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Waters of the state" Any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Case No. PU-391-00-657

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **11th day of January, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

The envelope was addressed as follows:

Brian R Bjella
P O Box 2798
Bismarck ND 58502-2798
Cert. No. 7000 0520 0022 8654 0032

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

Subscribed and sworn to before me
this **11th day of January, 2001**.

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

SEAL

Sharon Helbling

Sandra L Scott

Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Case No. PU-391-00-657

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **11th day of January, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

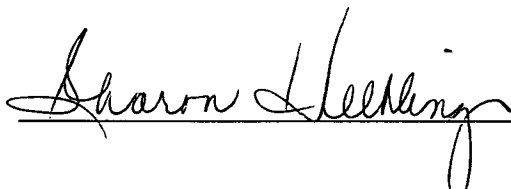
Findings of Fact, Conclusions of Law and Order

The envelopes were addressed as follows:

See Attached List

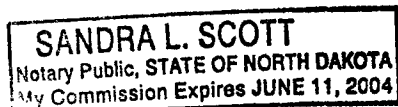
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **11th day of January, 2001**.





Notary Public



SEAL

PU-391-00-657

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ASST. CLERK
DATE: 1-10-01
KMF

MOTION

January 10, 2001

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

Case No. PU-391-00-657

I move the Commission adopt the Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Order and issue a Route Permit to Dome Pipeline Corporation for the relocation of approximately two miles of 12-inch liquid hydrocarbon pipeline in Stutsman County, North Dakota, Case No. PU-391-00-657.

JRL/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Case No. PU-391-00-657

Order

January 10, 2001

Having considered the evidence of record in this proceeding, the Public Service Commission adopts the Hearing Officer's January 9, 2001 Recommended Findings of Fact, Conclusions of Law and Order.

PUBLIC SERVICE COMMISSION



Susan E. Wefald
Commissioner

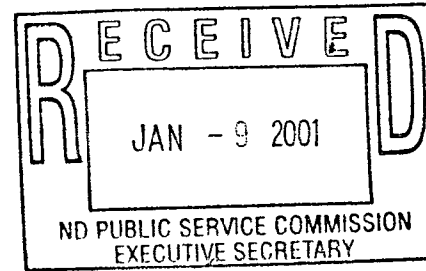


Leo M. Reinbold
Commissioner



Anthony T. Clark
Commissioner

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 2nd 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:

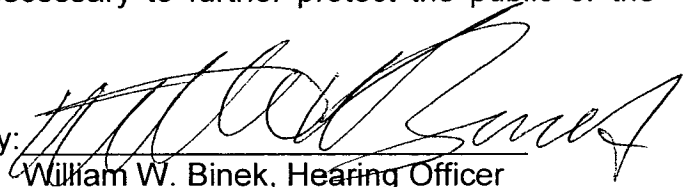
Order

It is hereby ordered:

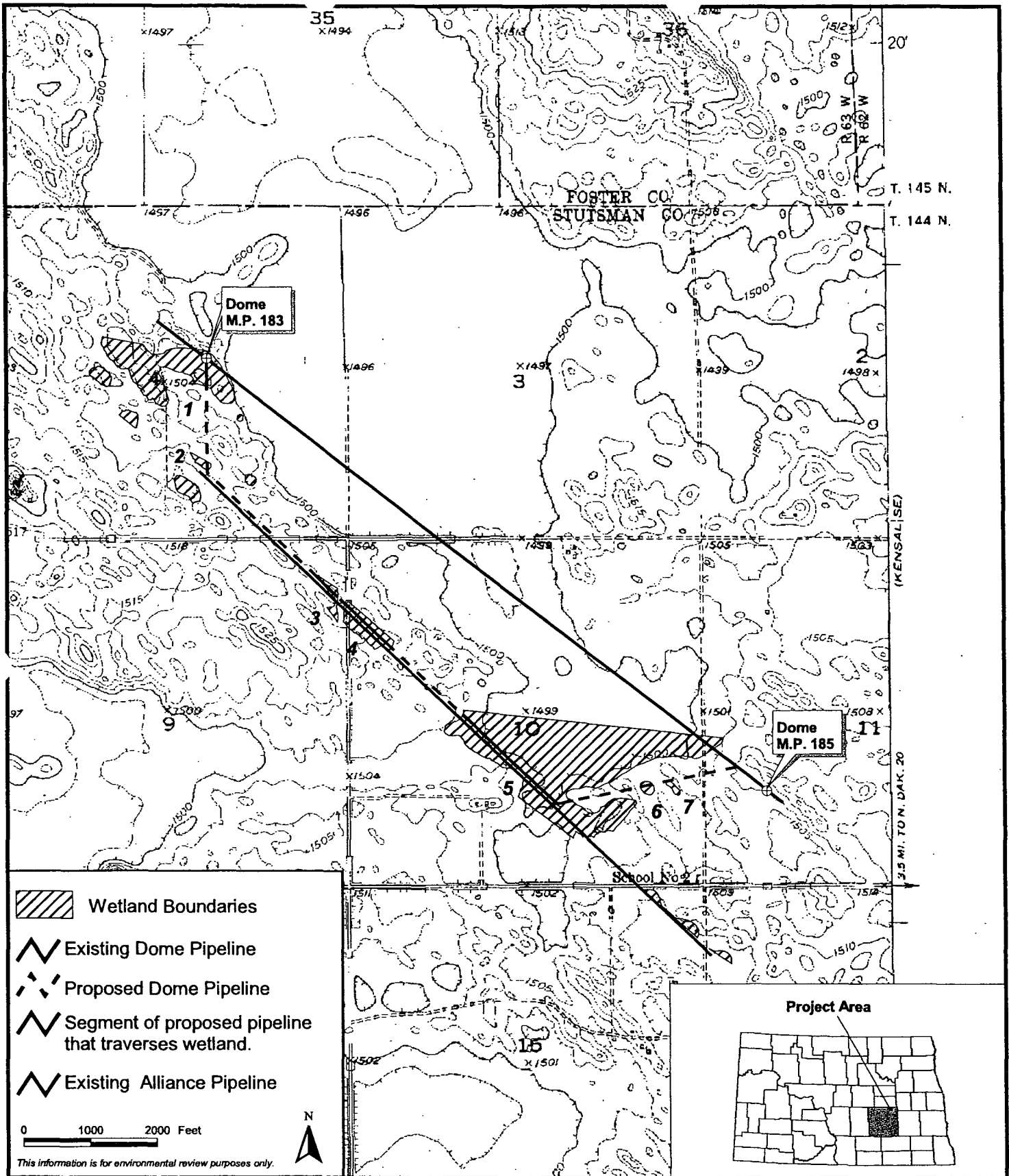
1. Dome is issued amended Route Permit No. 90 granting authority to construct the pipeline on the location shown on the attached map.
2. A preconstruction conference shall be held prior to the commencement of any construction. The conference shall include a Dome representative, Dome's construction supervisor, 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
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0480



**Dome Pipeline Corporation
Route and Criteria Map
Township 144 N, Range 63 W**

DATE: 12/01/00
 REVISED:
 SCALE: 1:24,000
 DRAWN BY: RSMcGREGOR
 M:\CLIENTS\BPMACOV\PROJ\2000\12\1\DOMEdome.apr

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Route Permit for the Construction of a Transmission Facility

Permit Number 90

This is to certify that the Commission has designated a transmission facility route for Dome Pipeline Corporation to relocate approximately 2 miles of 12-inch liquid hydrocarbon pipeline. The route is described as:

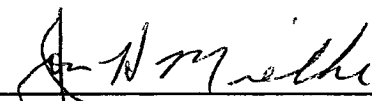
approximately two miles of new nominal 12-inch diameter liquid hydrocarbon pipeline beginning at mile post 183 on Dome's existing pipeline in the E ½ of Section 4, T 144N, R 63W and extending south for approximately 1,650 feet to meet the Alliance pipeline corridor at a point in the SE ¼ of Section 4, T 144N, R 63W then paralleling the existing Alliance pipeline in a southeasterly direction for approximately 7230 feet and then extending northeasterly to rejoin the existing Dome pipeline near mile post 185 in the SW ¼ of Section 11, T 144N, R 63W.

This permit is issued in accordance with the Order of the Commission dated January 10, 2001, in Case No. PU-391-00-657 and is subject to the conditions and limitations noted in that order.

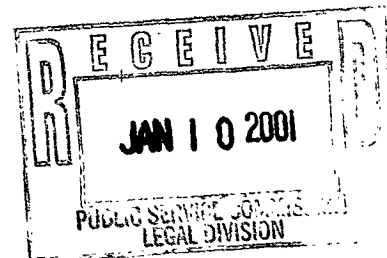
Bismarck, North Dakota, January 10, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner



FAX MEMORANDUM

Date: January 10, 2001
To: Mr. Jerry Lien **Fax:** (701) 328-2410
Company: Public Service Commission
From: Joe Reinemann **Phone:** (612) 347-6787
Subject: Dome Pipeline – Case Number PU-391-00-657

Number of pages, including cover: 14

Mr. Lien,

Attached for your reference please find a December 28, 2000 letter and attachment from the Bismarck office of the US Army Corps of Engineers. This letter and attachment constitutes Dome Pipeline Corporation's Section 404 authorization. Specifically, this letter authorizes pipeline construction in wetlands crossed by the proposed Dome replacement pipeline segment in Stutsman County, North Dakota.

Please note that this submittal constitutes late filing Exhibit Number 6. Thank you again for assistance in expediting this process for Dome. Please call me at (612) 347-6787 if you have questions or require additional information.

Fax cc w/o attachments: Bill Barry, Dome Pipeline Corp.
 Brian Bjella, Fleck, Mather & Strutz

CONFIDENTIALITY NOTICE

The information contained in this fax message is confidential and is intended for the addressee named herein. Dissemination of this information, distribution, or copying of this communication is prohibited. If you have any questions, please call (612) 347.6789. Thank you.

1800 International Centre 900 Second Avenue South Minneapolis, MN

20 PU-391-00-657

Pages: 18

Copy of US Army Corp of Engineers
 Section 404 authorization
 by Dome Pipeline Corporation

01/10/2001

Exhibit # Late Filed 6

CC: Comm Legal PUD (3)



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1813 S. 12TH STREET
BISMARCK, NORTH DAKOTA 58504-6640

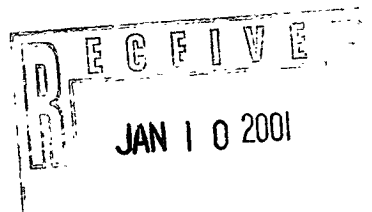
REPLY TO
ATTENTION OF

December 28, 2000

North Dakota Regulatory Office

[200060458]

Mr. Joe Reinemann, Project Manager
Natural Resource Group, Inc.
1800 International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402



Dear Mr. Reinemann:

1. Project Authorization. We have reviewed your request, on behalf of **BP Amoco/Dome Pipeline Corporation**, for Department to the Army authorization to construct and install an approximate 2 mile segment of replacement pipeline, which will slightly deviate from the existing route. This new construction will result in a temporary impact to approximately seven isolated wetland basins along the newly proposed route. Based on the information you provided, this office has determined that the work associated with this project is authorized by Department of the Army Nationwide Permit No. (12), found in the March 9, 2000 Federal Register, Final Notice of Issuance and Modification of Nationwide Permits (65 FR 12818). The enclosed fact sheet fully describes this nationwide permit and lists the General Conditions that must be adhered to for this authorization to remain valid. This verification will be valid until **December 28, 2002**.

2. Project Location. This project is located in a portion of Sections 4, 9, 10, Township 144 North, Range 63 West, Stutsman County, North Dakota (copy of project location map attached).

3. Project Compliance Certification. In compliance with General Condition 14, the attached Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and mitigation, if required. [Please check all applicable statements.]

- a. I certify that I have completed the project as permitted.
- b. I certify that I have completed a modified version of the project.
- c. I certify that I have completed all required mitigation.

Permittee's Signature: _____ Date: _____

4. **Other Authorizations.** Although an Individual Department of the Army permit will not be required for this project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal and local permits as required. Please note that any deviations from the original plans and specifications of this project could require additional authorization from this office.

5. **Responsibility.** BP Amoco/Dome Pipeline Corporation [Dome] is responsible for all work accomplished in accordance with the terms and conditions of this nationwide permit. If a contractor or other authorized representative will be accomplishing the work authorized by this nationwide permit on behalf of Dome, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable nationwide permit. Any activity that fails to comply with all of the terms and conditions of the nationwide permit will be considered unauthorized and subject to appropriate enforcement action.

6. **Other Special Conditions.**

Endangered Species

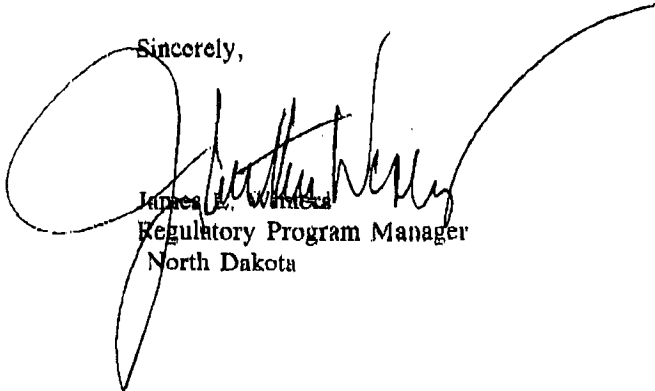
That the permittee shall report any threatened or endangered species at the project site. Notification shall be made to the North Dakota Regulatory Office by the telephone or fax within 24 hours. Written confirmation shall be provided within 48 hours if deemed necessary by the North Dakota Regulatory Office.

Cultural Resources

That the permittee and/or the permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of a contract or contract(s) to complete the work authorized herein, shall cease work immediately and report the discovery of any previously unknown historic or archeological remains to the North Dakota Regulatory Office. Notification shall be by telephone or fax within 24 hours of the discovery and in writing within 48 hours. The North Dakota Regulatory Office will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Work shall not resume until notified by the North Dakota Regulatory Office.

7. **Points-of-Contact.** If you have any questions concerning this determination, please contact Jason Renschler of this office by letter or telephone at 701-255-0015 and reference Authorization Number 200060458.

Sincerely,


Jason E. Winters
Regulatory Program Manager
North Dakota

Enclosure

**FACT SHEET
NATIONWIDE PERMIT 12**

UTILITY LINE ACTIVITIES: Activities required for the construction, maintenance, and repair of utility lines and associated facilities in waters of the United States as follows:

(i) **Utility lines:** The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1, below). Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the United States through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

(ii) **Utility line substations:** The construction, maintenance, or expansion of a substation facility associated with a powerline or utility line in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2 acre of non-tidal waters of the United States.

(iii) **Foundations for overhead utility line towers, poles, and anchors:** The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) **Access roads:** The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, provided the discharge does not cause the



FAX MEMORANDUM

Date: January 10, 2001
To: Mr. Jerry Lien **Fax:** (701) 328-2410
Company: Public Service Commission
From: Joe Reinemann **Phone:** (612) 347-6787
Subject: Dome Pipeline – Case Number PU-391-00-657

Number of pages, including cover: 14

Mr. Lien,

Attached for your reference please find a December 28, 2000 letter and attachment from the Bismarck office of the US Army Corps of Engineers. This letter and attachment constitutes Dome Pipeline Corporation's Section 404 authorization. Specifically, this letter authorizes pipeline construction in wetlands crossed by the proposed Dome replacement pipeline segment in Stutsman County, North Dakota.

Please note that this submittal constitutes late filing Exhibit Number 6. Thank you again for assistance in expediting this process for Dome. Please call me at (612) 347-6787 if you have questions or require additional information.

Fax cc w/o attachments: Bill Barry, Dome Pipeline Corp.
Brian Bjella, Fleck, Mather & Strutz

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1813 S. 12TH STREET
BISMARCK, NORTH DAKOTA 58504-6640

December 28, 2000

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[200060458]

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1800 International Centre
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Permittee's Signature: _____

Date: _____

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Endangered Species

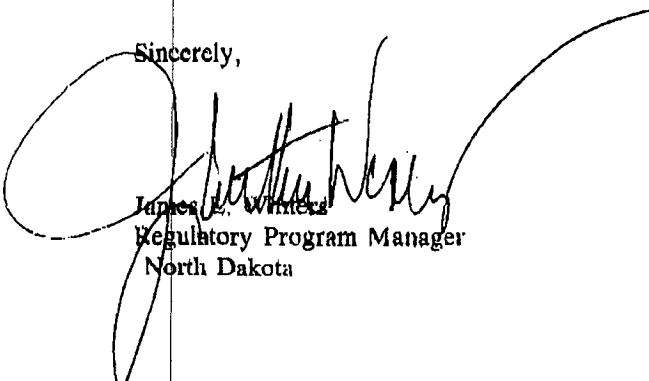
That the permittee shall report any threatened or endangered species at the project site. Notification shall be made to the North Dakota Regulatory Office by the telephone or fax within 24 hours. Written confirmation shall be provided within 48 hours if deemed necessary by the North Dakota Regulatory Office.

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7. **Points-of-Contact.** If you have any questions concerning this determination, please contact Jason Renschler of this office by letter or telephone at 701-255-0015 and reference Authorization Number 200060458.

Sincerely,


James L. Winters
Regulatory Program Manager
North Dakota

Enclosure

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(ii) **Utility line substations:** The construction, maintenance, or expansion of a substation facility associated with a powerline or utility line in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2 acre of non-tidal waters of the United States.

(iii) **Foundations for overhead utility line towers, poles, and anchors:** The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) **Access roads:** The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, provided the discharge does not cause the loss of greater than 1/2 acre of non-tidal waters of the United States. Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the United States and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

The term "utility line" does not include activities which drain a water of the United States, such as drainage tile or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this NWP, the loss of waters of the United States includes the filled area plus waters of the United States that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraphs (i) through (iv) may not exceed a total of 1/2 acre loss of waters of the United States. Waters of the United States temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevations, are not included in the calculation of permanent loss of waters of the United States. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the United States are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance, and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the United States that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). (Sections 10 and 404)

Notification: The permittee must notify the District Engineer if any of the following criteria are met:

- (a) Mechanized land clearing in a forested wetland for the utility line right-of-way;
- (b) A Section 10 permit is required;
- (c) The utility line in waters of the United States, excluding overhead lines exceeds 500 feet;
- (d) The utility line is placed within a jurisdictional area (i.e., a water of the United States), and it runs parallel to a streambed that is within that jurisdictional area;
- (e) Discharges associated with the construction of utility line substations that result in the loss of greater than 1/10 acre of waters of the United States;
- (f) Permanent access roads constructed above grade in waters of the United States for a distance of more than 500 feet; or
- (g) Permanent access roads constructed in waters of the United States with impervious materials.

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit except for pipes or pipelines used to transport gaseous, liquid, liquefiable, or slurry substances over navigable waters of the United States, which are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

Note 3: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., Section 10 waters), copies of the PCN and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the utility line to protect navigation.

General Conditions: The following general conditions must be followed in order for any authorization by a NWP to be valid:

- 1. Navigation:** No activity may cause more than a minimal adverse effect on navigation.
- 2. Proper Maintenance:** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- 3. Soil Erosion and Sediment Controls:** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other

fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

4. Aquatic Life Movements: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. Equipment: Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and Case-By-Case Conditions: The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification.

7. Wild and Scenic Rivers: No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water Quality: (a) In certain States and tribal lands an individual 401 water quality certification must be obtained or waived (see 33 CFR 330.4(c)).

(b) For NWP 12, where the State or tribal 401 certification (either generically or individually) does not require or approve a water quality management plan, the permittee must include design criteria and techniques that will ensure that the authorized work does not result in more than minimal degradation of water quality. An important component of a water quality management plan includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality. Refer to General Condition 21 for stormwater management requirements. Another important component of a water quality management plan is the establishment and maintenance of vegetated buffers next to open waters, including streams.

Specifically for North Dakota, the North Dakota Department of Health has denied water quality certification for crossings of Class I Rivers, Class IA Rivers and Classified Lakes; individual 401 certification must be received by the project proponent prior to authorization under this Nationwide Permit. For all other project and activities qualifying for this Nationwide Permit, the North Dakota Department of Health has granted blanket water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed. On American Indian Lands in North Dakota, the U.S. Environmental Protection Agency has denied water quality certification for activities on perennial drainages and for all water intakes; individual 401 certification must be received by the project proponent prior to authorization under this Nationwide Permit. The U.S. Environmental Protection Agency has granted blanket water quality certification for activities in ephemeral and intermittent drainages provided: 1) Construction occurs during periods of no flow; 2) Crossings are placed as close to perpendicular to the water course as possible; 3) Affected streambanks are sloped such that the stream bottom width is not reduced and bottom elevations are restored to original elevations; 4) All excess

stockpiled, dredged, or excavated material is disposed of at an upland site, not into a wetland or watercourse; and 5) the General Conditions for Nationwide Permits are followed. For all other projects and activities qualifying for this Nationwide Permit, the U.S. Environmental Protection Agency has granted blanket water quality certification provided the attached General Conditions for Nationwide Permits are followed.

10. Coast Zone Management: Not applicable.

11. Endangered Species: (a) No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) Authorization of any activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nmfs.gov/prot_res/esahome.html respectively.

12. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification: *See attached sheets. This condition was complied with prior to this authorization being granted.*

14. Compliance Certification: Every permittee who has received a NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in

accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits: The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWP does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre.

16. Water Supply Intakes: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material: No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation: The project must be designed and constructed to avoid and minimize adverse effects to waters of the United States to the maximum extent practicable at the project site (i.e., on site). Mitigation will be required when necessary to ensure that the adverse effects to the aquatic environment are minimal.

20. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows: To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and must not increase water flows from the project site, relocate water, or redirect water flow beyond preconstruction conditions. In addition, the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows.

22. Adverse Effects From Impoundments: If the activity, including structures and work in navigable waters of the United States or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. Waterfowl Breeding Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills: Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resources Waters: Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWP 12 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be authorized in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11, and the U.S. Fish and Wildlife Service has concurred in a determination of compliance with this condition.

26. Fills Within 100-Year Floodplains: For purposes of this general condition, 100-year floodplains will be identified through the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) **Discharges Below Headwaters.** For NWP 12, the prospective permittee must notify the District Engineer and the notification must include documentation that any permanent, above-grade fills in waters of the United States within the 100-year floodplain below headwaters comply with FEMA or FEMA-approved local floodplain construction requirements.

(b) **Discharges in Headwaters** (i.e., above the point on a stream where the average annual flow is five cubic feet per second).

(1) **Flood Fringe.** Discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within the flood fringe of the 100-year floodplain of headwaters are not authorized by NWP 12 unless the prospective permittee notifies the District Engineer. The notification must include documentation that such discharges comply with FEMA or FEMA-approved local floodplain construction requirements.

(2) **Floodway.** For NWP 12, the permittee must notify the District Engineer and the notification must include documentation that any permanent, above grade fills proposed in the floodway comply with FEMA or FEMA-approved local floodplain construction requirements.

Further Information:

1. District Engineers have authority to determine if any activity complies with the terms and conditions of a NWP.

2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3. NWP's do not grant any property rights or exclusive privileges.
4. NWP's do not authorize any injury to the property or rights of others.
5. NWP's do not authorize interference with any existing or proposed Federal project.

General Condition 13. Notification:

(a) **Timing:** Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request the additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Notification:** The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity; and

(4) For NWP 12, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) thru (16) **Not applicable to NWP 12.**

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(19) For NWP 12, where the proposed work involves discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within 100-year floodplains (as identified on FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the notification must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

(c) **Form of Notification:** The standard individual permit application form (Form ENC 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b)(1)-(19) of General Condition 13. A letter containing the requisite information may also be used.

(d) **District Engineer's Decision:** In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the PCN to expedite the process and the District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic

environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary.

Any compensatory mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant stating that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required in order to ensure no more than minimal adverse effects on the aquatic environment, the activity will be authorized within the 45-day PCN period, including the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the United States will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the United States, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner), a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, and State Historic Preservation Officer (SHPO). These agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetlands delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
 1200 Missouri Avenue
 Bismarck, ND 58504-5264

Fax #:
 701-328-5200

Mailing Address:
 P.O. Box 5520
 Bismarck, ND 58506-5520

June 1996

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

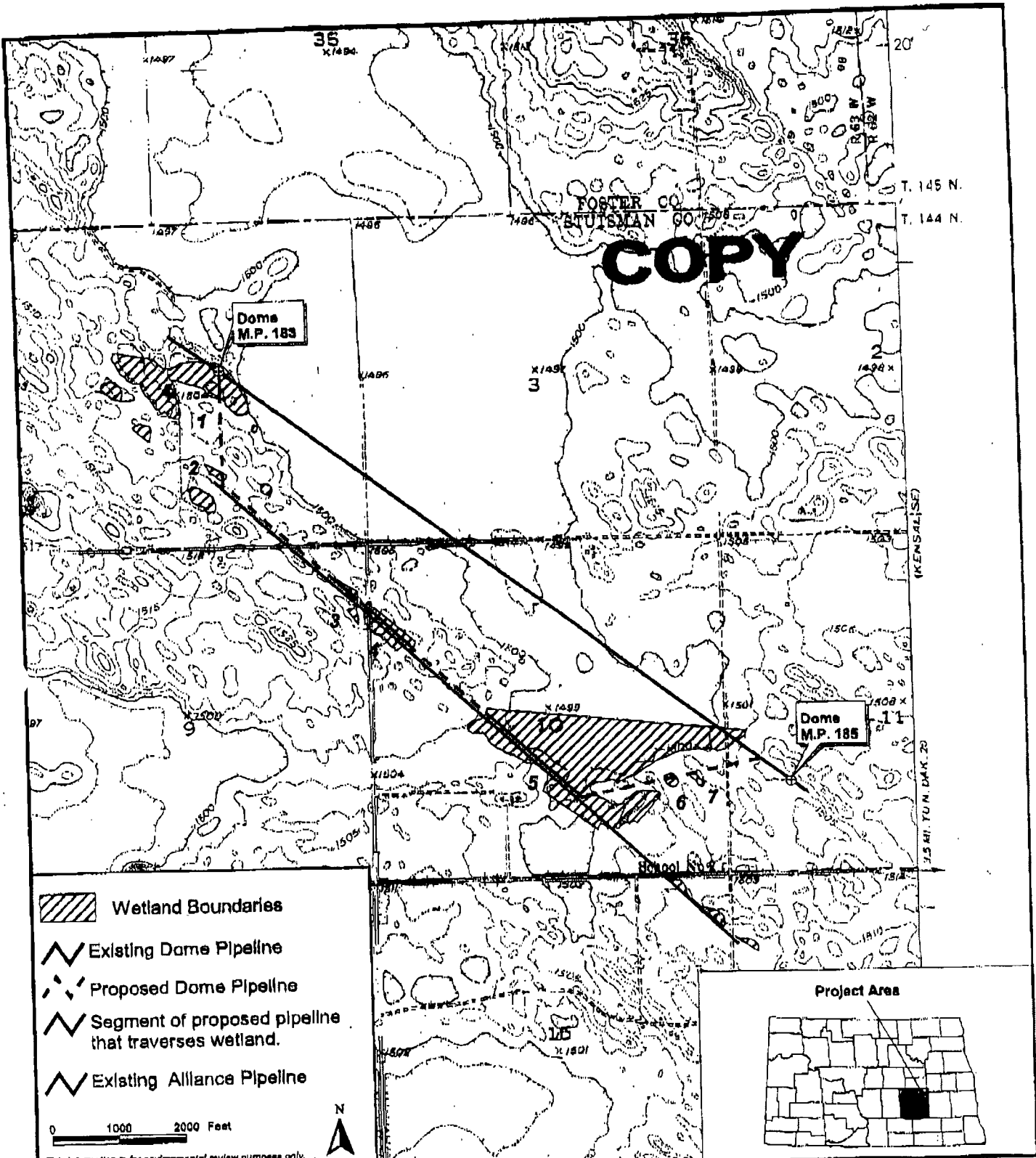
Environmental Health
 Section Chief's Office
 701-328-5150

Environmental
 Engineering
 701-328-5188

Municipal
 Facilities
 701-328-5211

Waste
 Management
 701-328-5166

Water
 Quality
 701-328-5210



Wetland Boundaries

Existing Dome Pipeline

Proposed Dome Pipeline

Segment of proposed pipeline that traverses wetland.

Existing Alliance Pipeline

0 1000 2000 Feet

This information is for environmental review purposes only.

Project Area

<p>Dome Pipeline Corporation Route and Criteria Map Township 144 N, Range 63 W</p>		DATE: 12/01/00
		REVISED:
		SCALE: 1:24,000
		DRAWN BY: RSMcGREGOR
		MACCLIENTS\BPMAC\GVA\PROJ\2000\121\100ME\dome.apr



Public Service Commission
State of North Dakota

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

January 9, 2001

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

Executive Secretary
Jon H. Mielke

Brian R. Bjella
PO Box 2798
Bismarck, ND 58502-2798


RE: Case No. PU-391-00-657
Dome Pipeline Corporation Hydrocarbon Pipeline
Stutsman County Application
Notice of Filing and Notice of Hearing

Dear Mr. Bjella:

We have been furnished with the Notice of Filing and Notice of Hearing in the above docket. The legal notice was published by the North Dakota Advertising Service, Inc.

Enclosed is a copy of the affidavit for your file and the statement from the North Dakota Advertising Service, Inc., in the amount of \$500.00 for the cost of the publication. **Please make your payment directly to the North Dakota Advertising Service, Inc.** This is billed under 49-11-13, N.D.C.C.

Sincerely,


Gloria Geiger
Administrative Assistant
701-328-2401

Enclosure
cc: North Dakota Advertising Service, Inc.

NORTH DAKOTA ADVERTISING SERVICE, INC.

1435 Interstate Loop • Bismarck, ND 58501-4058 • PHONE (701) 223-6397 • FAX 223-8185

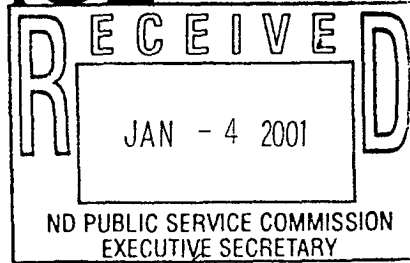
INVOICE

Date: 01/03/2001

Page: 1

To:

JERRY LANE
PUBLIC SERVICE COMMISSION
STATE CAPITOL
BISMARCK ND 58505



Client: Public Service Commission

Order: 00124PP0

Newspaper	Date	Inches	Rate	Amount
Jamestown Sun	Map Dome P 12/18/2000	36.00 SPR1	5.00	180.00
Jamestown Sun	Dome Pipel 12/18/2000	1.00 [Special]	70.00	70.00
Jamestown Sun	Map Dome P 12/26/2000	36.00 SPR1	5.00	180.00
Jamestown Sun	Dome Pipel 12/26/2000	1.00 [Special]	70.00	70.00
*** ADVERTISING TOTAL				500.00
*** TOTAL DUE				500.00

13 PU-391-00-657

Pages: 3

Affidavit of Publication

by North Dakota Advertising Service, Inc.

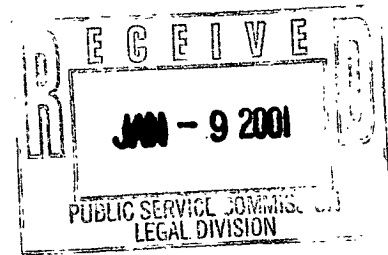
01/04/2001

CC: Comm Legal PUD (3)

This invoice is due and payable upon receipt. Unpaid items over 30 days from invoice date are subject to a finance charge. The finance charge is computed by a periodic rate of 1 3/4 percent per month (or a minimum charge of 50 cents for balances of under \$50), which is an annual percentage rate of 21 percent.

Total unpaid balance may be paid at any time.

Please pay from this invoice - No statement will be sent. Return duplicate with remittance to North Dakota Advertising Service, Inc.



January 9, 2000

Mr. Jerry Lien
 North Dakota Public Service Commission
 State Capital, 12th Floor
 Bismarck, ND 58505-0480

Subject: Dome Pipeline Corporation
 Dome Pipeline Replacement Project
 ND PSC Case Number PU-391-00-657

Dear Mr. Lien:

This letter confirms our discussion yesterday concerning the status of NPDES surface water discharge permits for the above referenced pipeline replacement project in Stutsman County, North Dakota. You asked whether Dome Pipeline Corporation (Dome) would be obtaining a permit from the North Dakota Department of Public Health authorizing the discharge of hydrostatic test waters. Pursuant to the request of the Hearing Examiner, this letter constitutes Dome's late filed Exhibit Number 8.

The NPDES hydrostatic test discharge permit you mentioned regulates the discharge of hydrostatic test water to surface receiving waters. Dome will be hydrostatically testing the replacement pipeline segment, however test waters will be discharged to an upland area, and sited such that topography prevents discharge water from entering receiving waters. Energy dissipation devices, such as temporary strawbale structures, will be used to control the discharge and prevent erosion and will be cleaned up and appropriately disposed of following use. Because test waters will not be entering surface waters, no discharge permit will be necessary from the Health Department.

Thank you for your continued assistance with this project. Please call me at 612-347-6787 if you have any questions or need any further information.

Sincerely,

Natural Resource Group, Inc.

Joseph C. Reinemann
 Project Manager



cc: Bill Barry, Dome Pipeline Corporation
 Brian Bjella, Fleck, Mather & Strutz, Ltd.

18 PU-391-00-657

Pages: 2

Confirmation of status of NPDES surface
 water discharge permits
 by Dome Pipeline Corporation

01/09/2001

Exhibit # Late Filed 8

CC: Comm Legal PUD (3)



FAX MEMORANDUM

Date: January 9, 2001
To: Mr. Jerry Lien **Fax:** (701) 328-2410
Company: Public Service Commission
From: Joe Reinemann **Phone:** (612) 347-6787
Subject: Dome Pipeline Corporation

Number of pages, including cover: 2

Attached is a letter concerning the Dome Pipeline Corporation replacement project. Please call me at (612) 347-6787 if you have questions or require additional information.

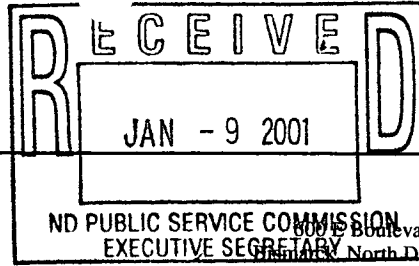
cc: Bill Barry, Dome Pipeline Corp.
Brian Bjella, Fleck, Mather & Strutz

CONFIDENTIALITY NOTICE

The information contained in this fax message is confidential and is intended for the addressee named above. If you are not the named addressee or agent, note that dissemination of this information, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately at (612) 347.6789. Thank you.



Public Service Commission
State of North Dakota



800 E. Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
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TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

January 9, 2001

Executive Secretary
Jon H. Mielke

Mr. Jon H. Mielke
Executive Secretary
Public Service Commission
State Capitol
Bismarck, ND 58505-0480

RE: Case No. PU-391-00-657
Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Dear Mr. Mielke:

Enclosed for filing is an original and seven copies of the Hearing Officer's Recommended Findings of Fact, Conclusions of Law and Order, in the above referenced case.

If you have any question, please contact me.

Sincerely,

William W. Binek
Hearing Officer

WWB/sls
Enclosure

c: Brian R. Bjella

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Case No. PU-391-00-657

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra L. Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th day of January, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, 1 envelope with certified postage, return receipt requested, fully prepaid, securely sealed, each containing a photocopy of:

1. **Hearing Officer's Recommended Findings of Fact, Conclusions of Law and Order**

The envelopes were addressed as follows:

**BRIAN R BJELLA
FLECK MATHER & STRUTZ LTD
P O BOX 2798
BISMARCK ND 58502-2798
7000 0520 0022 8654 1336**

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

Sandra L. Scott

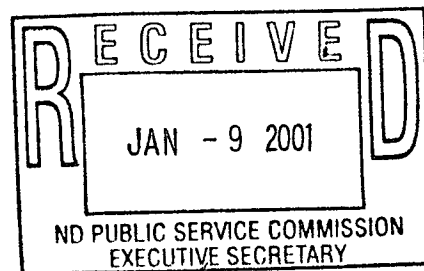
Subscribed and sworn to before me
this **9th day of January, 2000**.

Susan K. Richter
Notary Public

SEAL



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 2nd 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.

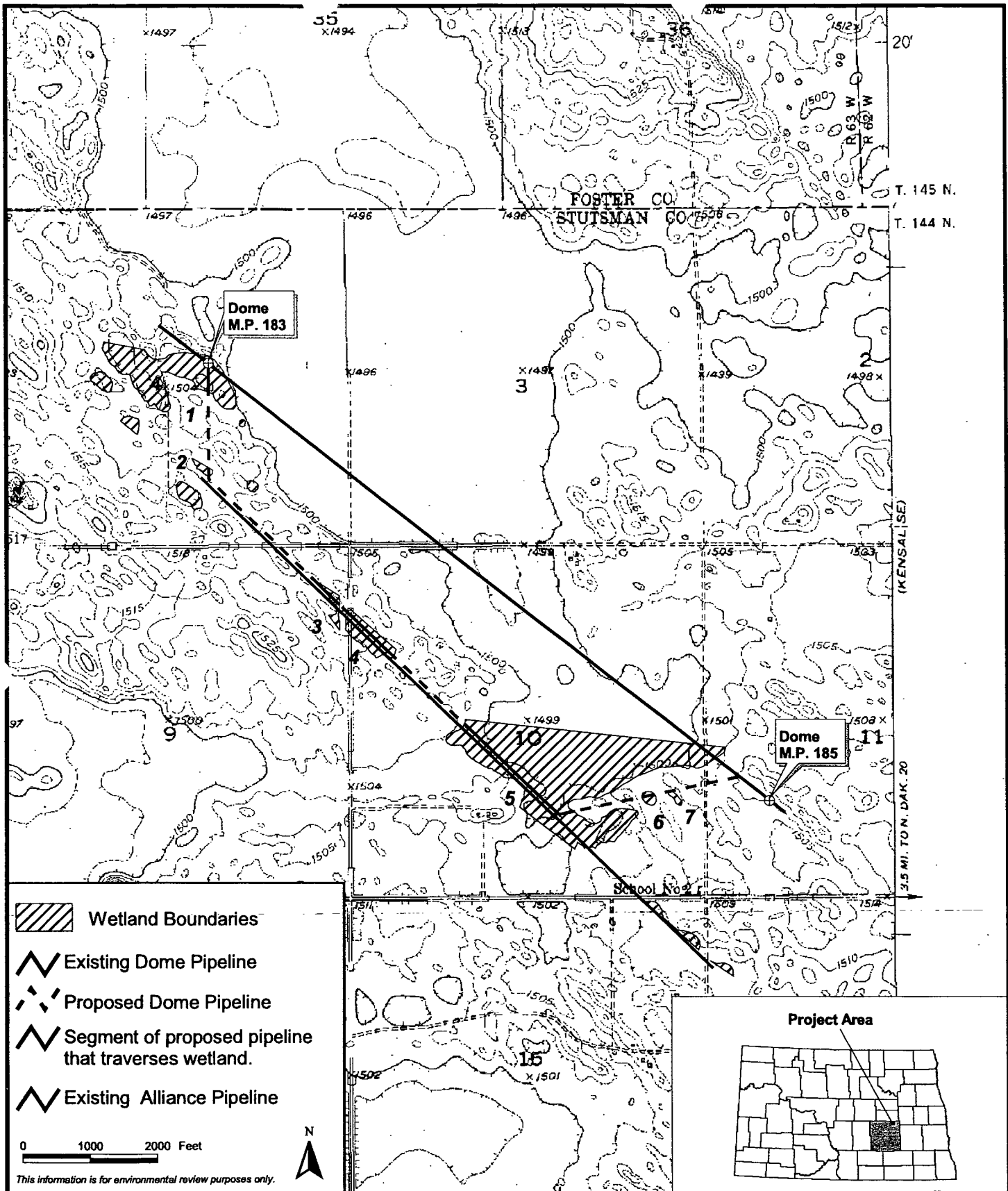
5. During construction in wetlands, Dome shall utilize the mitigation measures described in its application and determined acceptable by the US Army Corps of Engineers.






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
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0480



-  Wetland Boundaries
-  Existing Dome Pipeline
-  Proposed Dome Pipeline
-  Segment of proposed pipeline that traverses wetland.
-  Existing Alliance Pipeline

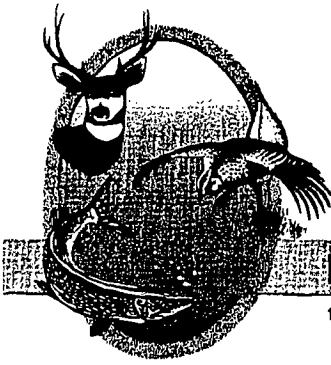
0 1000 2000 Feet



This information is for environmental review purposes only.

**Dome Pipeline Corporation
Route and Criteria Map
Township 144 N, Range 63 W**

DATE: 12/01/00
REVISED:
SCALE: 1:24,000
DRAWN BY: RSMcGREGOR
M:\CLIENTS\B\PAMACOV\PROJ\2000\12\1\DOMEdome.apr



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

Post-it® Fax Note	7671	Date	1/5	# of pages	1
To	ROSS HARGROVE	From	McKenna		
Co./Dept.	N.P.C. INC.	Co.	NOGFD		
Phone #		Phone #			
Fax #		Fax #			

January 4, 2001

Mr. Joe Reinemann
 Project Manager
 Natural Resource Group, Inc.
 1800 International Centre
 900 Second Avenue South
 Minneapolis, MN 55402

Dear Mr. Reinemann:

RE: Dome Pipeline Replacement Project
 T144N / R63W Sections 4, 9, 10 & 11
 Stutsman County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We have no objections to its construction provided steps are taken to protect any wetland basins which must be crossed. We have no record of any rare or endangered species in the project area.

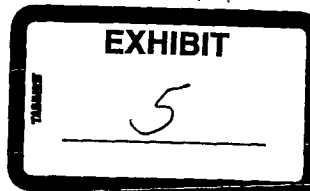
A Corps of Engineers permit may be required if any wetland acres will be impacted by this project. The N.D. Regulatory Office should be contacted for permitting requirements under Section 404 of the Clean Water Act. We recommend a mitigation plan be submitted with any necessary applications to facilitate the permitting process.

Sincerely,

Michael G. McKenna
 Chief
 Conservation & Communication Division

js

15 PU-391-00-657 Pages: 1
 Copy of Game & Fish letter re wildlife
 by Dome Pipeline Corporation
 01/08/2001 Exhibit # 5
 CC: Comm Legal PUD (3)



**NOGOSEK TOWNSHIP, STUTSMAN COUNTY, NORTH DAKOTA
UTILITY CROSSING PERMIT**

Dome Pipeline Corporation, Plaza Centre One, #380, 125 S. Dubuque Street, Iowa City, IA 52240, hereinafter called the Applicant, is hereby granted permission to install and maintain the facilities as described herein on highway right-of-way, of Township Road between Sections 4 & 9, Sections 9 & 10, and Sections 10 & 11.

Facilities to be installed pursuant to this permit are in accordance with plans and specifications attached hereto.

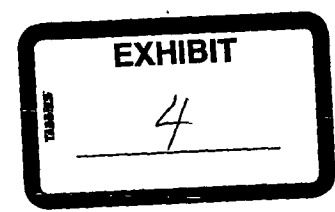
For purposes of this permit "highway right-of-way" shall mean the highway right-of-way as it exists on the date of execution of this permit and shall also include that area within thirty-three feet of the center of the highway right-of-way over which the Board of Nogosek Township Supervisors has control pursuant to North Dakota Century Code Section 58-06-01 (10).

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored as near as practicable to original condition, including the reseeding thereof where necessary. Trenches dug within the highway right-of-way exclusive of the roadway and inslopes shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil. Trenches dug in the roadway and inslopes shall be backfilled using only approved materials and compacted to 90% of the maximum dry density as determined by AASHTO T-180. The moisture content of the soil at the time of compaction shall be not less than 1% below the optimum moisture content nor more than 2% above the optimum moisture content. All costs incurred with regard to inspection and compaction testing conducted by Nogosek Township or its designees shall be borne by the Applicant.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on the highway right-of-way shall be subject to the following terms and conditions:

- (A) Installation, maintenance, relocation, and removal of said facilities on the highway right-of-way shall be done in a manner satisfactory to and subject to supervision by the Road Overseer for the Nogosek Township Board.



- (B) Nogosek Township shall not be liable for damage to said facilities resulting from construction, reconstruction, expansion, alteration, maintenance, replacement and repair of the highway. Applicant shall hold the Township harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (C) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over or under the highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on the highway right-of-way.
- (D) Applicant shall promptly remove said facilities from the highway right-of-way or shall relocate or adjust said facilities at its sole cost and expense when requested to do so by the Township.
- (E) Roadways with paved surfaces will be bored. Roadways with granular surfaces may be open cut, unless otherwise indicated.

WHEREAS, the terms of Section 58-06-01 (10) of the North Dakota Century Code, provide that the Board of Township Supervisors may grant such a permit, and it is approved by the Board of Nogosek Township Supervisors this 5th day of December, 2000, at Kensal, North Dakota.

APPROVAL RECOMMENDED:

Chris Brudak

TOWNSHIP ROAD OVERSEER

NOGOSEK TOWNSHIP

Roy Starn

CHAIRMAN, BOARD OF TOWNSHIP SUPERVISORS

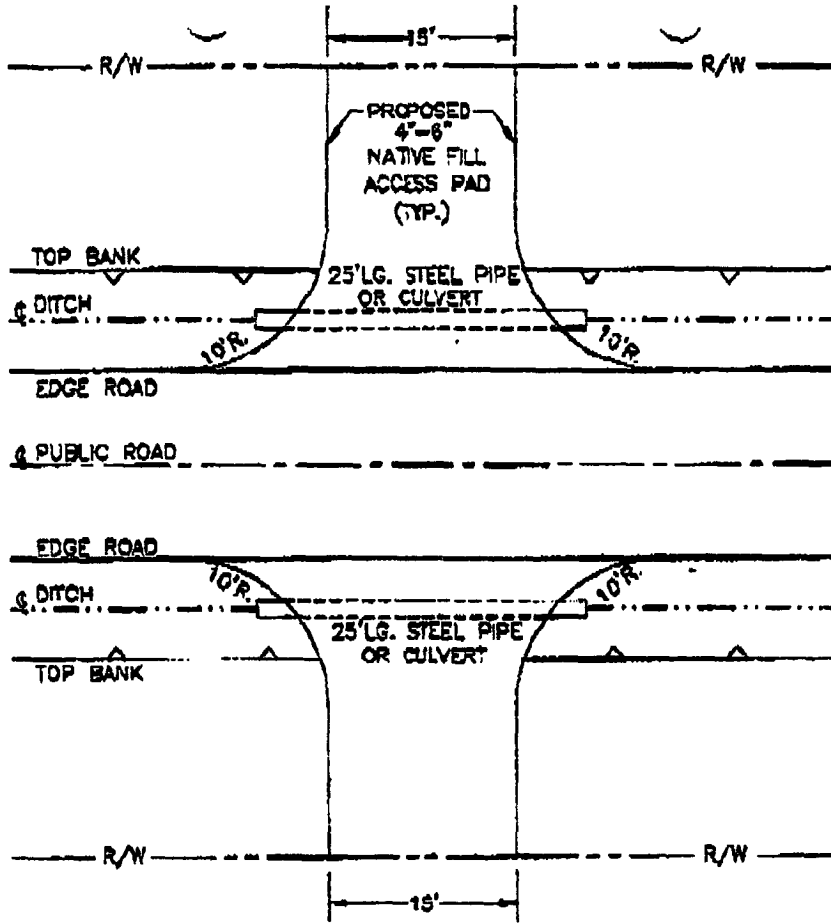
ATTEST:

Dale O. Bruch

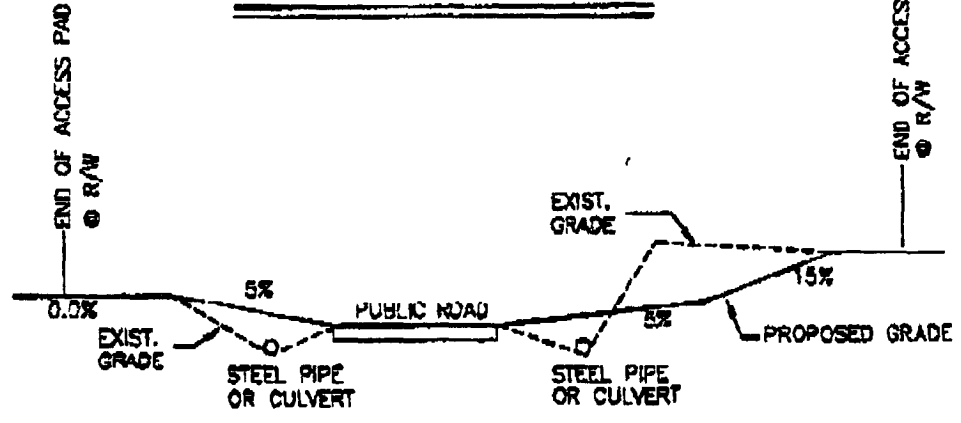
TOWNSHIP CLERK

DOME PIPELINE CORPORATION

BY: [Signature]



PLAN OF TYPICAL TEMPORARY TURNOUT

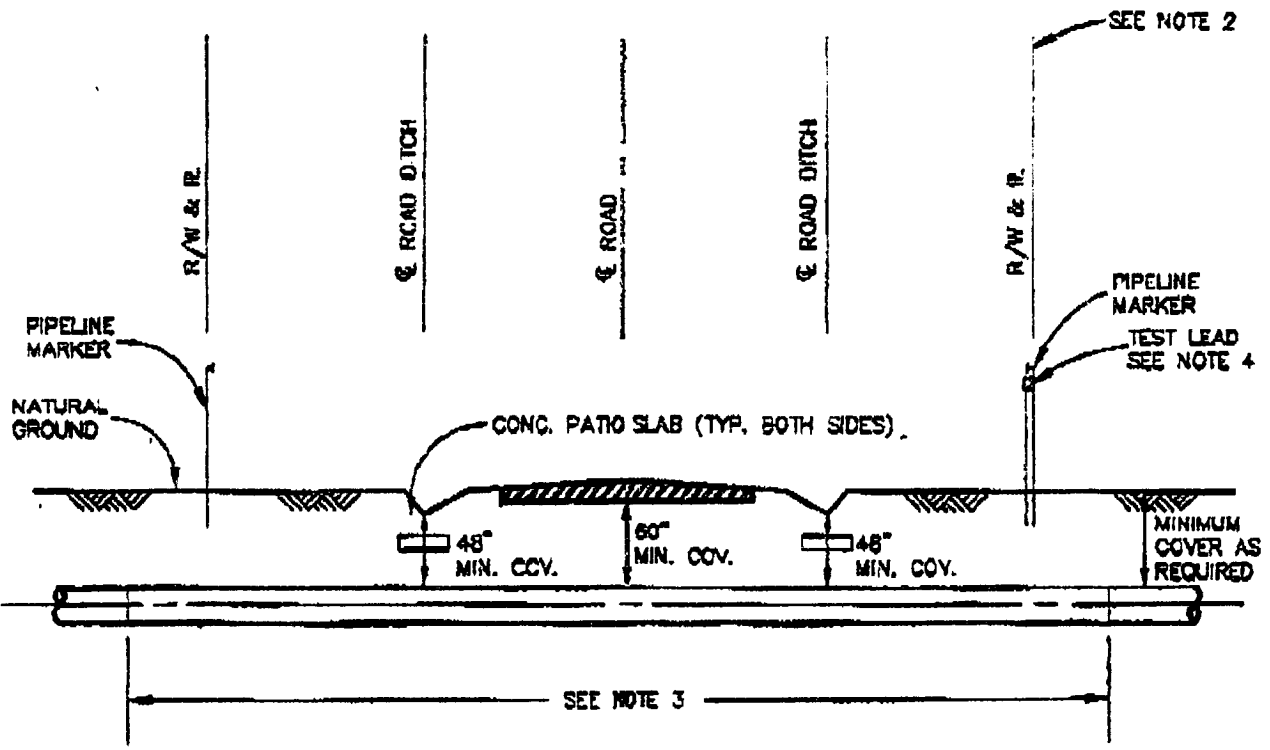


TYPICAL SECTION PROFILE OF TEMPORARY TURNOUT

- NOTES:
1. DIAMETER OF STEEL PIPE OR CULVERT TO BE DETERMINED IN THE FIELD.
 2. ACCESS PAD TO BE REMOVED AFTER CONSTRUCTION AS PER FEDERAL ENERGY REGULATORY COMMISSION REQUIREMENTS.

Amoco Canada Petroleum Company Ltd. CALGARY ALBERTA															
AREA/PROJECT: DOME PIPELINE CORPORATION PREPARED BY: UNIVERSAL ENSCO, INC.															
TITLE: <h3>TYPICAL TEMPORARY TURNOUT FROM PUBLIC ROAD</h3>															
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHKD</th> <th>APPR</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	CHKD	APPR							SCALE: NOTED	CONTR. DWG. NO.: AMOCO DWG. NO.: DPL-4300A-9073	REV
NO.	DATE	DESCRIPTION	BY	CHKD	APPR										

FILE INFO: G:\DOME\TYTEMP\TURNOUT.WWG 1-3 11/20/2000 11:00



PROFILE
 N.T.S.

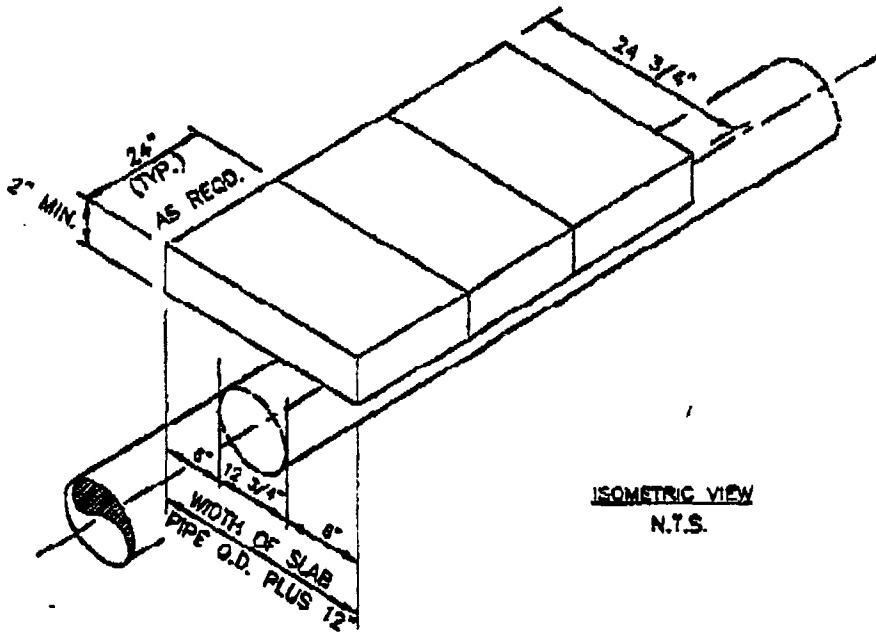
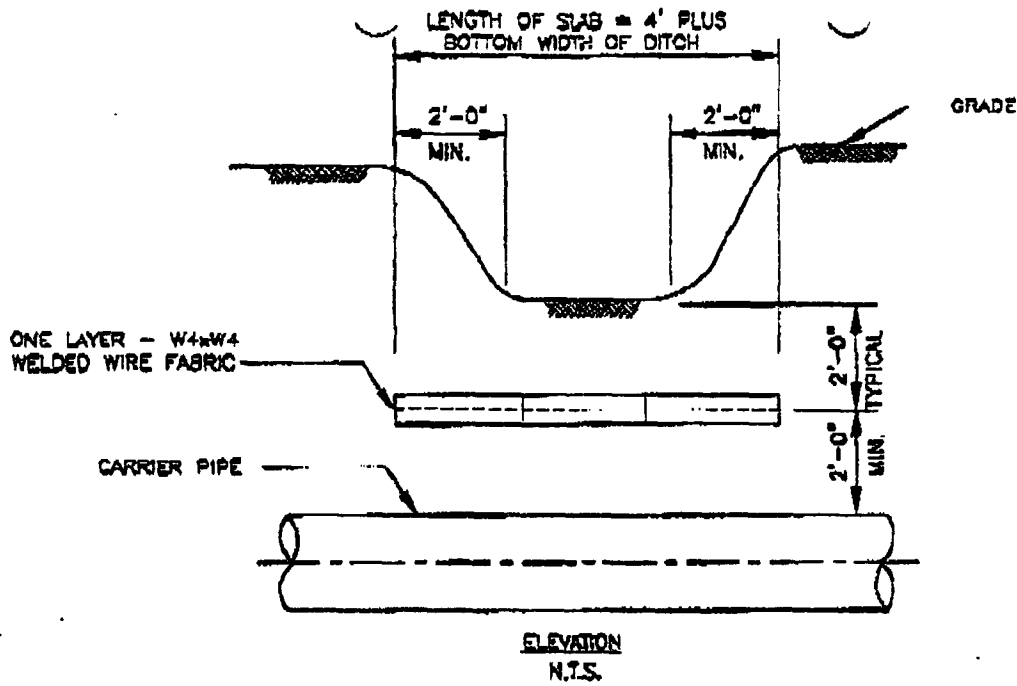
NOTES

1. CROSSING SHALL BE CONSTRUCTED IN ACCORDANCE WITH PERMIT REQUIREMENTS.
2. BENDS SHALL NOT BE PERMITTED WITHIN THE ROAD R.O.W., THE PIPE SHALL HAVE A MINIMUM OF 5.0 FT. OF COVER, EXCEPT UNDER THE ROAD DITCHES AS SHOWN.
3. CONTRACTOR TO NOTIFY RESPONSIBLE PERMITTING AUTHORITY PRIOR TO INSTALLATION.

PRODUCT: NATURAL GAS
 CARRIER PIPE: 12.750"O.D. X 0.281" W.T.,
 API 5L-X80 ERW PIPE W/12 TO 14 MILS
 FUSION BONDED EPOXY
 MINIMUM TEST PRESSURE: 2160 PSIG
 MAXIMUM OPERATING PRESSURE: 1440 PSIG
 CARRIER PIPE TO BE EXTERNALLY COATED
 FOR CORROSION CONTROL
 PIPELINE TO BE CATHODICALLY PROTECTED
 PIPELINE DESIGN AS PER REQUIREMENTS OF PART 192
 OF THE CODE OF FEDERAL REGULATIONS (LATEST EDITION)
 TRAFFIC TO BE MAINTAINED DURING INSTALLATION
 PIPELINE TO BE INSTALLED BY OPEN CUT

Amoco Canada Petroleum Company Ltd. CALGARY ALBERTA		
AREA/PROJECT: DOME PIPELINE CORPORATION		
PREPARED BY: UNIVERSAL ENSCO, INC.		
TITLE: TYPICAL OPEN CUT CROSSING OF ROAD CROSSING		
SCALE: NOTED		CONTR. DWG NO: AMOCO DWG NO: DPL-4300A-9076
REVISIONS		REV
NO.	DATE	DESCRIPTION

FILE INFO: G:\DOME\TYPECARD.dwg 1-1 11/20/2000 11:03



NOTE:

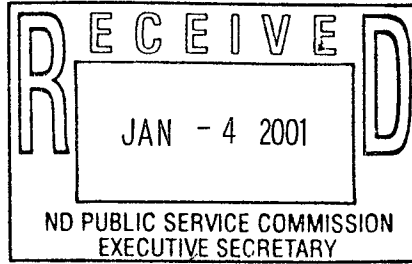
1. CONTRACTOR SHALL FURNISH ALL MATERIAL AND SHALL CAST CONCRETE PATIO SLAB.

Amoco Canada Petroleum Company Ltd. CALGARY ALBERTA		
AREA/PROJECT: DOME PIPELINE CORPORATION PREPARED BY: UNIVERSAL ENSCO, INC.		
TITLE: TYPICAL CONCRETE PATIO SLAB FOR OPEN DITCHES @ ROAD CROSSING		
SCALE: NOTED	CONTR. DWG. NO: AMOCO DWG. NO: DPL-4300A-9608	REV

FILE INFO: C:\DOME\TYP\SLAB.dwg 1-1 11/20/2000 11:04

Affidavit of Publication

State of North Dakota)
)
County of Burleigh)



Laurie Thiel, being duly sworn, state as follows:

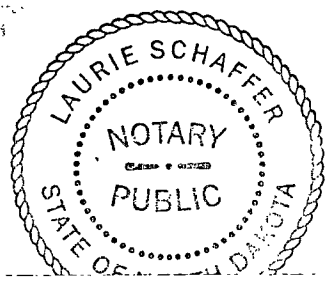
1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:
Dome pipe line, 2 time(s)
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 2nd day of January A.D. 2001.

Laurie Schaffer

LAURIE SCHAFFER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires DEC. 1, 2005



notice of Filing and Notice of Hearing
December 20, 2000

Case No. PU-391-00-657

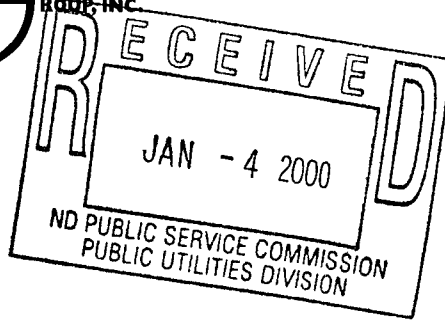
Jamestown 12-18

Jamestown 12-26



January 3, 2000

Mr. Jerry Lien
North Dakota Public Service Commission
State Capital, 12th Floor
Bismarck, ND 58505-0480



Subject: Dome Pipeline Corporation
Dome Pipeline Replacement Project
ND PSC Case Number PU-391-00-657

Dear Mr. Lien:

Attached please find a copy of a letter from the Fish and Wildlife Service (USFWS) regarding the above referenced Case Number. This letter responds to the Natural Resource Group, Inc. (NRG) December 4, 2000 letter requesting comments on the Dome Pipeline Replacement Project concerning threatened and endangered species. The USFWS indicated that no threatened or endangered species are known to be frequent in the project area and further consultation is not necessary.

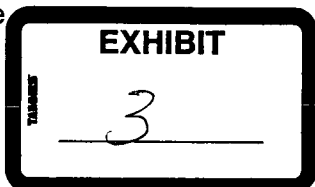
The following addresses other comments and suggestions provided by the USFWS relating to the placement, timing and construction methods of the Dome project.

Minimizing Disturbance to Wetlands

Natural Resource Group, Inc. (NRG) has reviewed National Wetland Inventory data and available field data to identify wetlands crossed by the project. It is not practicable to avoid wetlands with a pipeline project; doing so would involve deviation from the existing pipeline corridors, increase the length of the project and amount of disturbance, and could potentially impact additional landowners. NRG has assisted Dome with the development of special measures to protect wetlands crossed by the project. These mitigation measures are described in Dome's Wetland and Waterbody Crossing Procedures included in Attachment C of Dome's application to the PSC, and have been proven effective in protecting wetlands during pipeline construction.

Maintaining Wetland Hydrology and Construction Timing

Dome will not be permanently filling or draining wetlands as part of this project. Dome's wetland crossing procedures specify restoring wetlands to contour and taking appropriate measures, such as the installation of mini-trench breakers, to maintain existing wetland hydrology. Dome's wetland protection measures have been reviewed and determined acceptable by the Corps of Engineers. Dome's construction schedule will not allow for construction in late summer, however, construction of the proposed pipeline in winter, as planned, will minimize impacts to wetlands and avoid impacts to wildlife.



12	PU-391-00-657	Pages: 7
Copy of Fish & Wildlife Service comments on proposed project by Dome Pipeline Corporation		
Exhibit # 3		
01/04/2001	CC: Comm Legal PUD (3)	

Mr. Jerry Lien
January 3, 2001
Page 2

Waterfowl Protection Areas

The USFWS has identified waterfowl protection parcels located in the vicinity of the project. As shown on our topographic route map and alignment sheets included with Dome's application (Attachments B and G respectively), the Dome route does not cross any wetlands within these parcels, therefore no special use or right-of-way permits from USFWS will be necessary for this work.

Corps of Engineers

NRG has confirmed that a Corps of Engineers (COE) permit is necessary for this work. Dome filed, on December 12, 2000, an application with the COE for this project. A copy of the cover letter was provided to your office in December 2000. NRG has continued to work with the COE to assist in their review of the project, and anticipates that the COE will be authorizing this work under Nationwide Permit 12 some time this week.

Thank you for your continued assistance with this project. Please call me at 612-347-6787 if you have any questions or need any further information.

Sincerely,

Natural Resource Group, Inc.



Joseph C. Reinemann
Project Manager

cc: Bill Barry, Dome Pipeline Corporation
Brian Bjella, Fleck, Mather & Strutz, Ltd.
Allyn J. Sapa, U.S. Fish and Wildlife Service

Enclosure: December 19, 2000 USFWS Comment Letter





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

DEC 19 2000

Mr. Joe Reinemann, Project Manager
Natural Resource Group, Inc.
1800 International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402

Dear Mr. Reinemann:

The U.S. Fish and Wildlife Service (Service) has reviewed the proposed BP Amoco\Dome Pipeline Corporation (Dome) pipeline replacement project. Dome is proposing to replace and reroute 2 miles of existing 12-inch natural gas liquids pipeline. The new pipeline alignment will deviate from the existing Dome Pipeline route and parallel the newly constructed Alliance Pipeline. The proposed project will be located in Sections 4, 9, 10, and 11, T. 144 N., R. 63 W., Stutsman County, North Dakota.

Review of National Wetland Inventory (NWI) indicates the proposed route will pass adjacent to or cross numerous wetlands. Specific locations of wetlands in the project area are highlighted in blue on the enclosed photocopy of the NWI map. If you wish to review the NWI maps, please schedule an appointment with Chase Lake Prairie Project at 701-752-4218 or contact this office. You can also visit the NWI website at <http://wetlands.fws.gov>. The Service recommends that construction through or adjacent to these areas be avoided where possible or measures, such as directional boring, be taken to minimize disturbance to these areas.

Projects which involve the burying of a pipeline should not significantly affect wetland basins or stream channels, provided precautions are taken to restore natural basin contours. Precautions should also be taken during installation of underground facilities by compacting trenches sufficiently through the wetlands, thereby preventing drainage along the trench or through bottom seepage. Similar procedures should be applied in the restoration of stream channels. If construction is unavoidable in or near wetlands, the Service recommends deferring the timing of construction to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions. We also recommend construction be sited to avoid placement of fill in wetlands along the route. Replace unavoidable losses of wetlands on an acre-for-acre basis and trees or shrubs on a 2:1 basis. If grasslands are disturbed, we recommend reseeding with a native grass and forb mixture.

The Service administers Waterfowl Production Area fee title and wetland easements throughout North Dakota. A review of our county plat map indicates Service property interests are located in the project area. Service wetland easements are highlighted in yellow on the enclosed photocopy. The Service requires that all practical actions be taken to avoid impacts to wetlands

under its jurisdiction during project construction. Although permits for activities are generally not required on these lands if facilities are placed in existing rights-of-way, Special Use or right-of-way permits will be necessary for any construction activity on Service property interests where wetlands are impacted. I suggest contacting the following person to determine the need for permits: Al Lund, U.S. Fish and Wildlife Service, Bismarck Wetland Acquisitions Office, 3425 Miriam Avenue, Bismarck, North Dakota 58501, (701-250-4415).

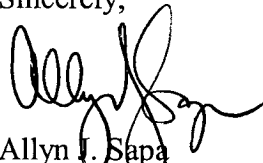
If construction routes intersect wetlands, streams, or rivers, the Corps of Engineers may require a Section 404 permit. Section 404 of the Clean Water Act regulates placement of fill materials in wetlands. I suggest you contact Mr. Jim Winters, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine permit requirements. The Service recommends that all wetlands, stream zones, wooded areas, and native prairie tracts be avoided when disposing of spoil.

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the proposed action "may affect" listed species. If it is determined that the action "may affect" a listed species then the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" situation on the listed species, further consultation is not necessary. At this time, I am not aware that any species frequent the project area.

Thank you for the opportunity to provide comments. If further information is required, please contact Terry Ellsworth at (701) 250-4492.

Sincerely,



Allyn J. Sapa
Field Supervisor
North Dakota Field Office

Enclosure

cc: Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: J. Winters)
Director, ND Game and Fish Department, Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED, ENDANGERED, AND CANDIDATE SPECIES FOUND IN
STUTSMAN COUNTY, NORTH DAKOTA

ENDANGERED SPECIES

Birds

Whooping crane (Grus Americana): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

THREATENED SPECIES

Birds

Bald eagle (Haliaeetus leucocephalus): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

Piping plover (Charadrius melodus): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.



NOGOSEK



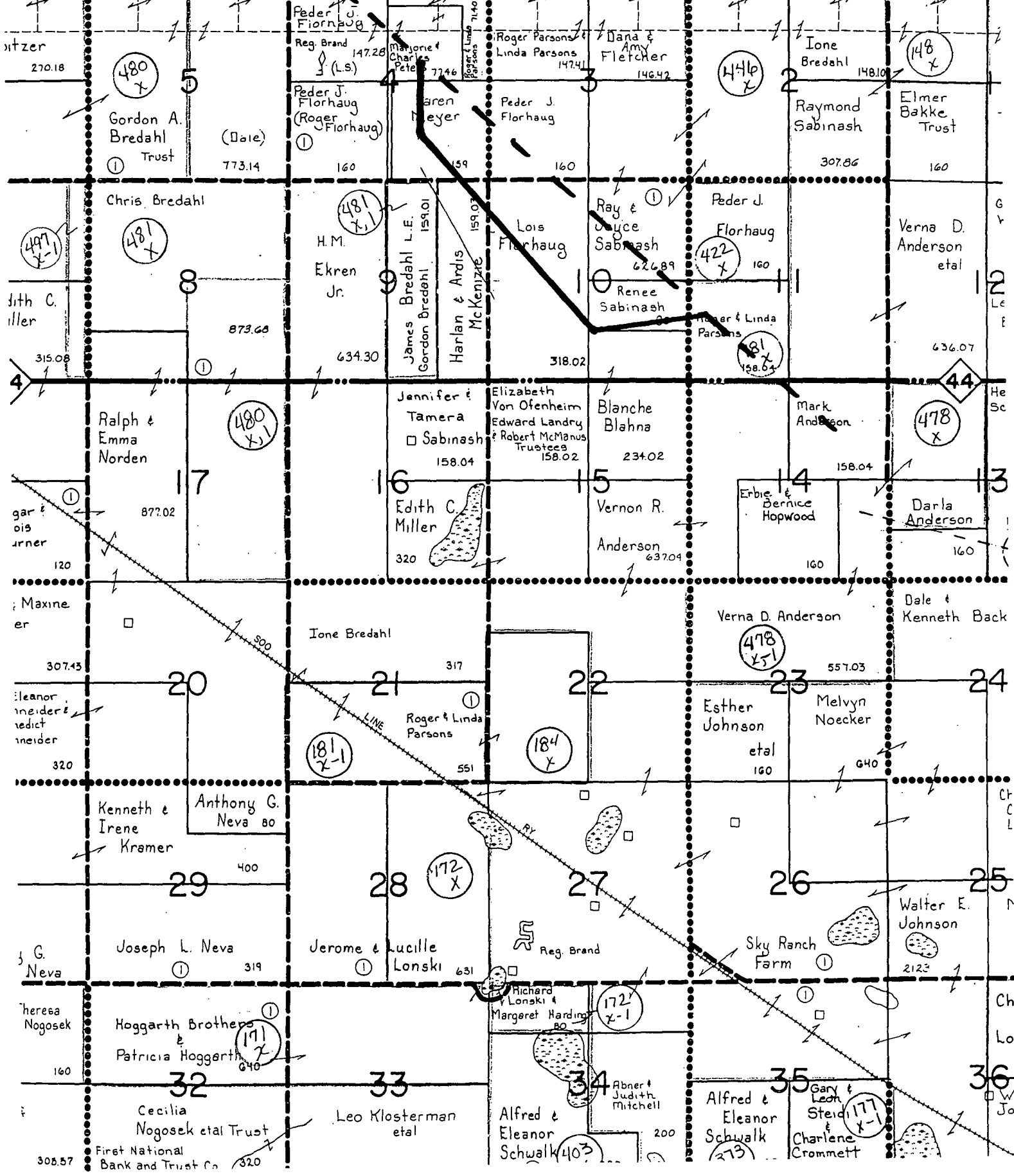
TOWNSHIP : 144 N.

RANGE : 63 W.

CODE : NO

COUNTY GRIGGS

32.80-1 33.08-4 33.22-5 33.36-2 33.41-1 33.67-4 33.71-3 33.86-2 34.00-1 33.03-4 33.50-3 33.93-2 33.07-1 33.21-4 33.20-3 33.90-2 34.20-1 34.15-4 33.71-3 3



1 Gordon A. Bredahl Trust (Date) 773.14
 2 Ione Bredahl 148.10
 3 Elmer Bakke Trust
 4 Ray & Joyce Sabinash 626.89
 5 Peder J. Florhaug 160
 6 Verna D. Anderson et al
 7 Chris Bredahl 873.68
 8 H.M. Ekren Jr. 634.30
 9 James Bredahl L.E. 159.01
 10 Lois Florhaug 318.02
 11 Renee Sabinash
 12 Verna D. Anderson et al 636.07
 13 Darla Anderson 160
 14 Erbie & Bernice Hopwood 160
 15 Vernon R. Anderson 637.04
 16 Edith C. Miller 320
 17 Ralph & Emma Norden 872.02
 18 Jennifer & Tamera Sabinash 158.04
 19 Elizabeth Von Ofenheim Edward Landry & Robert McManus Trustees 158.02
 20 Eleanor Meider & Edict Meider 320
 21 Ione Bredahl 317
 22 Roger & Linda Parsons 551
 23 Esther Johnson et al 160
 24 Melvyn Noecker 640
 25 Walter E. Johnson 2123
 26 Sky Ranch Farm
 27 Richard Lonski & Margaret Harding 80
 28 Jerome & Lucille Lonski 631
 29 Joseph L. Neva 319
 30 Kenneth & Irene Kramer 400
 31 Anthony G. Neva 80
 32 Cecilia Nogosek et al Trust First National Bank and Trust Co 320
 33 Leo Klosterman et al
 34 Alfred & Eleanor Schwalk 200
 35 Alfred & Eleanor Schwalk 273
 36 Gary & Leah Steid & Charlene Crommett 177

MOTION

December 20, 2000

APPROVED:

DATE: 12-20-00
KME

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

Case No. PU-391-00-657

I move the Commission deem the application complete and acknowledge issuance of a Notice of Filing and Notice of Hearing on December 15, 2000 in Case No. PU-391-00-657, Dome Pipeline Corporation's proposed relocation of a 12-inch liquid hydrocarbon pipeline in Stutsman County, North Dakota.

JRL/sdh

000391-2.doc

LAW OFFICES OF
FLECK, MATHER & STRUTZ, LTD.

400 East Broadway, Suite 600, Norwest Bank Building
P. O. Box 2798, Bismarck, North Dakota 58502

Telephone: 701-223-6585 Facsimile: 701-222-4853 E-Mail: fms@flecklaw.com Website: www.flecklaw.com

WILLIAM A. STRUTZ
GARY R. WOLBERG+
PAUL W. SUMMERS
BRIAN R. BJELLA**

JOHN W. MORRISON
CURTIS L. WIKE*
CHARLES S. MILLER, JR.*

CRAIG C. SMITH*
SHANE A. HANSON
JULIE M. BUECHLER

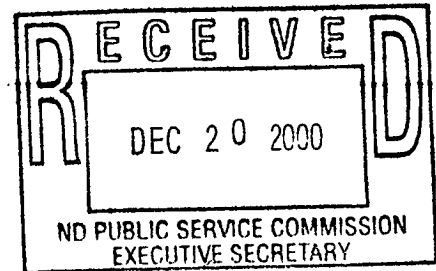
ALSO LICENSED IN:

* Minnesota
° Montana
+ Iowa

December 19, 2000

ERNEST R. FLECK
(1921-1995)
RUSSELL R. MATHER
(RETIRED)

Mr. Jerry Lien
NORTH DAKOTA PUBLIC SERVICE
COMMISSION
State Capitol, 12th Floor
600 E. Boulevard
Bismarck, ND 58505



Dear Jerry:

In re: Dome Pipeline Corporation
Case No. PU-391-00-657
Our File No. 1034-25290

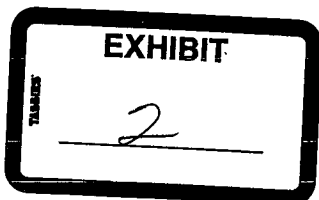
Pursuant to contacts by Dome's environmental consultant with state and federal agencies, enclosed please find a copy of a letter written to the State Historical Society of North Dakota which contains a stamp indicating "No Historic Properties Affected." This constitutes the State Historical Society's "sign off" or approval of this project.

Please call should you have any questions.

Very truly yours,

BRIAN R. BJELLA

bw
Enc.
cc: (letter only)
Bill Barry
Joseph C. Reinemann



10 PU-391-00-657 Pages: 4

Letter re State Historical Society approval
by Dome Pipeline Corporation by Brian R. Bjella
Exhibit # 2
12/20/2000 CC: Comm Legal PUD (3)

NO HISTORIC PROPERTIES AFFECTED

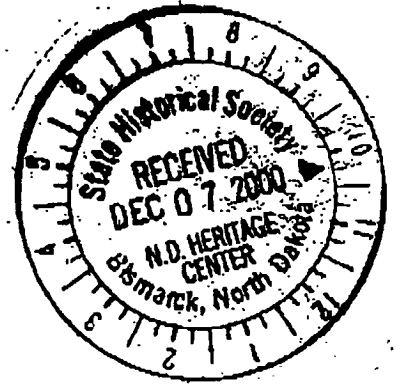
The described undertaking will not affect any historic properties, per 36CFR800.4(d). If the project description changes, this recommendation is void.

Michael J. Swenson
Project Review Coordinator

Date *12-6-00*



In Response, Please Reference: SHPO # *96-651*



December 6, 2000

Ms. Fern Swensen
State Historical Society of North Dakota
North Dakota Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Subject: Dome Pipeline Corporation Two-mile Pipeline Replacement Project, Stutsman County *SHPO # 96-651*

Dear Ms. Swensen:

Natural Resource Group, Inc. (NRG) is conducting environmental permitting on behalf of Dome Pipeline Corporation (Dome) for the replacement of approximately two miles of the existing 12-inch Dome pipeline in Stutsman County. The replacement is necessary due to the detection of anomalies during an internal inspection of the pipeline. Dome plans to begin construction in January 8, 2001.

The proposed project will be permitted by the U.S. Corps of Engineers and the North Dakota Public Service Commission. By this letter NRG, on behalf of Dome, is requesting concurrence that a survey is not necessary for the proposed project.

Two figures are enclosed for your information. The first is a copy of the U.S.G.S. quadrangle showing the location of the existing Dome pipeline, the proposed route for the replacement segment crossing farmland, and the location of the recently constructed Alliance pipeline. The second figure is a portion of an alignment sheet that illustrates the same features but in more detail. Dome proposes to parallel the newly constructed Alliance pipeline rather than following the existing Dome pipeline route to avoid inundated wetlands along the current route.

The proposed two miles of pipeline would deviate from the existing Dome pipeline at approximate Milepost 183, trending southeast until it parallels the existing Alliance pipeline. The new pipeline would be located 63 feet from the Alliance pipeline for about 1.1 miles and then angle northeast to rejoin the existing Dome Pipeline at approximate Milepost 184.9. Dome plans to use up to a 100-foot-wide construction right-of-way (ROW) with minimal extra workspace

required at road and wetland crossings and at the tie-in locations at the existing Dome pipeline.

In 1997 and 1998, Alliance conducted archaeological surveys along its proposed route in the vicinity of the proposed Dome replacement project. The Alliance survey was conducted to meet the Federal Energy Regulatory Commission's Section 106 responsibilities (FERC Docket No. CP97-168-000 and SHSND No. 96-651). After consulting with your office, Alliance surveyed from Alliance Mileposts 180.28 to 183.05.

The Alliance survey corridor between these mileposts was 300 feet wide and centered on the pipeline; therefore the survey corridor north of the Alliance centerline was 150 feet wide. The Alliance survey corridor as it relates to the proposed Dome replacement project is illustrated on the enclosed alignment sheet section.

Only one site, 32SNX213, was recorded between Alliance Mileposts 180.28 and 183.05. Site 32SNX213 was recorded at Alliance Milepost 181.92 under excellent conditions. The site consisted of an isolated lithic artifact.

The construction right-of-way for the proposed project will be 100 feet wide and will fall entirely within the Alliance survey corridor where the two pipelines are 63 feet apart. Additional extra workspaces at road and wetland crossing locations may extend beyond the survey corridor slightly as shown on the attached alignment sheet. The need for extra workspace has been minimized to the extent possible.

NRG, on behalf of Dome, believes that the likelihood of impacting significant archaeological resources during construction of the proposed two miles of pipeline is minimal for a number of reasons. First, the Alliance survey covered much of the proposed construction ROW for the replacement project so there will be no impact on archaeological resources in those areas. Second, Alliance surveyed a much wider corridor and recorded only a lithic isolate in the area. Much of the Alliance survey was conducted under excellent field conditions. Based on the lack of archaeological resources located during the Alliance survey in this area, and the extent of the previous survey, it appears that the probability of significant resources within the proposed unsurveyed project area is low.

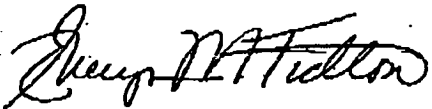
Further, construction of the existing Dome Pipeline would have disturbed the areas immediately adjacent to the proposed replacement section. It is expected that previous construction disturbed the tie-in locations at approximate Mileposts 183 and 184.9 for the proposed project. Fourth, by undertaking construction during the winter with frozen ground conditions, the impact of construction is expected to be limited to excavation of the pipe trench itself. The trench will be approximately five feet wide. Soils excavated from the trench will be placed on the frozen, potentially snow-covered ground north of the trench. Although heavy

equipment will be running along the trench, frozen ground will prevent the equipment from rutting the ground surface and there will be no impacts to any resources that may be located below the plowzone. The effect of operating construction equipment in these areas is expected to be less than that created by farm equipment during other seasons of the year.

I appreciate your attention to this project. Please call me at 612-337-3361 if you need any additional information during your review.

Sincerely,

Natural Resource Group, Inc.



Evelyn M. Tidlow
Cultural Resource Manager

Enclosures:

- Alliance report excerpts and SHPO review letters
- U.S.G.S. Quad showing proposed project
- Alignment sheet showing proposed project

cc: Joe Reinemann, NRG
Bill Barry, Dome Pipeline Corporation

LAW OFFICES OF
FLECK, MATHER & STRUTZ, LTD.

400 East Broadway, Suite 600, Norwest Bank Building

P. O. Box 2798, Bismarck, North Dakota 58502

Telephone: 701-223-6585 Facsimile: 701-222-4853 E-Mail: fms@flecklaw.com Website: www.flecklaw.com

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CHARLES S. MILLER, JR.*

CRAIG C. SMITH*
SHANE A. HANSON
JULIE M. BUECHLER

ALSO LICENSED IN:

* Minnesota

° Montana

+ Iowa

December 18, 2000

ERNEST R. FLECK
(1921-1995)
RUSSELL R. MATHER
(RETIRED)

Mr. Jerry Lien
NORTH DAKOTA PUBLIC SERVICE
COMMISSION
State Capitol, 12th Floor
600 E. Boulevard
Bismarck, ND 58505



Dear Jerry:

In re: Dome Pipeline Corporation
Case No. PU-391-00-657
Our File No. 1034-25290

Pursuant to our recent phone conversation regarding contacts with other state and federal agencies, enclosed please find copies of letters recently written to the North Dakota Department of Health, US Army Corps of Engineers and North Dakota State Game and Fish Department. When responses are received from these agencies, we will provide copies to you.

Please call should you have any questions. Thanks again for all your help in moving this application along as quickly as possible.

Very truly yours,

BRIAN R. BJELLA

bw
Enc.
cc: (letter only)
Bill Barry
Joseph C. Reinemann



December 12, 2000

U.S. Army Corps of Engineers
North Dakota Field Office
1513 South 12th Street
Bismarck, ND 58504

RE: Dome Pipeline Corporation
Dome Pipeline Replacement Project
Corps of Engineers Permit Application

Dear Sir/Madam:

BP Amoco/Dome Pipeline Corporation (Dome) owns and operates a natural gas liquids pipeline that crosses North Dakota, Minnesota, Iowa and Illinois. Dome has contracted Natural Resource Group, Inc. (NRG) to initiate the permitting process for a project located in Stutsman County, North Dakota.

Dome is planning to replace approximately 2 miles of its existing nominal 12-inch diameter Dome Pipeline. The replacement pipeline segment would deviate from the existing Dome Pipeline route and parallel the newly constructed Alliance Pipeline to avoid inundated wetlands on the Dome Pipeline route. A map of the proposed project location is enclosed. By this letter, Dome is notifying the Corps of Engineers of this project and making application for applicable Department of the Army permits pursuant to Section 404 of the Clean Water Act.

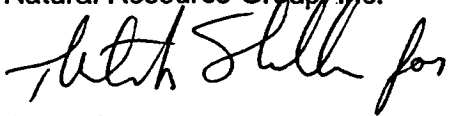
Enclosed is Dome's application, which includes a table identifying wetlands that will be crossed by the pipeline and a map showing the proposed pipeline route and wetlands. A copy of Dome's Erosion Control and Revegetation Plan, Wetland and Waterbody Crossing Procedures and Construction Spill Prevention, Containment and Control Plan, prepared for project are also enclosed. These plans, which supplements Dome's application materials, provides a more detailed description of the pipeline construction process and outlines the mitigative measures Dome proposes to implement to minimize environmental impact.

As outlined in the application materials, Dome will not be permanently filling or draining wetlands as part of this project. Dome's stream and wetland construction methods in wetlands have been developed with the specific goal of protecting water resources and achieving no net loss of wetlands. In addition, Dome has initiated consultations with the U.S. Fish and Wildlife Service and the State Historical Society of North Dakota and will be obtaining a permit from the North Dakota Department of Health for stormwater discharges associated with construction activity. Because no permanent filling or draining of wetlands is proposed, Dome expects the project to be eligible for authorization under Nationwide Permit 12, Utility Line Discharges.

A construction start date of January 8, 2001 has been scheduled for the project. If you have any questions please call myself at 612-347-6787 or Bill Barry of Dome Pipeline Corporation at 319-688-5308.

Sincerely,

Natural Resource Group, Inc.

A handwritten signature in black ink, appearing to read "Joe Reinemann for".

Joe Reinemann
Project Manager

Enclosures: Application for Department of the Army Permit
Application Supplement

cc: Bill Barry, Dome Pipeline Corporation





December 15, 2000

Mike McKenna
Chief of Natural Resources
North Dakota State Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501

RE: Dome Pipeline Corporation
Dome Pipeline Replacement Project
T44N, R63W, Sections: 4, 9, 10 and 11, Stutsman County, North Dakota

Dear Mr. McKenna:

Dome Pipeline Corporation (Dome) owns and operates a natural gas liquids pipeline that crosses North Dakota, Minnesota, Iowa and Illinois. Dome has contracted Natural Resource Group, Inc. (NRG) to initiate the permitting process for a project located in Stutsman County, North Dakota.

Dome is planning to replace approximately 2 miles of its existing nominal 12-inch diameter Dome Pipeline. The replacement pipeline segment would deviate from the existing Dome Pipeline route and parallel the newly constructed Alliance Pipeline to avoid inundated wetlands on the Dome Pipeline route. The project area is comprised of active agricultural land. A map of the proposed project location is enclosed.

Please identify any known occurrences of state listed threatened or endangered species or other sensitive environmental features known to occur within the vicinity of the project. Information provided will be used to develop construction mitigation measures if appropriate. Dome is coordinating this work with the Public Service Commission of North Dakota, U.S. Army Corps of Engineers and the North Dakota State Health Department.

To meet a construction start date of January 8, 2001 an expedited review is requested. Thank you in advance for your prompt assistance. If you have any questions please call myself at 612-347-6787 or Bill Barry of Dome Pipeline Corporation at 319-688-5308.

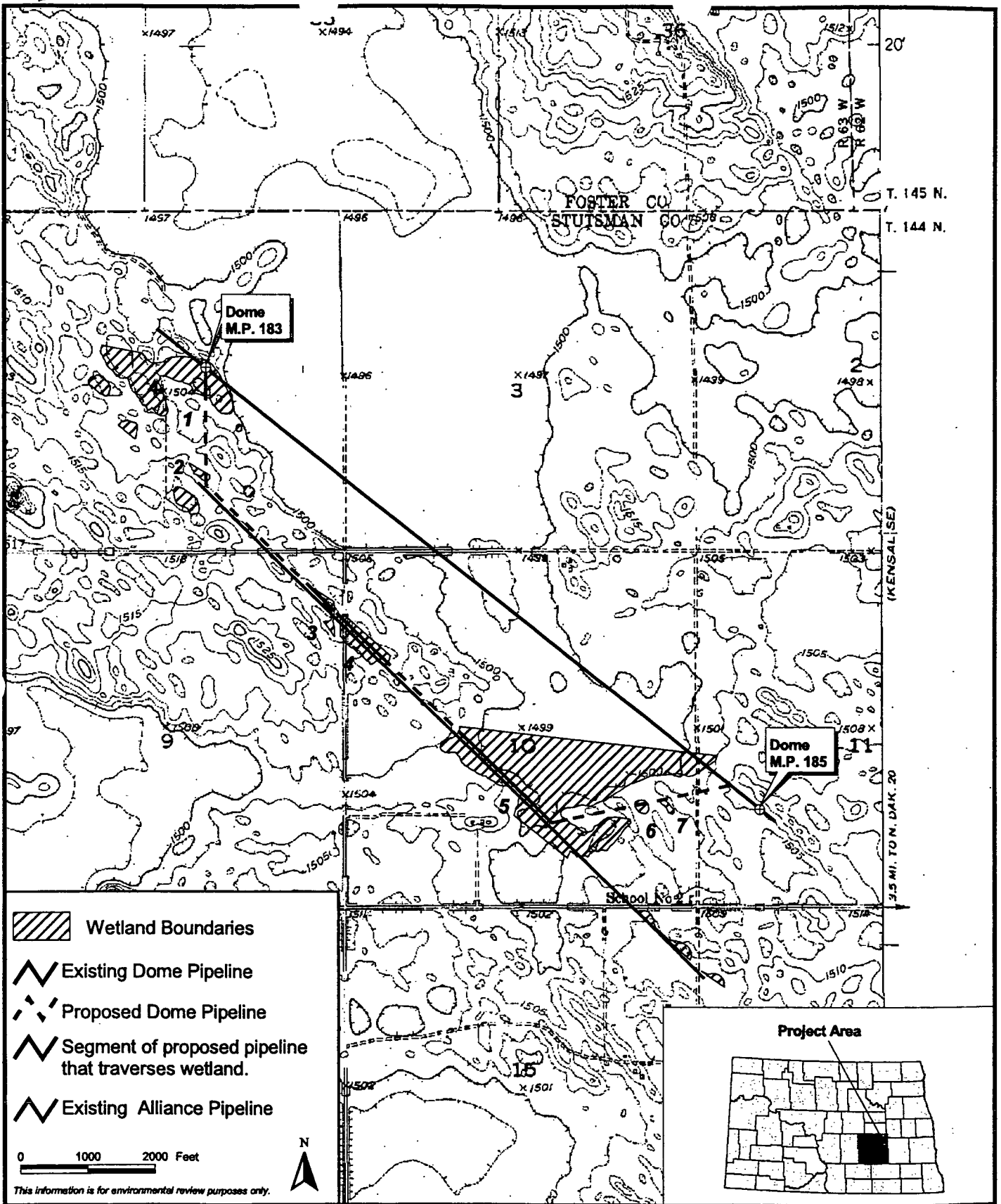
Sincerely,

Natural Resource Group, Inc.

Joe Reinemann
Project Manager

Enclosures: Project Location Map

cc: Bill Barry, Dome Pipeline Corporation



This information is for environmental review purposes only.

**Dome Pipeline Corporation
Route and Criteria Map
Township 144 N, Range 63 W**

DATE: 12/01/00
REVISED:
SCALE: 1:24,000
DRAWN BY: RSMcGREGOR
M:\CLIENTS\BP\AMACOV\PROJ\2000\12\LDOME\dome.apr



December 12, 2000

Bryon Fuchs
North Dakota Department of Health
Division of Water Quality
1200 Missouri Avenue
P.O. Box 5520
Bismarck, ND 58506

RE: Dome Pipeline Corporation
Dome Pipeline Replacement Project
Notice of Intent to Discharge Stormwater

Dear Mr. Fuchs:

Dome Pipeline Corporation (Dome) owns and operates a natural gas liquids pipeline that crosses portions of North Dakota, Minnesota, Iowa and Illinois. Dome has contracted Natural Resource Group, Inc. (NRG) to initiate the permitting process for a project located in Stutsman County, North Dakota.

Dome is planning to replace approximately 2 miles of its existing nominal 12-inch diameter Natural Gas Liquid pipeline. The replacement pipeline segment would deviate from the existing Dome route and parallel the newly constructed Alliance Pipeline to avoid inundated wetlands on the Dome Pipeline route. The project area is comprised of active farmland. A map of the proposed project location is enclosed.

By this letter, Dome is submitting a Notice of Intent to obtain coverage under NPDES General Permit for Stormwater Discharges Associated with Construction Activities. Stormwater Pollution Prevention Plan Guidance Forms and a copy of Dome's Construction Mitigation Plans, prepared for the project are also enclosed. The plans, which supplement Dome's application materials, provides a more detailed description of the pipeline construction process and outlines the mitigative measures Dome proposes to implement to minimize environmental impact.

A construction start date of January 8, 2001 has been scheduled for the project. If you have any questions please call me at 612-347-6787 or Bill Barry of Dome Pipeline Corporation at 319-688-5308.

Sincerely,

Natural Resource Group, Inc.

Joe Reinemann
Project Manager



Enclosures: Notice of Intent

Stormwater Pollution Prevention Plan Guidance Forms (6)
Project Location Map
Waterbody Crossing Table
Soils Crossed Table
Erosion Control and Revegetation Plan
Wetland and Water Crossing Procedures
Construction Spill Prevention, Containment and Control Plan

cc: Bill Barry, Dome Pipeline Corporation



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-391-00-657

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **15th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

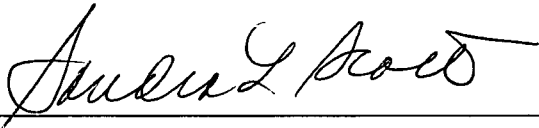
Notice of Filing and Notice of Hearing

The envelope was addressed as follows:

Brian R Bjella
P O Box 2798
Bismarck ND 58502-2798
Cert. No. 7000 0520 0022 8653 3287

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

Subscribed and sworn to before me
this **15th day of December, 2000**.





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Case No. PU-391-00-657

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra Scott deposes and says that:

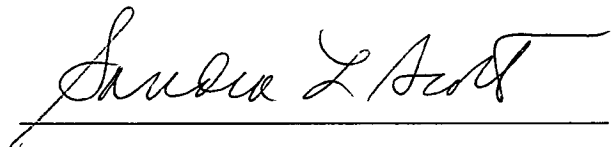
she is over the age of 18 years and not a party to this action and, on the **15th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Notice of Filing and Notice of Hearing

The envelopes were addressed as follows:

See Attached List

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



Subscribed and sworn to before me
this **15th day of December, 2000**.



Notary Public

SEAL



Myer Shark
2277 Gene Autry Tr Unit C
Palm Springs CA 92264

Stanley Wright
Box 97
Stanley ND 58784-0097

C Reichert
BNI Coal Ltd.
PO Box 897
Bismarck ND 58502-0897

Bob Fogarty
Cenex Minot Terminal
Box 429
Minot ND 58701-0429

Roger Branning
Corp of Engineers
District-Omaha Lake Sakakawea
Riverdale ND 58565

Roger Johnson
Department of Agriculture
State Capitol
Bismarck ND 58505

J Williams
Dome Pipeline Corporation
Plaza Center 1 #380
Iowa City IA 52240

Jim Luptak
Energy Development Impact Office
1707 N 9th St
Bismarck ND 58501

Ed Schafer
Governor's Office
State Capitol
Bismarck ND 58505

Jay Casler
INDEPTH DATA INC
211 N Robinson Ave Ste S-1500
Oklahoma City OK 73102-7101

Myer Shark
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

Phyllis Mensing
Associated Press
Box 2020
Fargo ND 58107-2020

Arvid Barstad
Cementing Service
710 W 15th St
Williston ND 58801

Jay Jones
Continental Pipeline Company
PO Box 2040
Dickinson ND 58602-2040

Laurie Baranko
Dakota Resource Council
PO Box 1095
Dickinson ND 58602-1095

Darell Farland
Department of Human Services
State Capitol
Bismarck ND 58505

Economic Development & Finance
1833 E Bismarck Expressway
Bismarck ND 58504

Cathy Callahan
Geo Resources Inc
PO Box 1505
Williston ND 58801-1505

Historical Society
North Dakota Heritage Center
Bismarck ND 58505

Indian Affairs Commission
State Capitol
Bismarck ND 58505

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PU-391-00-657

Copies To:

State Library (8 copies)

Historical Society

Associated Press

Scott, Sandi L.

From: Scott, Sandi L.
Sent: Friday, December 15, 2000 10:14 AM
To: 'colleenp@ndna.com'
Subject: Legal Notice

Case No. PU-391-00-657
Dome Pipeline Corporation
Hydrocarbon Pipeline/Stutsman County
Application

Colleen:

Please have the attached Notice published as a legal publication in the Jamestown Sun. Please publish the notice two times, once in the **Monday, December 18, 2000 edition and one more time prior to January 8, 2001.**

Please bill the Public Service Commission and include a tear sheet for billing purposes.

If you have any questions please call Sandi @ 328-4081. Thank you.

PS: Colleen as you requested I faxed a map that needs to be published along with this notice.



1.doc

7

PU-391-00-657

Pages: 1

Notice e-mailed to ND Newspaper
Association requesting publication
by Public Service Commission

1

12/15/2000

CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-391-00-657

NOTICE OF FILING AND NOTICE OF HEARING

December 20, 2000

On December 13, 2000, Dome Pipeline Corporation (Dome) filed a consolidated application for a waiver of procedures and time schedules and an amendment to its existing route permit for the construction and relocation of approximately two miles of 12-inch liquid hydrocarbon pipeline within its existing previously-designated corridor in Sections 4, 9, 10 and 11, T 144 N, R 63 W, Stutsman County, North Dakota, as shown on the attached map.

Dome states that a demonstrable emergency exists and the proposed line is of such length, design, location and purpose that it will produce minimal adverse effects. Dome requests the Commission (1) waive provisions of law that require separate applications, separate notices of hearing, separate hearings, and certain time schedules; and (2) issue an amendment to its existing Route Permit authorizing construction of the proposed project within its existing corridor.

A public Hearing on this matter will be held beginning Monday, January 8, 2000 at **1:30 P.M. (CST)** in the Stutsman County Courthouse, lower level, Whitney Room, 511 2nd Avenue SE, Jamestown, ND

The issues to be considered in this proceeding are:

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?

Anyone wishing to be heard regarding this proceeding will be given an opportunity at the hearing. Anyone wishing to become a party to the proceeding must file a petition to intervene with the Commission under N.D. Admin. Code Section 69-02-02-05.

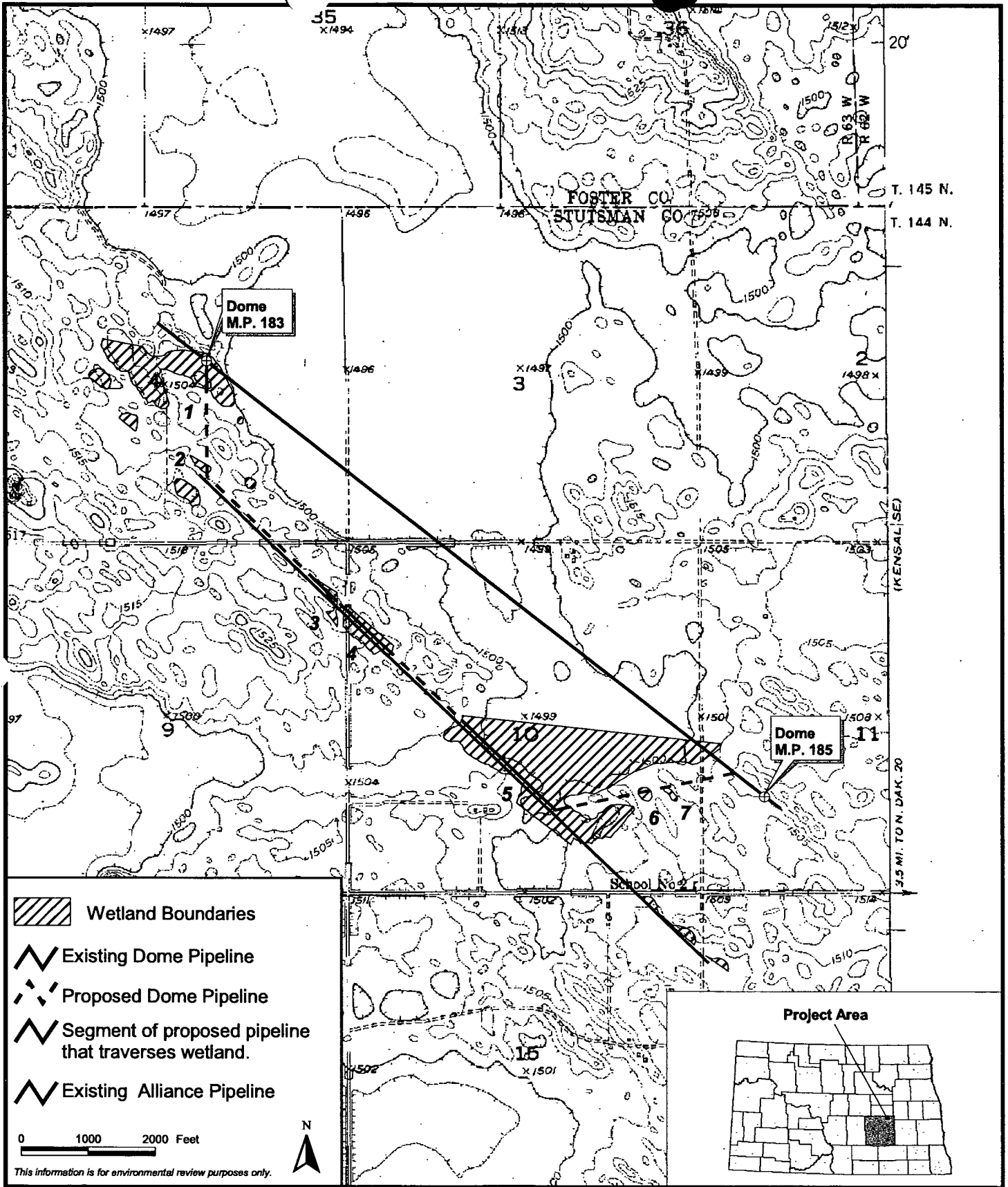
For more information, contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify Jon Mielke, Executive Secretary, at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION


Susan E. Wefald
Commissioner


Bruce Hagen
President


Leo M. Reinbold
Commissioner



- Wetland Boundaries
- Existing Dome Pipeline
- Proposed Dome Pipeline
- Segment of proposed pipeline that traverses wetland.
- Existing Alliance Pipeline

0 1000 2000 Feet



This information is for environmental review purposes only.

**Dome Pipeline Corporation
Route and Criteria Map
Township 144 N, Range 63 W**

DATE: 12/01/00
REVISED:
SCALE: 1:24,000
DRAWN BY: RSMcGREGOR
M:\CLIENTS\BPAMACOLA\PROJ\2000\12\1\DOMEDome.apr

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400 East Broadway, Suite 600, Norwest Bank Building

P. O. Box 2798, Bismarck, North Dakota 58502

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* Minnesota

° Montana

+ Iowa

ERNEST R. FLECK

(1921-1995)

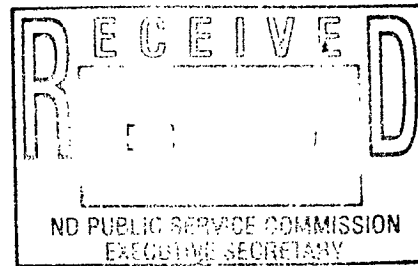
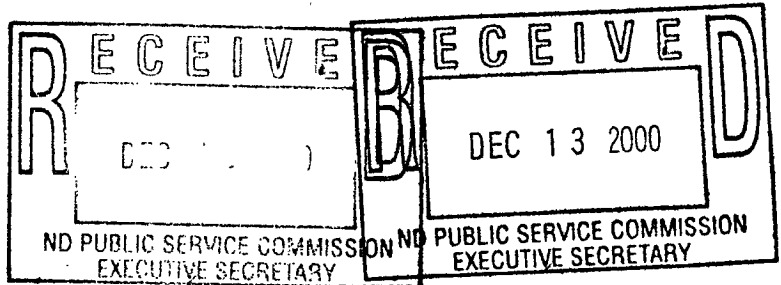
RUSSELL R. MATHER

(RETIRED)

December 13, 2000

HAND DELIVERED

Mr. Jon H. Mielke
Executive Secretary
ND PUBLIC SERVICE COMMISSION
State Capitol, 12th Floor
600 E. Boulevard
Bismarck, ND 58505-0480



Dear Mr. Mielke:

In re: Dome Pipeline Corp.
Application for Waiver of Procedures
and Time Schedules, and for
Amendment of Route Permit
Case No. PU-391-00-657
Our File No. 25290

Enclosed please find the original and 10 copies of the application for Waiver of Procedures and Time Schedules and for an Amendment of Route Permit in the captioned matter. Also enclosed is a check in the amount of \$5,000 for the filing fee.

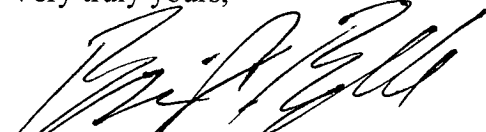
Pursuant to North Dakota Administrative Code § 69-06-05-01(3) by copy of this letter we shall also serve the county auditor of Stutsman County with one copy of the complete application.

On behalf of Dome Pipeline Corp., we respectfully request the Commission to render an expeditious decision in this matter.

Mr. Jon H. Mielke
Page 2

Please do not hesitate to call should you have any questions.

Very truly yours,



BRIAN R. BJELLA

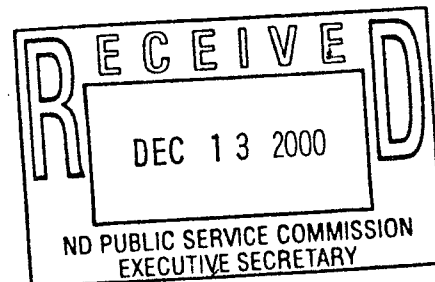
bw
Enc.
cc:
Lary Olson (w/enc.)
Auditor of Stutsman County

Bill Barry

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

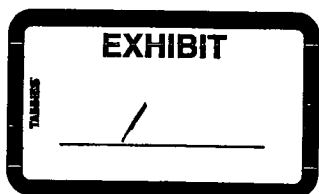
IN THE MATTER OF THE APPLICATION
OF DOME PIPELINE CORP. FOR
CONSTRUCTION OF APPROXIMATELY
TWO MILES OF 12.75 INCH DIAMETER
PIPE LINE IN STUTSMAN COUNTY
WITHIN THE PREVIOUSLY APPROVED
CORRIDOR AND WITHIN ACQUIRED
RIGHT-OF-WAY, FOR THE PURPOSE OF
TRANSPORTING LIQUID
HYDROCARBONS FROM CANADA TO
MARKETS IN ILLINOIS, INDIANA, OHIO,
MICHIGAN AND ONTARIO, CANADA.

Case No. PU-391-00-657



**CONSOLIDATED APPLICATION OF DOME PIPELINE CORP.
FOR A WAIVER OF PROCEDURES AND TIME SCHEDULES
AND FOR AN AMENDMENT OF ROUTE PERMIT**

Dome Pipeline Corp. ("Dome"), whose post office address is 125 South Dubuque Street, Iowa City, Iowa 52240, pursuant to the Energy Conversion and Transmission Facility Siting Act, codified in North Dakota Century Code Chapter 49-22 ("Act"), hereby submits this Consolidated Application for a Waiver of Procedures and Time Schedules and for Amendment to Route Permit, requesting that the North Dakota Public Service Commission ("Commission") [1] waive, pursuant to North Dakota Century Code § 49-22-07.2, § 49-22-13(2), and North Dakota Administrative Code § 69-06-01-02(3) and Chapter 69-06-06, the provisions of North Dakota Century Code § 49-22-08(5), § 49-22-08.1(5), § 49-22-13 and North Dakota Administrative Code § 69-06-01-02 which require separate filings of such applications, hearings on such applications and certain time schedules as set forth in said statutes and rules; [2] not hold a public hearing on this waiver request, but pursuant to North Dakota Century Code § 49-22-13(2) and North Dakota Administrative Code § 69-06-01-02(3), publish a notice of opportunity for hearing as provided therein; [3] find that a



-1-

4 PU-391-00-657 Pages: 76
Consolidated App for Waiver of
Procedures & Time Schedules &
by Dome Pipeline Corporation
Exhibit # 1
12/13/2000 CC: Comm Legal PUD (3)

demonstrable emergency exists which requires immediate construction and that adherence to the procedures and time schedules could jeopardize the utility's system; [4]that pursuant to North Dakota Century Code § 49-22-13(4), provide in the notice of opportunity for hearing that any requests for a hearing be made in not more than seven days; and [5] designate and approve the amended route as identified on the maps included with this Application and issue the appropriate Amended Route Permit.

The Commission's Application Guidelines for Waiver of Procedures and Time Schedules requires a description of the facility, the need for the facility, the cost of the facility and separate justification for each provision of the Act for which the applicant is requesting a waiver, together with evidence that the project will produce minimal adverse effects or that a demonstrable emergency exists. As demonstrated in this Application, and summarized below, Dome's requests for a waiver of procedures and time schedules and the issuance of an Amended Route Permit are justified as the proposed pipeline is of such design, location and purpose that it will produce minimal adverse effects and as a demonstrable emergency exists which requires immediate construction.

DESCRIPTION:

The proposed nominal 12-inch outside diameter pipeline will deviate approximately two miles in length and will be constructed within previously-acquired easements. The pipeline will be buried underground adjacent to the existing underground pipeline facilities of Alliance pipeline. Enclosed with this Application is a map of the proposed route deviation. Dome requests that this map be accepted as a substitute for the mylar maps required by Commission application guidelines.

NEED:

Dome has identified in a very recent x-ray survey corrosion in a portion of a segment of the current pipeline which is proposed to be abandoned; and recommends to the Commission that the requested waivers of procedures and time schedules be granted so that construction may be commenced as soon as Commission procedures will allow.

COST:

The estimated cost of this route deviation is approximately \$1 million.

Enclosed is a check for the filing fee as assessed and payable to the Commission in the amount of \$5,000.

JUSTIFICATION:

In 1976, in Case No. 9400, the Commission issued Corridor Certificate No. 3 to Dome Pipeline Corporation. The Commission approved a corridor six miles in width. It is very relevant to note that this proposed route deviation is contained within the approved corridor. It is also relevant to note that this area has been extensively studied as approximately two years ago the Alliance pipeline was constructed in the immediate vicinity, with extensive environmental data having been compiled, reviewed and approved by the United States Federal Energy Regulatory Commission in approving the Alliance pipeline project.

Also in Case No. 9400, on August 1, 1977, the Commission issued Route Permit No. 4 to Dome Pipeline Corporation for construction of the pipeline facility.

The proposed pipeline facility will be nominally buried 36 inches below the surface, there will be no adverse affects on agricultural or other uses on the property as construction will occur during the winter. The right-of-way consists of agricultural cropland or pasture. The proposed

pipeline will be located within previously acquired easements, as all affected landowners have approved of the project.

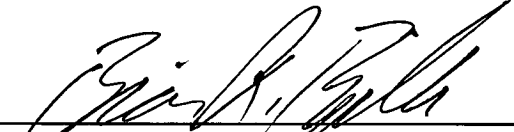
For the foregoing reasons, Dome submits there is substantial justification for granting waivers of the requested procedures and time schedules in order that this pipeline facility be constructed as soon as practicable in order to preclude any possible harm to the environment.

Dome respectfully requests the Commission to grant the requested waivers and to render an expeditious decision approving this route amendment.

Dated this 13th day of December, 2000.

Respectfully submitted,

DOME PIPELINE CORP.

By  _____

Brian R. Bjella
FLECK, MATHER & STRUTZ, Ltd.
Attorneys for Applicant
400 North Broadway, Suite 600
P.O. Box 2798
Bismarck, North Dakota 58502

**Dome Pipeline Corporation
Application for Amendment to
Route Permit No. 4
filed before the
Public Service Commission of North Dakota
December 11, 2000**

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ATTACHMENTS

Attachment A	Pipeline Design Data Report
Attachment B	Route and Criteria Map
Attachment C	Construction Mitigation Plans
Attachment D	Contractor Safety, Health, and Environmental Policy
Attachment E	Agency Correspondence
Attachment F	Qualifications
Attachment G	Detailed Maps

**Dome Pipeline Corporation
Environmental Information Supporting
Application for Amendment to
Route Permit No. 4**

1.0 Description of Transmission Facility

1.1 Type of Facility

Dome Pipeline Corporation (Dome) owns and operates an existing buried natural gas liquids (NGL) pipeline system within the States of North Dakota, Minnesota, Iowa and Illinois. The Dome pipeline system consists of nominal 12-inch diameter welded steel pipe and associated pump stations, valves and miscellaneous appurtenances. The North Dakota portion of this pipeline system was authorized by the Commission in Case number 9400 on August 1, 1977.

Dome is now planning the replacement of approximately two miles of its existing pipeline in Stutsman County, North Dakota. During an internal inspection of the pipeline in November 2000, anomalies were identified along this segment of pipeline. Typically, when anomalies are detected, the pipeline is exposed, inspected and either repaired or replaced in situ. However, at the location these anomalies were detected, a large inundated wetland has formed over the existing pipeline, greatly complicating any inspection and repair efforts at this location. Therefore, Dome has determined that it is necessary to install a replacement segment of pipeline to bypass the area where the anomalies were identified.

No additional above-ground facilities (e.g. pump stations, block valves or other facilities) will be constructed as part of this replacement project except for small test lead stations to be installed for the cathodic protection system. Test leads will be installed at property and fence lines or road crossings, and are typically located with small pipeline marker signs used to show the location of the buried pipeline.

1.2 Product

The replacement segment and existing pipeline will transport light hydrocarbon liquids such as propane, ethane, ethylene, butane and pentane. These compounds will be used primarily as fuels and as feed stocks for synthetic natural gas plants and petrochemical plants.

1.3 Size and Design

The replaced pipe will be nominal 12-inch (inner diameter) welded steel pipe, complying in all respects with Part 195 of the United States Department of Transportation safety codes. The pipeline will be buried a minimum of 36 inches below the ground surface. The system will operate at a maximum pressure of 1440 psi, which is 72 percent of the maximum design pressure of 2000 psi. A copy of Dome's Pipeline Design Data Report is included in Attachment A of this document.

1.4 Schedule

In order to continue safe operations and maintain compliance with applicable pipeline codes, Dome plans to complete this replacement as soon as feasible. The anticipated dates to accomplish the major pipeline replacement tasks are as follows:

- a. Route Permit – January 10, 2001
- b. Right-of-Way Acquisition – (Complete)
- c. Construction Start Date – January 10, 2001
- d. Test Operations – February 7, 2001
- e. In-service Date – February 14, 2001

2.0 Location

The proposed pipeline segment is located between Dome mileposts (MPs) 183.0 and 184.9 in T44N, R63W, Sections: 4, 9, 10 and 11, Stutsman County, North Dakota. The replacement segment generally parallels the existing Dome Pipeline, however a large inundated wetland has formed over the existing pipeline. Therefore, the replacement segment departs from the existing Dome alignment and traverses generally south for a distance of approximately 1,650 feet until it meets the Alliance Pipeline route. It then parallels the existing Alliance pipeline for a distance of about 7,230 feet. The replacement segment then deviates northeast and rejoins the existing Dome Pipeline at MP 185.0. A map depicting the location of the proposed pipeline segment in relation to the existing Dome and Alliance pipelines is provided in Attachment B.

No public lands are crossed by the proposed project. Dome has successfully acquired by negotiation all necessary rights-of-way from the landowners crossed by the replacement pipeline segment. The affected landowners are aware of the project, the route of the proposed pipeline segment, the proposed construction methods and schedule for completing this work.

3.0 Policies and Commitments

Dome is committed to constructing and operating its pipeline system in a manner that minimizes impacts to the environment. Dome has initiated consultations with appropriate environmental agencies and is currently obtaining necessary environmental permits for this project.

Dome has developed appropriate construction plans to minimize the potential for adverse impacts to environmental resources due to soil erosion, construction in wetlands and accidental spills during construction. These plans are provided in Attachment C, and will be used to guide construction and maintenance for the replacement pipeline system. In addition, Dome will require its construction contractor to comply with all applicable permits issued for the project and Dome's *Contractor Safety, Health, and Environmental Policy*. A copy of Dome's Safety, Health and Environmental Policy is provided in Attachment D.

4.0 Factors Considered in Section 49-22-09

Section 49-22-09 of the Energy Conversion and Facilities Siting Act identifies those factors to be considered in evaluating and designation of sites, corridors, and routes. The follow discussion assesses the planned pipeline segment route in relation to those factors.

4.1 Available Research/Investigations

The existing Dome pipeline route was previously evaluated and approved by the North Dakota Public Service Commission (PSC) on 8/1/77 under Docket Number 9400. Although the new pipeline segment diverges from Dome's existing alignment, the new pipeline segment would be located entirely within the corridor originally studied for the Dome Pipeline. As indicated in the Findings of Fact for Dome's original Route Permit, no sensitive areas, exclusion or avoidance areas were identified in Stutsman County.

Additionally, the majority of the replacement pipeline route will parallel the recently constructed Alliance Pipeline. The Alliance route was extensively evaluated for environmental criteria and approved by the Federal Energy Regulatory Commission (FERC) under FERC Docket Number CP97-198-000. The Dome replacement pipeline will be offset north of the Alliance Pipeline by approximately 63 feet for 1.4 miles and also follows an area evaluated by Alliance for construction access on the east leg of the proposed route.

FERC and other Federal, state, and local agencies (including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, State Historic Preservation Office, etc.) evaluated the Alliance pipeline route for environmental impacts, and public health and welfare issues. These reviews included assessments required under the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and other applicable state and local requirements.

Natural Resource Group, Inc. (NRG), the environmental consulting firm that conducted the environmental impact assessments for the Alliance Pipeline, has reviewed studies completed for the Alliance project in order to identify any significant environmental issues associated with the Dome pipeline replacement segment. As discussed in the subparts below, the results of those reviews and the absence of notable environmental or public health/safety issues within the Alliance Pipeline project area document the suitability of the proposed route for the replacement pipeline segment.

For that portion of the route outside the Alliance corridor (*i.e.* the west end of the proposed route) NRG has evaluated available published information (e.g. National Wetland Inventory Maps, topographic maps, current aerial photographs, etc.), and conducted a field inspection of the route. Finally, NRG has initiated agency consultations for the entire Dome replacement segment route. Based on these evaluations, it appears that the project will not adversely affect environmentally sensitive areas.

4.2 Environmental Effects

No significant adverse direct or indirect environmental effects are anticipated due to construction or operation of the replacement pipeline other than the temporary disturbance of soils and vegetation during construction. The proposed replacement pipeline route will be constructed across primarily agricultural uplands, and will not result in long-term changes in land use or other irreversible or irretrievable commitment of natural resources.

Construction is scheduled to occur under frozen conditions (in January) which will prevent rutting or soil compaction by construction equipment. The Dome construction right-of-way will be up to 100 feet wide but the area of area of disturbance will essentially be limited to directly over the trench line due to construction under the frozen conditions. Additional workspace of up to 50 feet wide by 100 feet long may be needed at road and wetland crossings and at the tie-in locations at the existing Dome Pipeline. After construction Dome will retain a 60-foot permanent right-of-way over the newly installed pipeline.

Wetlands

The proposed route will cross seven wetland areas totaling approximately 4,260 feet in crossing length (see Attachment B). These wetlands are not typically inundated or deep water wetland areas, and impacts to the wetlands and nesting waterfowl would be minimized or avoided by construction under frozen conditions. Additionally, Dome would implement the protective measures identified in Dome's Wetland and Waterbody Crossing Procedures (Attachment C) to preserve these wetlands.

4.3 Route Alternatives

As described previously, pipelines anomalies are typically exposed, inspected and either repaired or replaced in situ. However, the large inundated wetland that exists over the existing pipeline would greatly complicate inspection and repair efforts at this location. Therefore, Dome has determined that it is necessary to install a replacement segment of pipeline to bypass the area where the anomalies were identified.

In identifying a proposed route for the replacement segment, Dome sought routes that met the following criteria:

- Avoid the inundated wetland area that complicates repair or replacement of the existing pipeline.
- Minimize the amount of additional pipeline to be installed, thereby minimizing the area of disturbance and potential disruption to landowners
- Minimize the creation of new pipeline corridor and associated encumbrances on land use by paralleling other existing pipeline facilities to the maximum extent practicable.
- The proposed route is agreeable to the landowners affected by the route.

The proposed route satisfies all of the above criteria; No other reasonable alternatives have been identified or are under consideration.

4.4 Economic Impacts/Development Plans

Direct economic impacts of the proposed pipeline will be small due to the relatively small size and short duration of the project. However, indirect economic impacts will be significant and positive in that the pipeline will be repaired and the facility will be able to continue transporting product to market. The project will not affect existing state, local or private development plans at or in vicinity of the route.

4.5 Sensitive Sites

Cultural Resources

The likelihood of encountering significant cultural resources within the project area is low. In 1997 and 1998, Alliance Pipeline conducted comprehensive archaeological surveys along its proposed route in the vicinity of the proposed Dome replacement project. The Alliance survey was conducted to satisfy National Historic Preservation Act requirements, and the results of that survey were reviewed by the State Historical Society of North Dakota (SHSND) under Document No. 96-651. Only one site, 32SNX213, was recorded near the Alliance pipeline route in the vicinity of the Dome pipeline replacement. Site 32SNX213 was recorded under excellent conditions at a location just west of the township road that divides Sections 9 and 10, T.144N, R.63W. The site consisted of an isolated lithic artifact that is not eligible for the National Register of Historic Places.

The Alliance survey corridor was 300 feet wide, with the survey corridor centered over the pipeline. The proposed Dome replacement segment would lie 63 feet north of the Alliance pipeline therefore the Dome construction right-of-way lies entirely within the previously surveyed Alliance corridor for the entire length of the segment where the two pipelines are parallel.

NRG believes that the likelihood of impacting previously unreported significant archaeological resources during construction of the proposed two miles of pipeline is minimal because the Alliance survey covered much of the proposed construction ROW for the replacement project so there will be no impact on archaeological resources in those areas. Further, Alliance surveyed a wide corridor under excellent field conditions and recorded only a lithic isolate in the area. Based on the lack of archaeological resources located during the Alliance survey in this area, the extent of the previous survey, and the presence of active agricultural land throughout the project area, it appears that the probability of significant resources within the proposed unsurveyed project area is low.

Further, construction of the existing Dome Pipeline would have disturbed the areas immediately adjacent to the proposed replacement section. It is expected that previous construction disturbed the tie-in locations at approximate Mileposts 183 and 184.9 for the proposed project. Finally, by undertaking construction during the winter with frozen ground conditions, the impact of construction is expected to be limited to excavation of the pipe trench itself. The trench will be approximately five feet wide.

Soils excavated from the trench will be placed on the frozen, potentially snow-covered ground north of the trench. Although heavy equipment will be running along the trench, frozen ground will prevent the equipment from rutting the ground surface and there will be no impacts to any resources that may be located below the plowzone. The effect of operating construction equipment in these areas is expected to be less than that created by farm equipment during other seasons of the year.

NRG has initiated consultations with the State Historic Preservation Office concerning this project. A copy of NRG's letter is provided as Attachment E of this application.

Endangered Species

Because the route is located primarily within agricultural land, no biologically unique areas or habitats for rare and endangered species are suspected within the project area. To confirm that no federally listed endangered species are known within the project area, NRG submitted a consultation letter to the U.S. Fish and Wildlife Service on behalf of Dome on December 4, 2001 (see Attachment E). In 1997, Alliance obtained information from the U.S. Fish and Wildlife Service about Federally listed threatened or endangered species and their critical habitats, and no species or habitats were identified within the proposed project area. Further minimizing effects to sensitive biological resources, construction is proposed to occur in winter (January) which will minimize adverse effects to the ground surface, wetlands, and wildlife.

4.6 Agency Consultations/Permits

Dome is currently obtaining necessary environmental and civil permits for the project. The following table lists the approvals or authorizations required by federal, state, or local agencies that are being sought by Dome:

Dome Pipeline Replacement Project Federal, State, and Local Permits and Certificates			
Issuing Agency	Type of Approval	Date of Application	Date of Approval
North Dakota Public Service Commission	Route Permit	December 13, 2000	Jan. 2001
North Dakota State Historical Preservation Office	National Historic Preservation Act compliance (Section 106)	December 5, 2000	Jan. 2001
U.S. Fish and Wildlife Service	Endangered Species Act compliance (Section 7)	December 4, 2000	Jan. 2001
U.S. Army Corps of Engineers	Dredge and Fill Permit (Section 404)	December 2000	Jan. 2001
North Dakota Department of Health	401 Water Quality Certification	December 2000	Jan. 2001
North Dakota Department of Health	NPDES Stormwater Discharge Permit (Construction)	December 2000	Jan. 2001
Stutsman County	Right-of-way and Road Approach Permits	December 2000	Jan. 2001
Nogosek Township	Right-of-way and Road Approach Permits	December 2000	Jan. 2001

5.0 Route Criteria

The replacement pipeline route was selected to meet the criteria outlined in Section 4.3 (Route Alternatives). The relative value of avoiding the inundated wetland and collocating with another facility were both high enough to justify deviating from the existing Dome pipeline between Dome mileposts (MPs) 183.0 and 184.9. The proposed route will require approximately 1,800 feet of additional pipe to be installed

over the length that would be required to follow the existing Dome pipeline. Construction of the pipeline in uplands will also be less difficult to complete and result in minimized future maintenance and operation issues.

5.1 Exclusion/Avoidance Areas

The route will not affect any exclusion areas or avoidance areas as listed in R69-06-08-02 of the Energy Conversion and Transmission Facility Siting Act (Act), therefore no criteria are indicated on the Route and Criteria Map included in Attachment B. NRG has identified one parcel near the proposed route in Section 9, T.144N, R.63W that is known to be under a FWS wetland easement, however, that parcel will not be crossed by the Dome pipeline or its construction right-of-way.

5.2 Selection Criteria

The project will not have a permanent impact on agricultural production, family farms or ranches, topography, water supplies, or drainage patterns. To preserve agricultural productivity, topsoil will be segregated from subsoil directly over the trench line and restored as near as possible to its preconstruction condition upon completion of the project. Soils excavated from the trench will be placed on the frozen, potentially snow-covered ground north of the trench. Although heavy equipment will be running along the trench, frozen ground will prevent the equipment from rutting the ground surface and there will be no impacts to any resources that may be located below the plowzone. The effect of operating construction equipment in these areas is expected to be less than that created by farm equipment during other seasons of the year.

No noise sensitive land uses are present within the project area, therefore no noise impacts are anticipated. The visual effect on the adjacent area will be short term, and will be virtually identical to existing conditions due to the presence of existing pipelines in the project area. No significant above-ground appurtenances are planned, further minimizing visual impacts. The project will not have an effect on extractive and storage resources or woodlands.

5.3 Policy Criteria

Dome believes this project is consistent with the Policy criteria set forth in the Act including a beneficial, albeit minor, economic impact on local businesses during construction.

5.4 Design and Construction Limitations; Economic Considerations

The project is utilizing existing rights-of-way and the previously approved corridor for the Dome Pipeline. Dome has designed the pipeline replacement to satisfy the criteria outlined in Section 4.3 and plans to construct under frozen ground conditions. No additional pipeline capacity has been included in the design. The economic considerations are primarily limited to maintaining the pipeline's ability to safely transport its product to market.

6.0 Mitigative Measures

Environmental mitigative measures are outlined in the Dome construction mitigation plans included as Attachment C. These measures describe the erosion and sediment controls, wetland construction techniques, and restoration measures to be implemented to minimize the potential impacts of construction.

7.0 Qualifications

This report was prepared by Natural Resource Group, Inc. under the direction of Joseph C. Reinemann. Resumes of the staff that prepared this document are provided in Attachment F.

8.0 Maps

Detailed maps that show the proposed route and existing facilities are included as Attachment G.

Attachment A – Pipeline Design Data Report

Dome Pipeline Corporation
Pipeline Design Data Report

Pipe Diameter: Nominal 12-inch

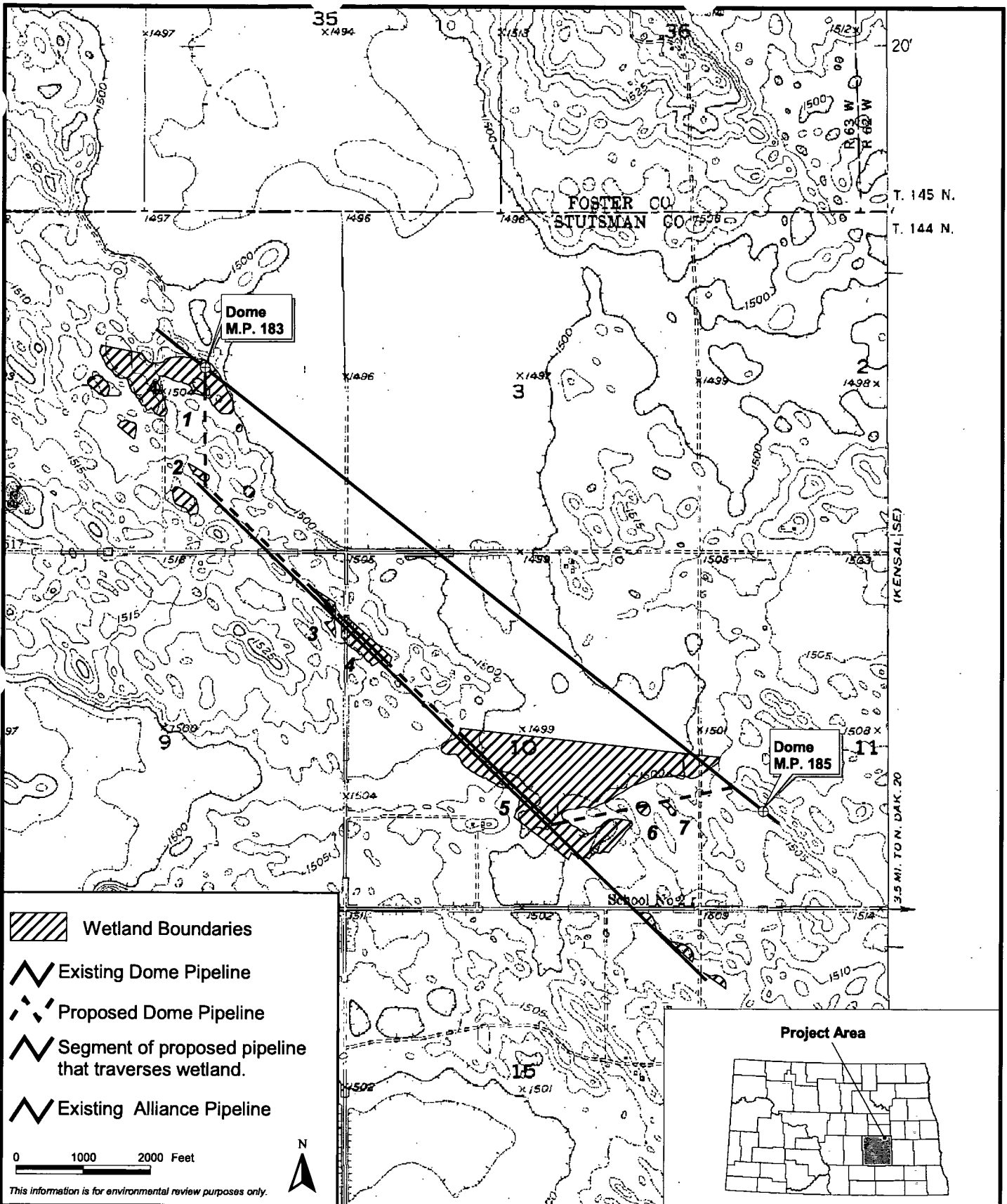
Specification: API 5L PSL2 Grade X-60 ERW Pipe

Coating: Tubular, external, yellowjacket

Wall Thicknesses 0.219 (mainline)
0.281 (road crossings)

Maximum Design Operating Pressure: 2,000 psi

Attachment B –Route and Criteria Map



This information is for environmental review purposes only.

Dome Pipeline Corporation Route and Criteria Map Township 144 N, Range 63 W

DATE: 12/01/00
REVISED:
SCALE: 1:24,000
NATURAL RESOURCE CONSULTANTS, INC. DRAWN BY: RSMcGREGOR
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Attachment C – Construction Mitigation Plans

**DOME PIPELINE CORPORATION
PIPELINE REPLACEMENT PROJECT**

EROSION CONTROL AND REVEGETATION PLAN

Version: December 7, 2000

EROSION CONTROL AND REVEGETATION PLAN

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1. Typical Construction ROW
2. Typical Soil Erosion Control Measures

EROSION CONTROL AND REVEGETATION PLAN (PLAN)

I. APPLICABILITY

- A. This Plan applies to non-wetland areas of the project. Wetland and waterbody crossings are addressed in the Wetland and Waterbody Procedures (Wetland Procedures).
- B. Deviations that involve measures different from those contained in this Plan will only be with the approval of Dome or his/her designee and must provide an equal or greater level of protection.
- C. The intent of this Plan is to confine project-related disturbance to project areas (such as construction right-of-way and extra work areas), and to minimize erosion and enhance revegetation in those areas.
- D. This Plan will be implemented as appropriate for all areas that are disturbed by construction-related activities

II. INSTALLATION

A. APPROVED AREAS OF DISTURBANCE

- 1. Confine construction activity and ground disturbance to Company approved areas.
- 2. The construction right-of-way width may not exceed 100 feet (Figure 1) unless specified and approved by Dome.

B. TOPSOIL SEGREGATION

- 1. Use topsoil segregation methods in all residential areas and when the construction right-of-way is wider than 30 feet in:
 - < annually cultivated or rotated agricultural lands (except pasture);
 - < hayfields; and
 - < other areas at the landowner's request.
- 2. Prevent the mixing of topsoil with subsoil by stripping topsoil from the trench, or the trench and subsoil storage area (ditch plus spoilside method) as directed by Dome.

C. DRAIN TILES

- 1. Mark drain tile locations identified during construction.
- 2. Inspect all drainage tile systems within the area of disturbance to check for damage.
- 3. Repair damaged drain tiles to their origin at or better condition. Do not use filter-covered drain tiles unless approved by the landowner. Use qualified personnel for testing and repairs.
- 4. For new pipelines in areas where drain tiles exist or are planned, ensure that the depth of cover over the pipeline is sufficient to avoid interference with drain tile systems. For adjacent pipeline loops in agricultural areas, install the new pipeline with at least the same depth of cover as the existing pipeline(s).

D. IRRIGATION

Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties.

E. ROAD CROSSINGS AND ACCESS POINTS

1. Maintain safe conditions at all road crossings at all times.
2. If crushed stone access pads are used in residential or active agricultural areas, place the stone on synthetic fabric to facilitate removal.

F. TEMPORARY EROSION CONTROL

Install temporary erosion controls immediately after initial disturbance of the soil. Temporary erosion controls must be properly maintained throughout construction (on a daily basis) and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration is complete.

1. Temporary Slope Breakers
 - a. Temporary slope breakers are intended to reduce runoff velocity and divert water off the construction right-of-way. Temporary slope breakers may be constructed of materials such as soil, silt fence, staked hay or straw bales, or sand bags.
 - b. Construct temporary slope breakers as needed at the following spacing:

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
> 30	100

- c. Direct the outfall of each temporary slope breaker to a stable, well vegetated area or construct an energy-dissipating device at the end of the slope breaker and off the construction right-of-way.
 - d. Inspect and maintain temporary slope breakers.
2. Sediment Barriers
 - a. Sediment barriers are intended to stop the flow of sediment. They may be constructed of materials such as silt fence, staked hay or straw bales, or sand bags (Figure 2).
 - b. Install temporary sediment barriers at the base of slopes adjacent to road crossings until disturbed vegetation has been reestablished.
 - c. Install temporary sediment barriers at appropriate locations to prevent siltation into waterbodies or wetlands crossed by or near the construction work area (as required in the Procedures).
 - d. Inspect and maintain all temporary sediment barriers.
 - e. Maintain all temporary sediment barriers in place until permanent revegetation measures are successful or the upland areas adjacent to wetlands, waterbodies, or roads are stabilized.

- f. Remove temporary sediment barriers from an area when that area is successfully restored.

3. Mulch

- a. Mulch is intended to stabilize the soil surface. Mulch can consist of straw, hay, erosion control fabric, or some functional equivalent.
- b. Apply mulch in accordance with the specifications outlined in this section except, if mulching before seedling, increase mulch application on all slopes within 100 feet of waterbodies and wetlands to a rate of 3 tons/acre.
- c. Mulch before seeding if:
 - (1) final cleanup, including final grading and installation of permanent erosion control measures, is not completed in an area within 10 days after the trench in that area is backfilled; or
 - (2) construction or restoration activity is interrupted for extended periods, such as when seeding cannot be completed due to seeding period restrictions;
- d. On all dry, sandy sites and slopes greater than 8 percent, spread mulch uniformly over the area to cover at least 75 percent of the ground surface at a rate of 2 tons/acre of straw or hay or its equivalent, unless the local soil conservation authority makes other recommendations in writing. If wood chips are used as mulch, do not use more than 1 ton/acre and add the equivalent of 11 lbs/acre available nitrogen (at least 50 percent of which is slow release).
- e. If a mulch blower is used, the strands of the mulching material shall be at least 8 inches long to allow anchoring.
- f. Ensure that mulch is anchored to minimize loss by wind and water.
- g. When anchoring by mechanical means, use a mulch anchoring tool to properly crimp the mulch to a depth of 2 to 3 inches.
- h. When anchoring with liquid mulch binders, use rates recommended by the manufacturer. Do not use liquid mulch binders within 100 feet of wetlands or waterbodies.
- i. Install erosion control fabric, such as jute thatching or bonded fiber blankets, at a minimum, on waterbody banks at the time of final bank recontouring. Anchor the erosion control fabric with staples or other appropriate devices.

III. RESTORATION

A. CLEANUP

- 1. Make every effort to complete final cleanup of an area (including final grading and installation of permanent erosion control structures) within 10 days after backfilling the trench in that area. If this schedule cannot be met, final cleanup must be completed as soon as possible. In no case shall final cleanup be delayed beyond the end of the next recommended seeding season.

2. A travel lane may be left open temporarily to allow access by construction traffic if the temporary erosion control structures are installed as specified in section II.F. and inspected and maintained. When access is no longer required the travel lane must be removed and the right-of-way restored.
3. Excess rock, including blast rock may be used to backfill the trench to the top of the existing bedrock profile.
4. Remove excess rock from at least the top 12 inches of soil to the extent practicable in all rotated and permanent crop land, hayfields, pastures, residential areas, and other areas at the landowner's request. The size, density, and distribution of rock on the construction work area should be similar to adjacent areas not disturbed by construction. Make diligent efforts to remove stones greater than 4 inches if the off right-of-way areas do not contain stones greater than 4 inches. The landowner may approve other rock size provisions in writing.
5. Remove construction debris from the right-of-way and grade the right-of-way to leave the soil in the proper condition for planting.

B. PERMANENT EROSION CONTROL DEVICES

1. Trench Breakers

- a. Trench breakers are intended to slow the flow of subsurface water along the trench. Trench breakers may be constructed of materials such as sand bags or polyurethane foam. Do not use topsoil in trench breakers.
- b. An engineer or similarly qualified professional shall determine the need for and spacing of trench breakers. Otherwise, trench breakers shall be installed at the same spacing as and upslope of permanent slope breakers.
- c. In agricultural fields and residential areas where slope breakers are not typically required, install trench breakers at the same spacing as if permanent slope breakers were required.
- d. Install trench breakers at the base of slopes adjacent to waterbodies and wetlands and where needed to avoid draining of a wetland.

2. Permanent Slope Breakers

- a. Permanent slope breakers are intended to reduce runoff velocity and divert water off the construction right-of-way. Permanent slope breakers may be constructed of materials such as soil and sand bags.
- b. Construct and maintain permanent slope breakers in all areas, except cultivated areas and lawns, using the spacing recommendations obtained from the local soil conservation authority. In the absence of written recommendations, use the spacing for temporary slope breakers provided in section II.F.1.b.
- c. Construct slope breakers with a 2 to 8 percent outslope to divert surface flow to a stable area. In the absence of a stable area, construct appropriate energy-dissipating devices off the construction right-of-way. Where slope breakers extend beyond the edge of the construction right-of-way to direct runoff into stabilized areas, they are subject to compliance with all applicable survey requirements.

C. SOIL COMPACTION MITIGATION

1. Plow severely compacted agricultural areas with a paraplow or other deep tillage implement. In areas where topsoil has been segregated, plow the subsoil before replacing the segregated topsoil. Alternatively, make arrangements with the landowner to plant and plow under a "green manure" crop, such as alfalfa, to decrease soil bulk density and improve soil structure. If subsequent construction and cleanup activities result in further compaction, conduct additional tilling.
2. Perform appropriate soil compaction mitigation in severely compacted residential areas.

D. REVEGETATION

1. General

- a. Return agricultural areas to preexisting grade to enable cultivation; do not actively revegetate agricultural areas unless requested by the landowner or specified by Dome.
- b. Restore all turf, ornamental shrubs, and specialized landscaping in accordance with the landowner's request, or compensate the landowner. Restoration work must be performed by personnel familiar with local horticultural and turf establishment practices.

2. Soil Additives

Fertilize and add soil pH modifiers in accordance with landowner requests. Incorporate any recommended soil pH modifier and fertilizer into the top 2 inches of soil as soon as possible after application.

3. Seeding Requirements

- a. Prepare a seedbed in disturbed areas to a depth of 3 to 4 inches using appropriate equipment to provide a firm seedbed. When hydroseeding, scarify the seedbed to facilitate lodging and germination of seed.
- b. Seed disturbed areas in accordance with Dome's recommendations for seed mixes, rates, and dates
- c. Perform seeding of permanent vegetation within the recommended seeding dates. If seedling cannot be done within those dates, use appropriate temporary erosion control measures discussed in this Plan and perform seeding of permanent vegetation at the beginning of the next recommended seeding season.
- d. Seed slopes steeper than 33 percent immediately after final grading, weather permitting.
- e. Seed all disturbed soils within 6 working days of final grading, weather and soil conditions permitting.
- f. Base seeding rates on Pure Live Seed. Use seed within 12 months of seed testing.
- g. Uniformly apply and cover seed in accordance with the written recommendations of the local soil conservation authorities or land management agencies.

IV. POST-CONSTRUCTION ACTIVITIES

A. MONITORING AND MAINTENANCE

1. Conduct follow-up inspections of all disturbed areas after the first and second growing seasons to determine the success of revegetation.
2. Restoration shall be considered successful if the right-of-way surface condition is similar to adjacent undisturbed lands, revegetation is successful, and all temporary erosion control devices are removed.

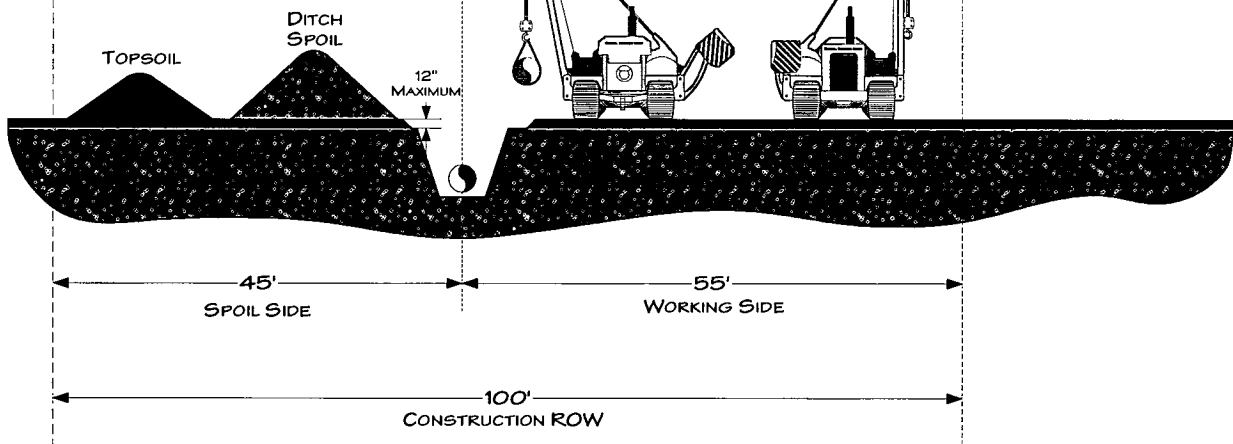
Figure 1

Typical Construction ROW

CONSTRUCTION
ROW
BOUNDARY

PROPOSED
PIPELINE

CONSTRUCTION
ROW
BOUNDARY



PROFILE

NOTES:

1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 100'. ADDITIONAL TEMPORARY WORKSPACE WILL BE NECESSARY AT MAJOR ROAD, RAIL, RIVER CROSSINGS, SIDESLOPES, WHERE FULL RIGHT-OF-WAY TOPSOIL STRIPPING IS CONDUCTED, AND OTHER SPECIAL CIRCUMSTANCES AS REQUIRED.
2. THIS DRAWING REFLECTS "DITCH ONLY" TOPSOIL STRIPPING PROCEDURE.
3. STOCKPILE TOPSOIL SEPARATELY FROM DITCH SPOIL AS SHOWN OR IN CONFIGURATION APPROVED BY THE INSPECTOR.



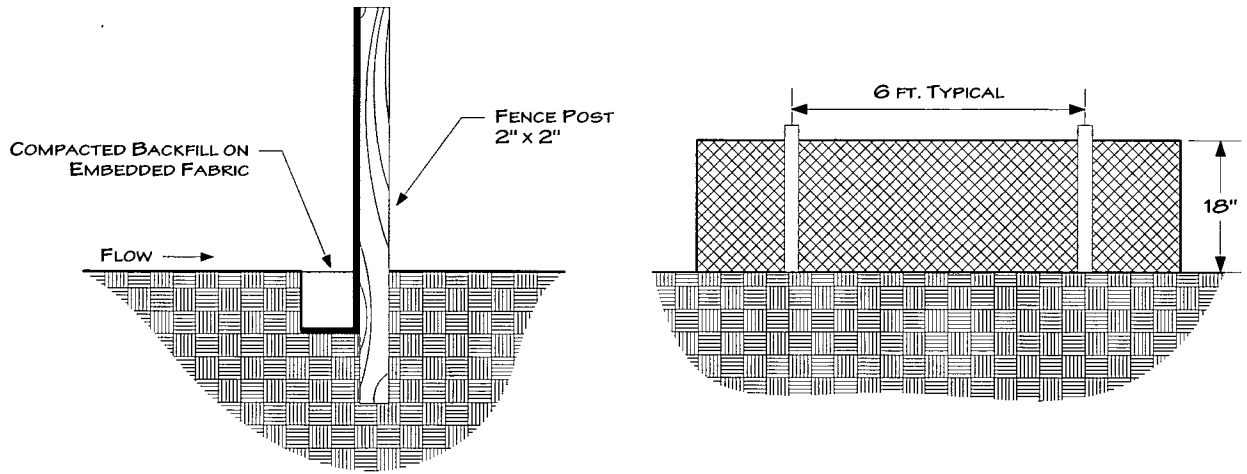
Typical Construction ROW

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REVISED: 12/5/00
SCALE: NTS
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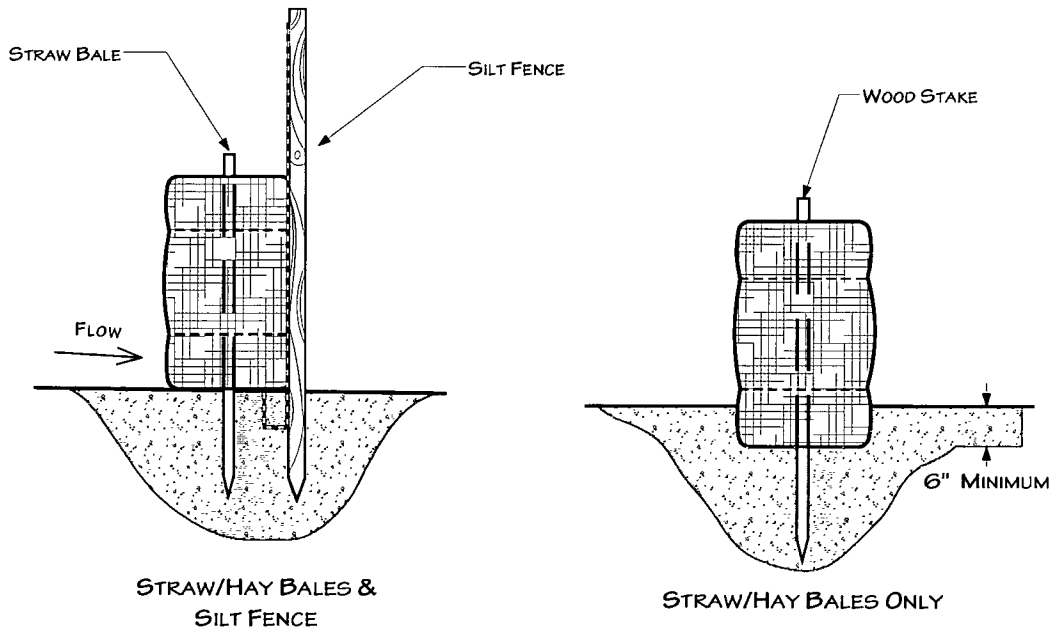
Figure 2

Typical Soil Erosion Control Measures

TYPICAL SILT FENCE INSTALLATION



TYPICAL STRAW/HAY BALE INSTALLATION



For environmental review purposes only.



Typical Soil Erosion Control Measures

DATE: 7/26/99
 REVISED: 8/9/99
 SCALE: NTS
 DRAWN BY: KMKENDALL
 K:1674 TYPICAL SILT FENCE-
 STRAW BALE.VSD

**DOME PIPELINE CORPORATION
PIPELINE REPLACEMENT PROJECT**

WETLAND AND WATERBODY CROSSING PROCEDURES

Version: December 7, 2000

WETLAND AND WATERBODY CROSSING PROCEDURES

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FIGURES

1. Typical Open-Cut Wetland Crossing
2. Typical Straw Bale Dewatering Structure

WETLAND AND WATERBODY CROSSING PROCEDURES (PROCEDURES)

I. APPLICABILITY

- A. These Procedures apply to all wetlands and waterbodies affected by the project. Deviations that involve measures different from those contained in these Procedures will only be permitted by approval of Dome or their designee and must provide an equal or greater level of protection.
- B. The intent of these Procedures is to minimize the extent and duration of project-related disturbance of wetlands and waterbodies.
- C. **DEFINITIONS**
 - 1. "waterbody" includes any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing, and other permanent waterbodies such as ponds and lakes:
 - a. "minor waterbody" includes all waterbodies less than or equal to 10 feet wide at the water's edge at the time of construction;
 - b. "intermediate waterbody" includes all waterbodies greater than 10 feet wide but less than or equal to 100 feet wide at the water's edge at the time of construction;
 - c. "major waterbody" includes all water bodies greater than 100 feet wide at the water's edge at the time of construction.
 - 2. "wetland" includes any area that satisfies the requirements of the current Federal methodology for identifying and delineating wetlands.

II. WATERBODY CROSSINGS

A. **INSTALLATION**

1. Time Window for Construction

Unless otherwise directed by the appropriate state agency, crossings should be constructed during the following time windows:

- a. Coldwater Fisheries - June 1 through September 30; and
- b. Coolwater and Warmwater Fisheries - June 1 through November 30.

2. Extra Work Areas

- a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from waterbody boundaries where topographic conditions permit. If topographic conditions do not permit a 50-foot setback, these areas must be located at least 10 feet from the water's edge.
- b. Limit clearing of vegetation between extra work areas and the edge of the waterbody to the extent practicable.

- c. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.
3. General Crossing Procedures
- a. Comply with section 404 nationwide permit program terms and conditions (33 CFR Part 330).
 - b. Construct crossings as close to perpendicular to the axis of the waterbody channel as engineering and routing conditions permit.
 - c. If the pipeline parallels a waterbody, attempt to maintain at least 15 feet of undisturbed vegetation between the waterbody and the right-of-way except at the crossing location.
 - d. Maintain adequate flow rates to protect aquatic life and prevent the interruption of existing downstream uses.
 - e. Do not store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 100 feet of any waterbody or within any designated municipal watershed area (except at locations designated for these purposes by an appropriate governmental authority).
 - f. Attempt to refuel all construction equipment at least 100 feet from any waterbody. If construction equipment must be refueled within 100 feet of a waterbody, take appropriate precautions to prevent accidental spills during refueling.
4. Spoil Pile Placement and Control
- a. Spoil from minor and intermediate waterbody crossings, and upland spoil from major waterbody crossings, should be placed in the construction right-of-way at least 10 feet from the water's edge or in additional extra work areas.
 - b. Use sediment barriers to prevent the flow of spoil into any waterbody.
5. Equipment Bridges
- a. Only clearing equipment may cross waterbodies before installation of equipment bridges. Limit the number of such crossings of each waterbody to one per piece of equipment.
 - b. Construct equipment bridges using one of the following methods:
 - (1) equipment pads and culvert(s);
 - (2) clean rockfill and culvert(s); or
 - (3) flexi-float or portable bridges.

Do not use soil to construct or stabilize equipment bridges.
 - c. Design and maintain each equipment bridge to withstand and pass the highest flow that would occur while the bridge is in place.
 - d. Maintain equipment bridges to prevent soil from entering the waterbody.

- e. Remove equipment bridges as soon as possible after permanent seeding unless the Corps of Engineers authorizes it as a permanent bridge.
 - f. If there will be more than 1 month between final cleanup and the beginning of permanent seeding and reasonable alternative access to the right-of-way is available, remove equipment bridges as soon as possible after final cleanup.
6. Crossings of Minor Waterbodies
- a. For crossings of all state-designated fisheries, all construction equipment must cross the waterbody on an equipment bridge.
 - b. Equipment bridges are not required at minor waterbodies that do not have a state-designated fishery classification (for example, agricultural or intermittent drainage ditches).
 - c. For crossings of all coldwater fisheries and all coolwater and warmwater fisheries considered significant by the state, route waterbody flow across the trench using a flume pipe and install the pipeline using all of the following "dry-ditch" techniques:
 - (1) install flume pipe after blasting, but before trenching;
 - (2) use sand bag or sand bag and plastic sheeting diversion structure, or equivalent;
 - (3) properly align flume pipe;
 - (4) do not remove flume pipe during trenching, pipelaying, or backfilling activities; and
 - (5) remove all flume pipes and dams that are not also part of the equipment bridge after final cleanup but before permanent seeding.
 - d. Limit use of equipment operating in the waterbody to that needed to construct the crossing.
7. Crossing of Intermediate Waterbodies
- a. Limit use of equipment operating in the waterbody to that needed to construct the crossing.
 - b. All other construction equipment must cross on an equipment bridge.
 - c. Attempt to complete trenching and backfill work within the waterbody (not including blasting) within 48 hours, unless site-specific conditions make completion within 48 hours infeasible.
8. Crossings of Major Waterbodies
- a. Major waterbody crossings must be constructed in accordance with the measures contained in these Procedures to the maximum extent practicable.
 - b. Comply with applicable state stream crossing permits and crossing plans filed with those agencies.
9. Temporary Erosion and Sediment Control

Install sediment barriers immediately after initial disturbance of the waterbody or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in Dome's Erosion Control and Revegetation Plan.

- a. Install sediment barriers across the entire construction right-of-way at all waterbody crossings.
- b. Where waterbodies are adjacent to the construction right-of-way, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the right-of-way.
- c. Use trench plugs at all non-flumed waterbody crossings to prevent diversion of water into upland portions of the pipeline trench and to keep any accumulated trench water out of the waterbody. Trench plugs must be of sufficient size to withstand upslope water pressure.

10. Trench Dewatering

Dewater trench in such a manner that no heavily silt-laden water flows into any waterbody.

B. RESTORATION

1. Use clean gravel or native cobbles for the upper 1-foot of trench backfill in all waterbodies that contain coldwater fisheries.
2. Stabilize waterbody banks and install temporary sediment barriers within 24 hours of completing the crossing. For dry ditch crossings, complete bank stabilization before returning flow to the waterbody channel.
3. Return all waterbody banks to preconstruction contours.
4. Application of riprap must comply with section 404 nationwide permit program terms and conditions (33 CFR Part 330).
5. Unless otherwise specified by state permit, limit the use of riprap to areas where flow conditions preclude effective vegetative stabilization techniques such as seeded erosion control fabric.
6. Remove all temporary sediment barriers when restoration of adjacent upland areas is successful as specified in section IV.A.2. of the Plan.
7. For each waterbody crossed, install a permanent slope breaker and a trench breaker at the base of slopes near the waterbody. Locate the trench breaker immediately upslope of the slope breaker.

III. WETLAND CROSSINGS

A. INSTALLATION

1. Extra Work Areas and Access Roads

- a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, where topographic conditions permit (Figure 1). If topographic conditions do not permit a 50-foot setback, these areas must be located at least 10 feet from the wetland's edge.
- b. Limit clearing of vegetation between extra work areas and the edge of the wetland to the extent practicable.
- c. Limit the size of extra work areas to the minimum needed to construct the wetland crossing.

2. Crossing Procedures

- a. Comply with section 404 nationwide permit program terms and conditions (33 CFR Part 330).
- b. Assemble the pipeline in an upland area and use "push-pull" or "float" techniques to place pipe in trench where water and other site conditions allow.
- c. Minimize the duration of construction-related disturbance within wetlands.
- d. Limit construction equipment operating in wetland areas to that needed to clear the right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the right-of-way.
- e. Cut vegetation off at ground level, leaving existing root systems in place, and remove it from the wetland for disposal.
- f. Limit pulling of tree stumps and grading activities to directly over the trench line. Do not grade or remove stumps or root systems from the rest of the right-of-way in wetlands unless safety-related construction constraints require removal of tree stumps from under the working side of the right-of-way.
- g. Segregate the top 1 foot of topsoil from the area disturbed by trenching, except in areas where standing water or saturated soils are present. After backfilling is complete, restore the segregated topsoil to its original location.
- h. Do not store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities in a wetland, or within 100 feet of any wetland boundary.
- i. Attempt to refuel all construction equipment in an upland area at least 100 feet from a wetland boundary. If construction equipment must be refueled in a wetland or within 100 feet of any wetland boundary, take appropriate precautions to prevent accidental spills during refueling.
- j. Do not use rock, soil imported from outside the wetland, tree stumps, or brush riprap to stabilize the right-of-way.
- k. If standing water or saturated soils are present, use low-ground-weight construction equipment, or operate normal equipment on timber riprap or

prefabricated equipment mats.

- l. Do not cut trees outside of the construction right-of-way to obtain timber for riprap or equipment mats.
- m. Attempt to use no more than two layers of timber riprap to stabilize the right-of-way.
- n. Remove all timber riprap and prefabricated equipment mats upon completion of construction.

3. Temporary Sediment Control

Install sediment barriers immediately after initial disturbance of the wetland or a adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench).

- a. Install sediment barriers across the entire construction right-of-way immediately upslope of the wetland boundary at all wetland crossings, as necessary to prevent sediment flow into the wetland.
- b. Where wetlands are adjacent to the construction right-of-way, install sediment barriers along the edge of the construction right-of-way as necessary to prevent sediment flow into the wetland.
- c. Install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the right-of-way. Remove these sediment barriers during right-of-way cleanup.

4. Trench Dewatering

Dewater trench in such a manner that no heavily silt-laden water flows into any wetland or waterbody.

B. RESTORATION

- 1. Construct trench breakers and/or seal the trench bottom as necessary to maintain the original wetland hydrology.
- 2. Install permanent slope breaker and trench breakers at the base of slopes near the boundary between the wetland and adjacent upland areas. Locate the trench breaker immediately upslope of the slope breaker.
- 3. Do not use fertilizer, lime, or mulch unless required in writing by the appropriate land management or state agency.
- 4. Remove temporary sediment barriers located at the boundary between wetland and adjacent upland areas after upland revegetation and stabilization of adjacent upland areas are judged to be successful as specified in section IV.A.2. of the Plan.

IV. HYDROSTATIC TESTING

A. NOTIFICATION PROCEDURES AND PERMITS

- 1. Apply for state-issued withdrawal permits, as required.

2. Apply for National Pollution Discharge Elimination System (NPDES) or state-issued discharge permits, as required.

B. GENERAL

1. Perform 100 percent radiographic inspection of all pipeline section welds or hydrotest the pipeline sections, before installation under waterbodies or wetlands.
2. If pumps used for hydrostatic testing are within 100 feet of any waterbody or wetlands, take appropriate precautions to prevent accidental spills during refueling.

C. SOURCE WATER

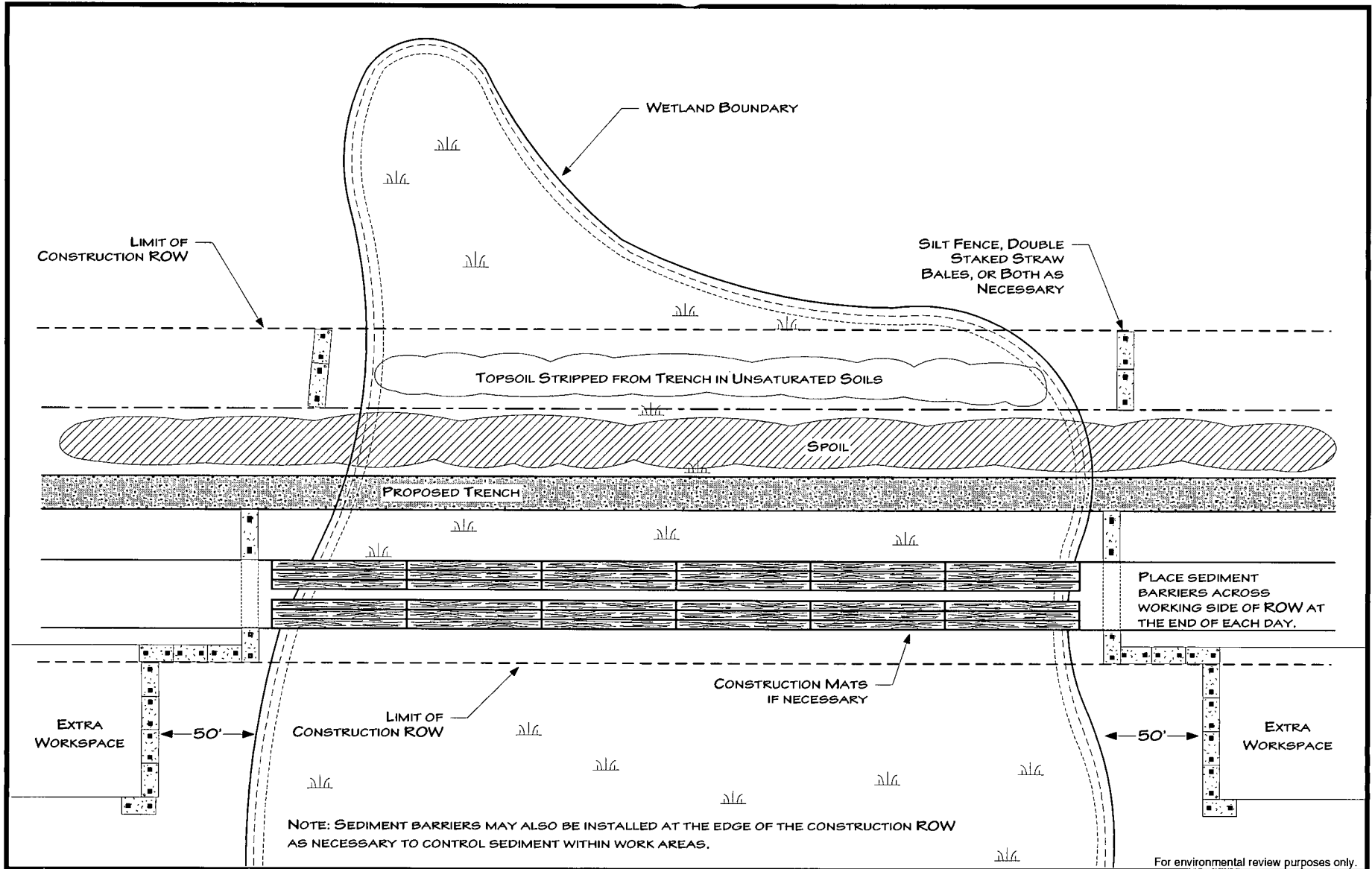
Do not appropriate test water from waterbodies crossed by the proposed pipeline. Use municipal water sources only for testing.

D. DISCHARGE LOCATION, METHOD, AND RATE

1. Regulate discharge rate, use energy dissipation devise(s) (Figure 2), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive stream flow.
2. Do not discharge into state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies unless appropriate Federal, state, and local permitting agencies grant written permission.
3. Sample discharge water in accordance with NPDES or state-issued discharge permit requirements.

Figure 1

Typical Open-Cut Wetland Crossing



For environmental review purposes only.

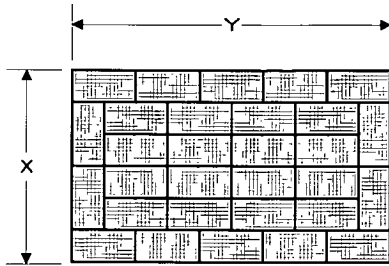


Typical Open-Cut Wetland Crossing

DATE: 10/15/98
REVISED: 7/14/99
NATURAL RESOURCE GROUP, INC. DRAWN BY: KMKENDALL
K.1674 TYPICAL SWETLAND CROSSING VSD

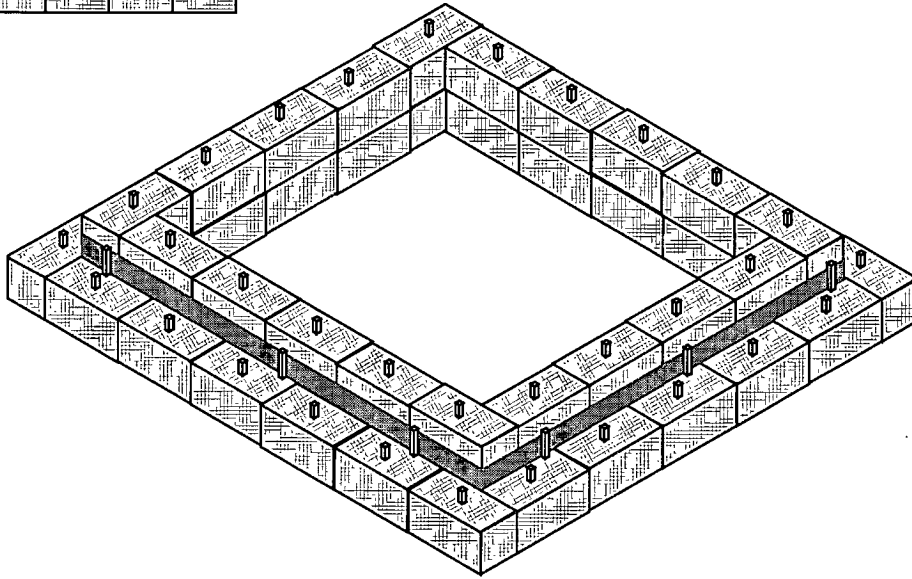
Figure 2

Typical Straw Bale Dewatering Structure

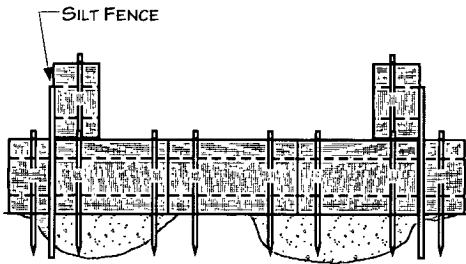


NOTES

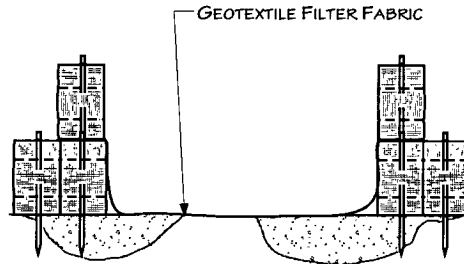
1. ARRANGE THE STRAW BALES TO THE X AND Y DIMENSIONS AS SPECIFIED BELOW.
2. IF BOTTOM OF STRUCTURE IS NOT LINED WITH STRAW BALES (OPTION 1), LINE ENTIRE STRUCTURE WITH GEOTEXTILE FILTER FABRIC.



PERSPECTIVE VIEW



OPTION 1



OPTION 2

MINIMUM SUMP DIMENSIONS (FEET)		MAXIMUM PUMPING RATE GALLONS PER MINUTE
X	Y	
10	20	300
15	20	350
20	20	400
20	25	450
25	25	500
25	30	550
30	30	660

For environmental review purposes only.



Typical Straw Bale Dewatering Structure

DATE: 7/13/99
 REVISED: 8/9/99
 SCALE: NTS
 DRAWN BY: KMKENDALL
 NATURAL RESOURCE GROUP, INC.
 K:\674\TYPICALS\STRAW BALE DEWATERING STRUCTURE.VSD

**DOME PIPELINE CORPORATION
PIPELINE REPLACEMENT PROJECT**

CONSTRUCTION SPILL PREVENTION, CONTAINMENT AND CONTROL PLAN

Version: December 7, 2000

Dome Pipeline Corporation

Construction Spill Prevention, Containment and Control Plan

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APPENDIX A
 Emergency Response Contractors; Disposal and Treatment Facilities

APPENDIX B
 Dome Pipeline Corporation, Spill Report Form

Dome Pipeline Corporation

Construction Spill Prevention, Containment and Control Plan

1.0 Introduction

This Construction Spill Prevention, Containment and Control Plan (Spill Plan) describes planning, prevention and control measures to minimize impacts resulting from spills of fuels, petroleum products, or other regulated substances as a result of construction. These measures will be implemented by the Contractor working on Dome Pipeline Corporation (Dome) projects, unless otherwise indicated by Dome.

2.0 Planning and Prevention

Dome requires its Contractors to implement proper planning and preventative measures to minimize the likelihood of spills, and to quickly and successfully clean up a spill should one occur. Dome has developed this Spill Plan to set forth minimum standards for handling and storing regulated substances and cleaning up spills. Potential sources of construction-related spills include machinery and equipment failure, fuel handling, transfer accidents and storage tank leaks. *The Contractor will be responsible for implementing, at a minimum, the following planning and prevention measures.*

2.1 Roles and Responsibilities

Spill Coordinator

A Spill Coordinator shall be designated by the Contractor, subject to approval by Dome. For pipeline spills, the Spill Coordinator shall insure that the Dome Representative is notified immediately, and may assist in response action as dictated by the Company. For all construction related spills, the following shall apply:

- The Spill Coordinator shall report all spills to the Dome Representative immediately.
- The Spill Coordinator (under Dome oversight), shall report spills to appropriate federal, state and local agencies as soon as possible.
- The Spill Coordinator shall mobilize on-site personnel, equipment, and materials for containment and/or cleanup commensurate with the extent of the spill.

- The Spill Coordinator shall assist the Emergency Response Contractor (Appendix A) and monitor containment procedures to ensure that the actions are consistent with the requirements of this Spill Plan.
- The Spill Coordinator and/or Dome Representative, in consultation with appropriate agencies, shall determine when it is necessary to evacuate spill sites to safeguard human health.
- The Spill Coordinator (under Dome oversight) shall coordinate with appropriate agencies the need to contact additional parties or agencies.
- The Spill Coordinator is responsible for completing a Spill Report Form (Appendix B) within 24-hours of the occurrence of a spill, regardless of the size of the spill.

Authorized Personnel

- Authorized Personnel are representatives of the Contractor who are designated to handle fuel, lubricants or other regulated substances.
- Authorized Personnel must be familiar with the requirements of the Spill Plan and the consequences of non-compliance.

Construction Superintendent

- The Contractor's Construction Superintendent or representative must notify the Dome Representative immediately of any spill of a petroleum product or hazardous liquid, regardless of volume. Dome will fulfill all external reporting requirements.

Construction Personnel

- Construction Personnel are representatives of the Contractor involved with the installation of the pipeline.
- Construction Personnel shall notify the crew foreman or Spill Coordinator immediately of any spill of a petroleum product or hazardous liquid, regardless of volume.

Dome Representative

- The Dome Representative shall oversee the Spill Coordinator to ensure that appropriate agency notifications are made, spill resources are allocated, and clean-up is accomplished in accordance with applicable agency requirements.

2.2 Training

- The Contractor shall train all employees handling fuels and other regulated substances to follow spill prevention procedures.
- The Contractor shall train all employees who handle fuels and other regulated substances to prevent spills and to quickly and effectively contain and clean up spills that may occur in accordance with applicable regulations.
- The Contractor and employees will be briefed on procedures to respond to a pipeline spill (e.g. third party damage to the adjacent in-service pipeline) during mandatory safety and environmental training to be provided by the Company.

2.3 Equipment

- Each construction crew must have adequate absorbent materials and containment booms on hand, to enable the rapid cleanup of any spill which may occur.
- The Contractor must maintain spill kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits may include, but are not limited to absorbent pads, straw bales, absorbent clay, sawdust, floor-drying agents, spill containment barriers, plastic sheeting, skimmer pumps, and holding tanks. This equipment shall be located near fuel storage areas and other locations as necessary to be readily available to control foreseeable spills.
- Suitable plastic lining materials shall be available for placement below and on top of temporarily-stored contaminated soils and materials.
- All fuel, and where necessary, service vehicles, shall carry materials adequate to control foreseeable spills. Such material may include but not be limited to absorbent pads, commercial absorbent material, plastic bags with ties, and a shovel.
- The Spill Coordinator shall make known to Authorized Personnel, Construction Personnel, and the Dome Representative the locations of spill control equipment and materials, and have them readily accessible during construction activity.
- Construction equipment shall be removed from wetlands and parked a minimum of 100 feet away from streams, wetlands, ditches, and other waterbodies at the end of each work day.

- In large wetlands where no upland site is available for refueling, auxiliary fuel tanks on construction equipment are recommended.
- All fuel nozzles shall be equipped with functional automatic shut-offs.
- Fuel trucks transporting fuel to on-site construction equipment shall travel only on approved access roads.

2.4 Supervision and Inspection

- The Contractor shall perform a pre-construction inspection and test of all equipment to ensure that it is in good repair.
- During construction, the Contractor shall regularly inspect hoses, pipes, valves, and tanks to ensure equipment is free of leaks. Any equipment that is leaking or in need of repair will be immediately removed from service by Contractor and repaired, prior to resuming work.

3.0 Storage and Handling of Fuels/Hazardous Liquids

3.1 Fuel Storage - General

The Contractor shall follow proper fuel storage practices, including, but not limited to the following:

- Fuel storage shall be at Contractor yards only or as approved by Dome.
- A minimum of one 30 pound fire extinguisher must be located and readily available at all fuel storage locations.
- Tools and materials to stop the flow of leaking tanks and pipes shall be kept on-site. Such equipment may include, but not be limited to, plugs of various sizes, 3M tank patches, a hammer, assorted sizes of metal screws with rubber washers, a screwdriver, and plastic tape. Spill kits (see section 2.3 of this Spill Plan) must be located at fuel storage areas.
- Fuels, lubricants, waste oil, and any other regulated substances shall be stored in aboveground tanks only.
- Storage tanks and containers must conform to all applicable industry codes (NFPA, UFC, etc.).
- A suitable secondary containment structure must be utilized at each fuel storage site. These structures must be lined with suitable plastic sheeting;

provide a minimum containment volume equal to 150 percent of the volume of the largest storage vessel; and provide at least 1 foot of freeboard.

- If earthen containment dikes are used, they shall be constructed with slopes no steeper than 3:1 (horizontal to vertical) to limit erosion and provide structural stability.
- Secondary containment areas must not have drains. Precipitation may be drawn off as necessary. If visual inspection indicates that no spillage has occurred in the secondary containment structure, accumulated water may be drawn off and sprayed on the surrounding upland areas. If spillage has occurred in the structure, accumulated waste shall be drawn off and pumped into drum storage for disposal.
- Vehicle maintenance wastes, including used oils and other fluids, shall be handled and managed by personnel trained in the procedures outlined in this plan. Vehicle maintenance wastes will be stored and disposed of in accordance with section 7.0 of this Spill Plan.

3.2 Refueling

- Fuels shall be dispensed by Authorized Personnel during daylight hours only.
- Fuel dispensing operations shall be attended by Authorized Personnel at all times. Personnel must be stationed at both ends of the hose during fueling unless both ends are visible and are readily accessible by one person.

3.3 Refueling and Fuel Storage Near Wetlands and Waterbodies

Dome requires that the storage of petroleum products, refueling and lubricating operations take place in upland areas that are more than 100 feet from wetlands, streams, and waterbodies (including drainage ditches), and water supply wells. In addition, the Contractor must store hazardous materials, chemicals, fuel and lubricating oils, and perform concrete coating activities outside these areas. Auxiliary fuel tanks solidly attached to construction equipment or pumps are not considered storage and are acceptable.

In certain instances, refueling or fuel storage may be unavoidable due to site-specific conditions or unique construction requirements (e.g. continuously operating pumps or equipment on barges). These locations must be approved in advance by Dome. In addition to those practices described above, the following precautions will be taken when refueling within 100 feet of streams, wetlands or other waterbodies:

- Adequate amounts of absorbent materials and containment booms must be kept on hand by each construction crew to enable the rapid cleanup of any spill which may occur.
- If fuel must be stored within wetlands or near streams for refueling of continuously operating pumps, secondary containment must be provided.
- Secondary containment structures must be lined with suitable plastic sheeting, provide a containment volume of at least 150 percent of the storage vessel, and allow for at least one foot of freeboard.
- Procedures regarding excavation and disposal of contaminated soil material from wetlands or near waterbodies are described in section 6.2 of this Spill Plan.

4.0 Initial Spill Management

4.1 Immediate Response

Immediately upon learning of any fuel, oil, hazardous material or other regulated substance spill, or upon learning of conditions that will lead to an imminent spill, the person discovering the situation shall:

- Initiate actions to contain the fluid that has spilled or is about to spill, and initiate action to eliminate the source of the spill to the maximum extent that is safely possible.
- Notify the crew foreman and/or the Spill Coordinator and provide them with the following information:
 - Location and cause of the spill
 - The type of material that has spilled
 - Whether the spill has reached or is likely to reach any surface water

Upon learning of a spill or a potential spill the Spill Coordinator shall:

- Assess the situation and determine the need for further action.
- Direct subsequent activities and/or further assign responsibilities to other personnel.
- Notify the Dome Representative.

4.2 Mobilization

- The Spill Coordinator shall mobilize on-site personnel, equipment, and materials for containment and/or cleanup commensurate with the extent of the spill.
- If the Spill Coordinator feels that a spill is beyond the scope of on-site equipment and personnel, the Spill Coordinator shall immediately notify the Construction Superintendent that an Emergency Response Contractor is needed to contain and/or clean up the spill. Appendix A contains a list of potential Emergency Response Contractors.
- The Spill Coordinator shall assist the Emergency Response Contractor and monitor containment procedures to ensure that the actions are consistent with the requirements of this Spill Plan.
- In the event of a pipeline spill (to an adjacent pipeline), Notify Bill Barry at **1-800-336-6325**(24-hours/day), as well as the Company Representative. Actions requiring emergency response employees and contractors will be coordinated by the Company Representative.

5.0 Spill Notification Responsibilities

5.1 Notification Volumes

The Contractor's Construction Superintendent or representative must notify the Dome Representative immediately of any spill of a petroleum product or hazardous liquid, regardless of volume.

5.2 Spill Report Form (Appendix B)

The Spill Coordinator shall complete a Spill Report form for each release of a regulated substance, regardless of volume. The Spill Report Form must be submitted to the Dome Representative within 24 hours of the occurrence of a spill. To complete the Spill Report Form, the Spill Coordinator shall compile the following information:

- A legal description of the spill location, and specific directions from the nearest community.
- The time and date of the spill, and the time and date the spill was discovered.
- The type and estimated volume of spilled material, and the manufacturer's name.

- The media in which the spill exists (e.g., soil, water, etc.).
- The topography and surface conditions of the spill site.
- Proximity of surface waters.
- Weather conditions.
- Name, company, address, and telephone number of the Construction Superintendent, Spill Coordinator, Dome representative, and the person who reported the spill.
- The cause of the spill.
- Immediate containment and/or cleanup actions taken.
- Current status of cleanup actions.

Follow-up written reports, associated laboratory analyses, and other documentation may also be required separately on a site-specific basis as directed by the Dome Representative. Documentation is the responsibility of the Contractor.

5.3 Agency Notification

The Contractor will notify Dome and report spills to appropriate federal, state and local agencies as soon as possible. These include, but may not be limited to the following:

National Response Center, in Washington, D.C.
Phone: (800) 424-8802 (24 hours)

The Contractor, in coordination with Dome and the appropriate federal, state and local agencies, must ensure that additional parties or agencies are properly notified. Additionally, the Contractor is responsible for ensuring that all cleanup activities required by a jurisdictional agency are satisfactorily met and provide documentation to Dome demonstrating this compliance.

6.0 Spill Containment and Cleanup

In the event of a spill, the Contractor will abide by all applicable federal, state and local regulations with respect to cleaning up the spill. All cleanup and other construction related spill activities must be completed by, and costs assumed by the Contractor. Specific cleanup measures for both upland and wetland/waterbody spills are described below.

6.1 Spill Control - Upland Areas

- If a spill should occur during refueling operations, **STOP** the operation until the spill can be controlled and the situation corrected.
- The source of the spill must be identified and contained immediately.
- For large spills on land, the spill must be contained and pumped immediately into tank trucks. The Contractor or, if necessary, an Emergency Response Contractor, shall excavate contaminated soil. Appendix A lists potential Emergency Response Contractors.
- The spilled material and the contaminated soil must be treated and/or disposed of in accordance with all applicable federal, state, and local agency requirements (see section 7.0 of this Spill Plan).
- Smaller spills on land shall be cleaned up with absorbent materials. Contaminated soil or other materials associated with these releases shall also be collected and disposed of in accordance with applicable regulations (see section 7.0 of this Spill Plan).
- Flowing spills must be contained and/or absorbed before reaching surface waters or wetlands.
- Absorbent material(s) shall be placed over spills to minimize spreading and to reduce its penetration into the soil.
- The Spill Coordinator and/or Dome Representative, in consultation with appropriate agencies, determines when spill sites will be evacuated as necessary to safeguard human health. Evacuation parameters shall include consideration for the potential of fire, explosion, and hazardous gases.

6.2 Spill Control - Wetlands and Waterbodies

In addition to the above measures, the following conditions shall apply if a spill occurs near or into a stream, wetland or other waterbody, regardless of size:

- If a spill should occur during refueling operations, **STOP** the operation until the spill can be controlled and the situation corrected.
- For spills into streams, lakes or other waterbodies containing standing or flowing water, regardless of size, the Contractor Representative must apprise Dome of the incident and notify the National Response Center immediately.

- For spills in standing water, sorbent booms and pads shall be on hand and used by the Contractor to contain and recover released materials. In addition, other spill response materials and equipment shall be on hand as appropriate for each waterbody and used to contain and recover foreseeable spills. This may include containment booms, skimmer pumps, holding tanks, boats, and other equipment.
- If necessary, for large spills in waterbodies, an Emergency Response Contractor must be secured to further contain and clean up the spill. A list of Emergency Response Contractors is included in Appendix A.
- Contaminated soils in wetlands must be excavated and temporarily placed on plastic sheeting in a bermed area, a minimum of 100 feet away from the wetland. Contaminated soils shall be covered with plastic sheeting while being stored temporarily and properly disposed of as soon as possible, in accordance with this Plan (see section 7.0).

7.0 Storage and Disposal of Contaminated Materials

- Appendix A lists potential treatment and disposal facilities for contaminated materials, petroleum products, and other construction-related wastes. Where possible, vehicle maintenance wastes should be recycled.
- All contaminated soils, absorbent materials, and other wastes shall be stored and disposed of by the Contractor in accordance with all applicable state and federal regulations.
- Only licensed carriers may be used to transport contaminated material from the site to a disposal facility.
- If it is necessary to temporarily store excavated soils on site, these materials shall be placed on, and covered by, plastic sheeting, and the storage area bermed to prevent and contain runoff.

APPENDIX A
Emergency Response Contractors;
Disposal and Treatment Facilities

The Contractor must dispose of all wastes according to applicable federal, state, and local requirements. A listing of potential Emergency Spill Response Contractors and waste disposal facilities is provided below. This list was developed from state-wide databases. This list represents firms operating at the time the database was produced. The Contractor is responsible for verifying if a contractor or facility is currently operating under appropriate permits or licenses. The Contractor is responsible for ensuring wastes are disposed of properly.

Spill Response Contractors

Advanced Pollution Control (APC)	Highway 10 West Mandan, ND 58554	(701) 663-9220
Environmental Transport Systems	708A - 38 th Street NW Fargo, ND 58102	(701) 282-6009
Gemstar Associates, Inc.	1042 14 th Avenue East Suite 202 West Fargo, ND 58078	(701) 277-0600
High Plains Consortium, Inc.	P.O. Box 1292 Bismarck, ND 58502	(701) 222-0341
Safety-Kleen Corp.	3704 Saratoga Avenue Bismarck, ND 58501	(701) 222-8262
Safety-Kleen Corp.	P.O. Box 1267 Fargo, ND 58107	(701) 237-9070
Waste Recovery Services, Inc.	P.O. Box 910 Belfield, ND 58622	(701) 575-8520

Listing of Waste Disposal/Treatment Facilities

Bismarck Municipal Landfill	Box 5503 Bismarck, ND 58506	(701) 222-6431
Dickinson Municipal Landfill	Box 1037 Dickinson, ND 58602	(701) 264-7746
Dishon Disposal	RR3, Box 64 Williston, ND 58801	(701) 572-9079
Fargo Municipal Landfill	306 4 th Street North Fargo, ND 58102	(701) 241-1546
Grand Forks Municipal Landfill	Box 5200 Grand Forks, ND 58206	(701) 746-2630
Hexom Disposal	RR3 Box 238 Williston, ND 58801	(701) 774-8511
Jahner Sanitation, Inc	Box 45 Linton, ND 58552	(701) 254-4533
Jamestown Municipal Landfill	102 3 rd Avenue Jamestown, ND 58103	(701) 252-5900
McDaniel Landfill, Inc.	Box 1793 Minot, ND 58702	(701) 839-2958
McKenzie County Sanitary Landfill	Box 1221 Watford City, ND 58854	(701) 842-2600
Mercer County Regional Landfill	Box 39 - Courthouse Stanton, ND 58571	(701) 745-3678
Minot Municipal Landfill	Civic Center Minot, ND 58701	(701) 857-4140
Prairie Disposal	1109 2 nd Avenue South Williston, ND 58801	(701) 572-6946
Williston Municipal Landfill	Box 2437 Williston, ND 58802	(701) 572-6368

APPENDIX B
Dome Pipeline Corporation
Spill Report Form

Dome Pipeline Corporation

Spill Report Form

Date of Spill: _____

Date of Spill Discovery: _____

Time of Spill: _____

Time of Spill Discovery: _____

Name and Title of Discoverer: _____

Type of material spilled and manufacturer's name: _____

Legal Description of spill location: _____

Directions from nearest community: _____

Estimated volume of spill: _____

Weather conditions: _____

Topography and surface conditions of spill site: _____

Spill medium (pavement, sandy soil, water, etc.): _____

Proximity of spill to surface waters: _____

Did the spill reach a waterbody? _____ Yes _____ No

If so, was a sheen present? _____ Yes _____ No

Describe the causes and circumstances resulting in the spill: _____

Describe the extent of observed contamination, both horizontal and vertical (i.e., spill-stained soil in a 5-foot radius to a depth of 1 inch): _____

Describe immediate spill control and/or cleanup methods used and implementation schedule: _____

Current status of cleanup actions: _____

Name and Company for the following:

Construction Superintendent: _____

Spill Coordinator: _____

Dome Representative: _____

Person Who Reported the Spill: _____

Form completed by: _____ Date: _____

Spill Coordinator must complete this for any spill, regardless of size, and submit the form to the Dome Representative within 24 hrs of the occurrence.

Attachment D – Contractor Safety, Health, and Environmental Policy

Contractor Safety, Health, and Environmental Policy

Dome Pipeline Corporation strives to hire contractors who conduct their activities in a manner consistent with appropriate safety, health, and environmental consideration. Contractors working for Dome are and shall remain independent contractors as to all work performed under the contract. The detail manner, means and methods of performing said work shall be under the control and direction of the contractor. The following are minimum requirements and expectations for contractors, and contractors shall take any additional precautions necessary or proper under the circumstances to prevent injury or death to persons or damage to property and/or the environment.

1. Contractors are expected to comply with applicable safety, health, and environmental regulations of agencies having jurisdiction at locations where services are performed for Dome.
2. Unless prior express contractual arrangements are made with Dome, contractors are expected to provide their employees with appropriate functional safety equipment and ensure that such equipment is used.
3. Unless prior express contractual arrangements are made with Dome or statutory requirements dictate otherwise, contractors are expected to provide their employees with appropriate safety, health, and/or other environmental training as required by National, State, local or other applicable codes and regulations, or Dome policy.
4. Contractors are required to notify the appropriate Dome representative or designee of contractor's/subcontractor's employee accident(s) resulting in reportable injuries, damage to Dome or third party's property, or incident(s) with probable infractions of environmental protection regulations. Contractors are also required to furnish copies of regulatory, administrative, or statutory reports concerning environmental infractions, or and accident, incident or occupational illness to the Dome representative.

Contractors are required to inform Dome of inspection(s) conducted by regulatory agencies and the results of said inspection(s) when working on an Dome location.

6. Contractors will be evaluated on their safety, health, and environmental performance. The assessment of a contractor's performance may include an evaluation of its safety, health, and environmental record-keeping, and if applicable, prior work experience with Dome. The evaluation will be used as criteria in selection of contractors for future Dome projects.

Nothing contained in this policy shall be interpreted to enlarge the legal duty of Dome Pipeline Corporation to the contractor, their agents, employees or subcontractors. This policy will be administered by each operating location through its line management.

Vice President



Attachment E – Agency Correspondence



December 6, 2000

Ms. Fern Swensen
State Historical Society of North Dakota
North Dakota Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Subject: Dome Pipeline Corporation Two-mile Pipeline Replacement
Project, Stutsman County

Dear Ms. Swensen:

Natural Resource Group, Inc. (NRG) is conducting environmental permitting on behalf of Dome Pipeline Corporation (Dome) for the replacement of approximately two miles of the existing 12-inch Dome pipeline in Stutsman County. The replacement is necessary due to the detection of anomalies during an internal inspection of the pipeline. Dome plans to begin construction in January 8, 2001.

The proposed project will be permitted by the U.S. Corps of Engineers and the North Dakota Public Service Commission. By this letter NRG, on behalf of Dome, is requesting concurrence that a survey is not necessary for the proposed project.

Two figures are enclosed for your information. The first is a copy of the U.S.G.S. quadrangle showing the location of the existing Dome pipeline, the proposed route for the replacement segment crossing farmland, and the location of the recently constructed Alliance pipeline. The second figure is a portion of an alignment sheet that illustrates the same features but in more detail. Dome proposes to parallel the newly constructed Alliance pipeline rather than following the existing Dome pipeline route to avoid inundated wetlands along the current route.

The proposed two miles of pipeline would deviate from the existing Dome pipeline at approximate Milepost 183, trending southeast until it parallels the existing Alliance pipeline. The new pipeline would be located 63 feet from the Alliance pipeline for about 1.1 miles and then angle northeast to rejoin the existing Dome Pipeline at approximate Milepost 184.9. Dome plans to use up to a 100-foot-wide construction right-of-way (ROW) with minimal extra workspace

required at road and wetland crossings and at the tie-in locations at the existing Dome pipeline.

In 1997 and 1998, Alliance conducted archaeological surveys along its proposed route in the vicinity of the proposed Dome replacement project. The Alliance survey was conducted to meet the Federal Energy Regulatory Commission's Section 106 responsibilities (FERC Docket No. CP97-168-000 and SHSND No. 96-651). After consulting with your office, Alliance surveyed from Alliance Mileposts 180.28 to 183.05.

The Alliance survey corridor between these mileposts was 300 feet wide and centered on the pipeline; therefore the survey corridor north of the Alliance centerline was 150 feet wide. The Alliance survey corridor as it relates to the proposed Dome replacement project is illustrated on the enclosed alignment sheet section.

Only one site, 32SNX213, was recorded between Alliance Mileposts 180.28 and 183.05. Site 32SNX213 was recorded at Alliance Milepost 181.92 under excellent conditions. The site consisted of an isolated lithic artifact.

The construction right-of-way for the proposed project will be 100 feet wide and will fall entirely within the Alliance survey corridor where the two pipelines are 63 feet apart. Additional extra workspaces at road and wetland crossing locations may extend beyond the survey corridor slightly as shown on the attached alignment sheet. The need for extra workspace has been minimized to the extent possible.

NRG, on behalf of Dome, believes that the likelihood of impacting significant archaeological resources during construction of the proposed two miles of pipeline is minimal for a number of reasons. First, the Alliance survey covered much of the proposed construction ROW for the replacement project so there will be no impact on archaeological resources in those areas. Second, Alliance surveyed a much wider corridor and recorded only a lithic isolate in the area. Much of the Alliance survey was conducted under excellent field conditions. Based on the lack of archaeological resources located during the Alliance survey in this area, and the extent of the previous survey, it appears that the probability of significant resources within the proposed unsurveyed project area is low.

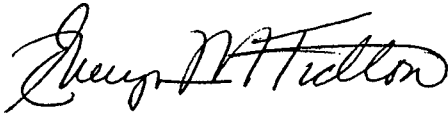
Further, construction of the existing Dome Pipeline would have disturbed the areas immediately adjacent to the proposed replacement section. It is expected that previous construction disturbed the tie-in locations at approximate Mileposts 183 and 184.9 for the proposed project. Fourth, by undertaking construction during the winter with frozen ground conditions, the impact of construction is expected to be limited to excavation of the pipe trench itself. The trench will be approximately five feet wide. Soils excavated from the trench will be placed on the frozen, potentially snow-covered ground north of the trench. Although heavy

equipment will be running along the trench; frozen ground will prevent the equipment from rutting the ground surface and there will be no impacts to any resources that may be located below the plowzone. The effect of operating construction equipment in these areas is expected to be less than that created by farm equipment during other seasons of the year.

I appreciate your attention to this project. Please call me at 612-337-3361 if you need any additional information during your review.

Sincerely,

Natural Resource Group, Inc.

A handwritten signature in black ink, appearing to read "Evelyn M. Tidlow". The signature is fluid and cursive, with the first name being the most prominent.

Evelyn M. Tidlow
Cultural Resource Manager

Enclosures:

Alliance report excerpts and SHPO review letters
U.S.G.S. Quad showing proposed project
Alignment sheet showing proposed project

cc: Joe Reinemann, NRG
Bill Barry, Dome Pipeline Corporation



December 4, 2000

Allyn J. Sapa
Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

VIA FED EX

RE: BP Amoco/Dome Pipeline Corporation
Dome Pipeline Replacement Project
T44N, R63W, Sections: 4, 9, 10 and 11, Stutsman County, North Dakota

Dear Mr. Sapa:

BP Amoco/Dome Pipeline Corporation (Dome) owns and operates a natural gas liquids pipeline that crosses North Dakota, Minnesota, Iowa and Illinois. Dome has contracted Natural Resource Group, Inc. (NRG) to initiate the permitting process for a project located in Stutsman County, North Dakota.

Dome is planning to replace approximately 2 miles of its existing 12-inch diameter Dome Pipeline. The replacement pipeline segment would deviate from the existing Dome Pipeline route and parallel the newly constructed Alliance Pipeline to avoid inundated wetlands on the Dome Pipeline route. A map of the proposed project location is enclosed.

To facilitate compliance with Section 7 of the Endangered Species Act, please identify if federally listed threatened or endangered species and their critical habitats are known to occur within the vicinity of the project area referenced above. In the event that no federally listed species would be adversely affected by the project, please sign and return the enclosed statement of "No Objections."

To meet a construction start date of January 8, 2001, an expedited review is requested. Thank you in advance for your prompt assistance. If you have any questions please call myself at 612-347-6787 or Bill Barry of Dome Pipeline Corporation at 319-688-5308.

Sincerely,

Natural Resource Group, Inc.

Joe Reinemann
Project Manager

Enclosures: Project Location Map
"No Objections" Statement

cc: Bill Barry, Dome Pipeline Corporation

1800 International Centre 900 Second Avenue South Minneapolis Minnesota 55402 612.347.6789 fax 612.347.6780

Attachment F – Qualifications

Ross C. Hargrove
Natural Resource Group, Inc.

e-mail: rchargrove@nrginc.com
phone: 612-347-7873

Ross Hargrove is an environmental technician at Natural Resource Group, Inc. He provides support on environmental permit applications for energy transmission and telecommunication projects. Ross has experience with sensitive issues regarding water appropriation in Minnesota and ecosystem classification systems and vascular plant identification in northern Minnesota. Additionally, Ross has field experience with biological and evaluative survey systems.

Selected Project Experience

- Northern Natural Gas Operation and Maintenance Projects, prepared NPDES and stormwater permit applications and conducted consultations with the State Historic Preservation Office for numerous projects in Minnesota
- Williams Communications Cleveland to Chicago Fiber Optics Project, contributed to application supplements and Erosion and Sediment Control Plans, and prepared environmental permit books and permit summaries for 360 miles of fiber optic cable in Ohio, Indiana, and Illinois
- Williams Communications Twin Cities Metro Build Project, managed permit data received from a survey of 175 agencies and communities
- Lakehead Pipe Line Clearbrook, Minnesota to Superior, Wisconsin 36-Inch Looping Project, compiled information about ecosystems, wildlife, fisheries, stream crossings, and wetlands for a state permit application for 110 miles of petroleum pipeline in Minnesota and Wisconsin

Education and Training

- B.S., Forest Resources, University of Minnesota, Minneapolis, Minnesota, 2000

Joseph C. Reinemann
Natural Resource Group, Inc.

e-mail: jcreinemann@nrginc.com
phone: 612-347-6787

Joe Reinemann is a senior environmental scientist and founding partner at Natural Resource Group, Inc. He manages projects and directs NRG staff and subconsultants completing environmental impact assessments and obtaining regulatory approvals for energy transmission projects. Joe specializes in environmental compliance planning and permit acquisition for petroleum and natural gas pipelines. His familiarity with the National Environmental Policy Act and Clean Water Act, and other applicable federal and state regulatory programs, enables him to evaluate clients' projects and recommend comprehensive and cost-effective compliance strategies. Recently, Joe managed the environmental aspects of the Lakehead Pipe Line System Expansion Program - Phase II Project, a 450-mile-long petroleum pipeline located in Illinois and Wisconsin.

Selected Project Experience

- Lakehead Pipe Line Clearbrook, Minnesota to Superior, Wisconsin 36-Inch Looping Project, project manager for endangered species surveys, scoping, and coordination; National Forest Special Use permitting; and cultural resource consultation and surveys for 110 miles of petroleum pipeline in Minnesota and Wisconsin
- Lakehead Pipe Line System Expansion Program – Phase II Project, project manager for environmental permitting and field surveys for construction and operation of a 450-mile-long petroleum pipeline in Wisconsin and Illinois
- Lakehead Pipe Line System Expansion Program – Phase I Project, project manager for agency consultations and completion of environmental analyses to assist with siting and construction of nine pump stations in Wisconsin
- Confidential Client, prepared technical responses to Notices-of-Violations resulting from discharges of sediments and effluent limitation exceedances during construction dewatering, assisted in agency dialogue relating to this violation, and assisted the client in reaching a settlement
- Vector Pipeline Project, managed state and local environmental permitting and compressor station permitting for construction and operation of a 329-mile-long natural gas pipeline in Illinois, Indiana, and Michigan
- Williams Communications Minneapolis to Chicago Fiber Optics Project, assisted in the identification of environmental permitting requirements, development of project schedules and cost estimates, and definition of a permitting strategy for 460 miles of fiber optic cable in Minnesota, Wisconsin, and Illinois

Education and Training

- B.A., Geography, University of Wisconsin, Madison, Wisconsin, 1988
- FERC Natural Gas Pipeline Environmental Compliance Workshop
- FERC Environmental Report Preparation Seminar
- FERC Industry Outreach Training - Cultural Resources
- Environmental Training Inc. – National Environmental Policy Act
- Minnesota Pollution Control Agency Erosion and Sediment Control Plan Design Certification

Mitchell J. Shields
Natural Resource Group, Inc.

e-mail: mjshields@nrginc.com
phone: 612-347-7862

Mitch Shields is an environmental scientist at Natural Resource Group, Inc., specializing in environmental project and task management for large-scale telecommunications and energy transmission projects in the upper midwest. His responsibilities have been focused on ensuring environmental compliance during construction and have included all aspects of project planning and scoping, regulatory permit acquisition, agency contacts and correspondence, field evaluations and surveys, and the implementation of regulatory requirements during construction.

Selected Project Experience

- Touch America/AT&T Minneapolis to Chicago Fiber Optics Project, project manager for the environmental permitting for 490 miles of fiber optic cable in Minnesota, Wisconsin, and Illinois
- Aux Sable Liquid Products Pipeline Project, project manager for federal, state, and local permitting, environmental surveys, and environmental inspection for construction and operation of an 8-mile-long liquids pipeline in Illinois
- Alliance Pipeline Project, managed federal and state environmental permitting and assisted in preparation of construction bid documents, construction drawings, and environmental inspection documents for construction and operation of an 890-mile-long natural gas pipeline in North Dakota, Minnesota, Iowa, and Illinois
- Lakehead Pipe Line System Expansion Program – Phase II Project, responsible for tracking federal, state, and local environmental permit approvals; permit applications; and scheduling for construction and operation of a 450-mile-long petroleum pipeline in Wisconsin and Illinois
- Great Lakes Gas Transmission St. Clair River Crossing Project, managed international, federal, state, and local environmental permitting; participated in public meetings; developed environmental mitigation plans; and prepared documentation for environmental inspection activities for a 3,000-foot-long natural gas directional drill under an international waterway
- Great Lakes Gas Transmission Security Loop I Expansion Project, managed federal, state, and local environmental permitting; developed environmental mitigation plans; and documented environmental inspection activities for a 14-mile-long natural gas pipeline in Michigan

Education and Training

- M.S.C.E., Environmental Engineering, University of Minnesota, Minneapolis, 1989
- B.S., Biology, Winona State University, Winona, Minnesota, 1985
- Minnesota Pollution Control Agency Stormwater Quality Management
- National Wetland Science Training Cooperative Jurisdictional Delineation of Wetlands
- FERC Natural Gas Pipeline Environmental Compliance Workshop
- FERC Environmental Report Preparation Seminar

Evelyn M. Tidlow
Natural Resource Group, Inc.

e-mail: emtidlow@nrginc.com
phone: 612-337-3361

Evelyn Tidlow is a senior environmental scientist at Natural Resource Group, Inc., specializing in cultural resource management and National Environmental Policy Act (NEPA) compliance. She coordinates efforts of cultural resource subconsultants and maintains quality control of cultural resource fieldwork and reports. Evelyn is responsible for developing strategies for compliance with the National Historic Preservation Act and related state and federal regulations. She also prepares Environmental Resource Reports on cultural resources for applications to the Federal Energy Regulatory Commission (FERC) and prepares documentation to obtain approvals from the FERC, the Advisory Council on Historic Preservation, and State Historic Preservation Offices. Prior to joining Natural Resource Group, Evelyn gained extensive experience drafting environmental documents (Environmental Assessments and Environmental Impact Statements) for the U.S. Forest Service and the Utah Department of Transportation. As a member of the NEPA Planning and Design Team on the Allegheny National Forest, she was responsible for compliance with all cultural resource regulations. In addition, she drafted and reviewed NEPA documents for Forest Service activities.

Selected Project Experience

- Alliance Pipeline Project, managed cultural resource surveys and National Historic Preservation Act compliance for an 890-mile-long natural gas pipeline in North Dakota, Minnesota, Iowa, and Illinois
- Guardian Pipeline Project, managed cultural resource surveys and National Historic Preservation Act compliance for a 149-mile-long natural gas pipeline in Illinois and Wisconsin
- Aux Sable Liquid Products Pipeline Project, managed cultural resource surveys and National Historic Preservation Act compliance for an 8-mile-long liquids pipeline in Illinois
- Lakehead Pipe Line System Expansion Program – Phase II Project, managed cultural resource surveys and National Historic Preservation Act compliance for a 450-mile-long petroleum pipeline in Illinois and Wisconsin
- Columbia Gas Transmission Projects, project manager and principal investigator for cultural resource investigations on natural gas pipeline projects in Pennsylvania, Ohio, West Virginia, Maryland, and Virginia
- Allegheny Power System, project manager and principal investigator for cultural resource investigations on electric power line projects in Pennsylvania and Maryland

Education and Training

- M.A., American Civilization, University of Pennsylvania, 1987
- B.A., Anthropology, University of Pennsylvania, 1982
- FERC Environmental Report Preparation Workshop
- FERC Natural Gas Pipeline Environmental Compliance Workshop
- FERC Industry Outreach Training - Cultural Resources
- National Preservation Institute Section 106: An Advanced Seminar
- Advisory Council on Historic Preservation Introduction to Federal Projects and Historic Preservation Law

Attachment G – Detailed Maps

**Public Service Commission
Receipt of Payment**

Received: 12/14/2006 check# 19373 for \$5,000.00 Receipt# 4165

Subject: Siting Application / Dome Pipeline

Docket # PU-391-00-657

Dome Petroleum Corporation
Box 1430
Iowa City IA 52244-1430



Public Service Commission

State of North Dakota

COMMISSIONERS

Susan E. Wefald
President
Bruce Hagen
Leo M. Reinbold

State Capitol - 600 E. Boulevard
Bismarck, North Dakota 58505-0480
e-mail: msmail.sab@oracle.psc.state.nd
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

Executive Secretary
Jon H. Mielke

December 7, 2000

Brian R Bjella
P O Box 2798
Bismarck ND 58502-2798

Dear Mr. Bjella:

On December 6, 2000, the Commission acknowledged Dome Pipeline Corporation's Letter of Intent to reconstruct 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 due upon filing of the application, Case No. PU-391-00-657.

If you have any questions concerning this action, call me at 701-328-4076.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Helbling".

Sharon Helbling
Public Utilities Division

sdh

MOTION

December 6, 2000

APPROVED:
DATE: 12-6-00
KMF

**Dome Pipeline Corp.
Hydrocarbon Pipeline/Stutsman County
Application**

Case No. PU-391-00-657

I move the Commission acknowledge Dome Pipeline Corp.'s letter of intent to reroute approximately two miles of 12-inch liquid hydrocarbons pipeline in Stutsman County, shorten the waiting period for filing a siting application from one year to one day, and assess a filing fee of \$5,000 due upon filing of the application, Case No. PU-391-00-657.

JRL/sdh

000657-1.doc

LAW OFFICES OF
FLECK, MATHER & STRUTZ, LTD.

400 East Broadway, Suite 600, Norwest Bank Building

P. O. Box 2798, Bismarck, North Dakota 58502

Telephone: 701-223-6585 Facsimile: 701-222-4853 E-Mail: fms@flecklaw.com Website: www.flecklaw.com

WILLIAM A. STRUTZ
GARY R. WOLBERG+
PAUL W. SUMMERS
BRIAN R. BJELLA**

JOHN W. MORRISON
CURTIS L. WIKE*
CHARLES S. MILLER, JR.*

CRAIG C. SMITH*
SHANE A. HANSON
JULIE M. BUECHLER

ALSO LICENSED IN:

* Minnesota

° Montana

+ Iowa

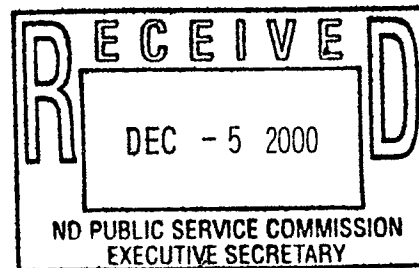
December 5, 2000

ERNEST R. FLECK
(1921-1995)
RUSSELL R. MATHER
(RETIRED)

PUBLIC SERVICE COMMISSION

State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505

Attention: Jon Mielke
Executive Secretary



In re: Dome Pipeline Corp.
Letter of Intent

Dome Pipeline Corp. ("Dome"), of Iowa City, Iowa, hereby submits to the North Dakota Public Service Commission ("Commission") pursuant to North Dakota Century Code § 42-49-22-07.1 and Chapter 69-06-03 of the North Dakota Administrative Code, this Letter of Intent to reconstruct a small portion of a certain liquid hydrocarbons pipeline located in Stutsman County, North Dakota.

Dome will be requesting from the Commission, pursuant to the North Dakota Energy Conversation and Transmission Facility Siting Act, Chapter 49-22, NDCC (the "Act"), authorization to reconstruct approximately two miles of 12-inch pipeline as a deviation from that certain route permit granted to the Commission in Case No. 9400 on August 1, 1977.

A map of the proposed deviated route is attached hereto as Exhibit A. The lands within the study area are in agricultural production.

Dome anticipates commencing construction in early January 2001 with completion approximately four weeks thereafter.

An estimate of the total cost of construction of this pipeline facility is \$1,000,000.

Please note that the proposed deviated route parallels the Alliance Pipe Line which was recently constructed. Thus, the proposed pipeline is located within a study area which has been recently reviewed for archeological and environmental significance.

1 PU-391-00-657

Pages: 3

Ltr/Intent to reconstruct portion of liquid hydrocarbon pipeline/Stutsman Cnty. by Dome Pipeline Corporation by Brian Bjella. Attorney

12/05/2000

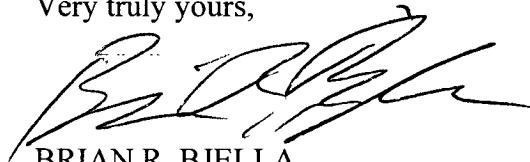
CC: Comm Legal PUD (3)

Mr. Jon Mielke
Page 2

Due to the need to have this pipeline constructed as soon as possible, Dome respectfully requests that the Commission grant a waiver of the one-year time period provided for in § 69-06-03-01, North Dakota Administrative Code, for the filing of an application.

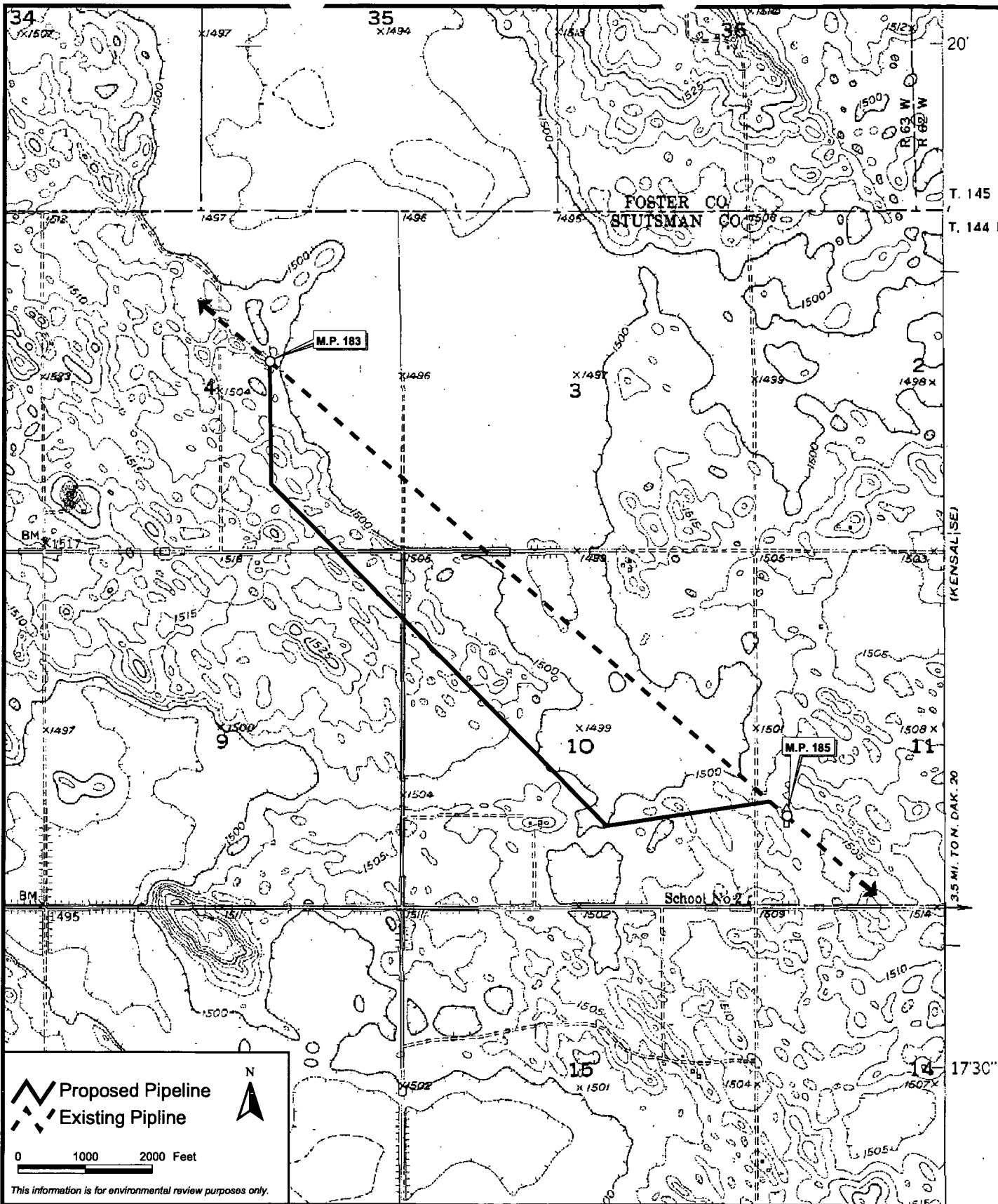
Please do not hesitate to call should you have any questions.

Very truly yours,



BRIAN R. BJELLA

bw
Enc.



This information is for environmental review purposes only.

**Dome Pipeline Corporation
Replacement Project
Township 144 N, Range 63 W**

DATE: 12/01/00

REVISED:

SCALE: 1:24,000

DRAWN BY: RSMcGREGOR

CLIENTS: BPAMAC/AVPROJ2000/12/1
DOME\dome.apr

HARD COPY OF Tape - map

DOCKET SEQUENCE NO. _____

EXHIBIT _____

CASE NO. PU - 391 - 00 - 657

ON FILE IN

STATE ARCHIVES

CONTROL NUMBER: 80051

- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brian Byella
PO Box 2798
Bismarck ND 58502-2798

C. Signature

X 

- Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 0520 0022 8563 3287

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

PU-391-00-657

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

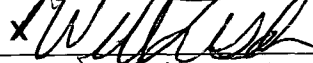
Brian Byella
PO Box 2798
Bismarck ND 58502-2798

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

JAN 12 2001

C. Signature

X 

- Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 0520 0022 8564 0032

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

PU-391-00-657

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Brian Byella
PO Box 2798
Bismarck ND
58502-2798

4a. Article Number

7000 0520 0022 8654 1336

4b. Service Type

- Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

1-10-01

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt