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PUBLIC SERVICE COMMISSION

August 30, 2012

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

RE: PU 12-040 Plains Pipeline L.P.: Nelson to Ross Pipeline - Mountrail Co., ND

Mr. Nitschke:

On April 25, 2012, Plains Pipeline, L.P. (Plains), received a Certificate of Corridor Compatibility (#133) and a Route Permit (#143) for its Nelson to Ross Pipeline project from the Public Service Commission (Case No. PU 12-040). Plains is seeking authorization for one minor route modifications as fully described in the enclosed documents. Please find one original and three copies of the following route amendment application to existing permits for Case No. PU 12-040: Nelson to Ross Crude Oil Pipeline Project.

Upon your review, should you have questions or seek additional information please contact me at 651-282-0650 or via e-mail at [wmccarthy@go2e3.com](mailto:wmccarthy@go2e3.com).

Best Regards,

A handwritten signature in blue ink, appearing to read 'William F. McCarthy'.

William F. McCarthy  
E3 Environmental, LLC

Enclosures- (4) North Dakota Public Service Commission Route Amendment Application

CC: (I) I. Jim Fleetwood, Plains Pipeline  
(II) M. Walcavich, Plains Pipeline  
(III) E3 Project Files

72 PU-12-40 Filed: 8/31/2012 Pages: 14  
Application for route amendment

Plains Pipeline, L.P.

William McCarthy

Case No PU-12-040  
Plains Pipeline, L.P.  
Crude Oil Pipeline – Mountrail County  
Siting Application – Route Amendment

## **Introduction**

On April 25, 2012, Plains Pipeline, L. P. (Plains), received a Certificate of Corridor Compatibility (# 133) and a Route Permit (#143) for the Public Service Commission (Commission) Case No. PU-12-040. This pertains to the construction of a crude oil pipeline located in Mountrail County, North Dakota (Project). As stated under North Dakota Century Code, Section 49-22-07, a utility may not begin construction of a transmission facility in the state without first having obtained a route permit. The facility must be constructed, operated, and maintained in conformity with the permit and any terms, conditions, or modifications of the permit.

Normal construction sequence includes communication with North Dakota One Call (One Call) in advance of ground disturbing activities for the purpose of identifying buried utilities that may be located within the proposed work space. The results of the Projects One Call(s) placed on or about June 29, 2012 revealed two (2) previously unknown foreign pipeline encroachments within Project approved workspace. These encroachments are associated with recently constructed pipelines owned and operated by Hess Corp. (Hess).

Plains has engineered a new alignment to avoid the existing Hess pipelines that encroach into the approved construction right-of-way and alignment. This will require a minor modification of the original alignment entailing an off-set of the approved centerline by approximately 45 feet to the north for an approximate length of 3,840 feet. All alignment changes will remain within the Certificated Corridor. Plains requests the approval of this minor route modification to facilitate the installation and future operations of this pipeline.

An environmental review was completed of the proposed route and associated workspace modification. Environmental impacts were assessed and found to be similar to those previously analyzed for the original alignment. However, the proposed modification will result with an alignment and associated workspace that will be closer to a cultural resource site (32MN928) than previously designed and evaluated. On July 27, 2012, SWCA Environmental Consultants, on behalf of Plains, consulted with State Historical Society of North Dakota (SHSND) with respect to the proposed modification. In their response on August 10, 2012, the SHSND has concurred with proposed modification provided that exclusion fencing is installed prior to ground disturbing activities and maintained through restoration. Copies of these consultations are included with this filing.

This request will not result in any modification to previously reported facility type, size or design including above ground facilities.

This request shall conform to all previously and newly approved mitigation measures as well as right-of-way preparation and reclamation measures.

This request shall not impact any Exclusion or Avoidance Areas and shall conform with the Siting Criteria as previously reported.

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Landowner approval has been received from all affected parties.

All supporting attachments have been previously filed with the Commission except for the engineering detail of the proposed off-set alignment as well as the recommendation and concurrence letters to and from the SHSND.

## **Project Location**

The proposed route amendment occurs between MP 8.4 and MP 9.2 which is located in the following sections of Mountrail County, North Dakota:

- T156N, R92W, Sec 33, N ½

## **Route Amendment**

Plains requests Commission approval of a minor route modification to accommodate construction workspace requirements and future operating needs to accommodate two existing adjacent pipelines. Please refer to the attached engineering drawing for additional details. The proposed route deviation includes:

- Approximately a 45 foot offset of the approved alignment, to include consistent and equal offsets to:
  - Construction right of way; and
  - Permanent right of way.
- Length of route modification:
  - 3,840 feet
    - Beginning at Station 445+00
    - Ending at Station 483+40

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## **Route Analysis and Findings**

The requested route modification and all associated workspace will occur entirely within the area previously surveyed for natural and cultural resources. These environmental survey limits coincide with the boundaries of the Certificate of Corridor Compatibility previously issued for the Project.

The requested route modification shall not result in new or additional impacts to natural or cultural resources and shall conform with the results and conclusions as previously reported.

Exclusion fencing shall be installed prior to ground disturbance and maintained through restoration to avoid impacts to a previously identified cultural resource.

## **Attachments:**

- Re-route Engineering Drawing
- Figure M1 - route overview (previously filed with original application)
- Proposed Route Overview #4 – original alignment and survey corridor (previously filed with amended route)
- Figure SC-6, Siting Criteria – mapped natural resources within re-route area (previously filed with amended route)
- Figure SC-CR-06, Siting Criteria – mapped cultural resources within re-route area (previously filed with amended route)
- Letter to the State Historical Society of North Dakota, dated July 27<sup>th</sup>. 2012.
- Letter received from the State Historical Society of North Dakota, dated August 10, 2012.