



# NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Marvin E. Nelson

District 9  
P.O. Box 577  
Rolla, ND 58367-0577  
Residence: 701-477-3422  
Cell: 701-550-9731  
menelson@nd.gov

## COMMITTEES:

Agriculture  
Industry, Business and Labor



2/20/2014

Commissioners;

Comments concerning Case No. PU-13-848.

The Sandpiper pipeline is an important addition to the infrastructure of North Dakota to serve the oil industry in providing transportation to markets. I support its construction but come here today to voice my concerns with a portion of its route.

Devils Lake is quite unique. It has varied greatly in size during statehood. In some ways it resists our desire to neatly categorize things so that we know how to deal with them. Many places that were not in the lake are now under the lake.

It is unfortunate that the state of North Dakota has been ineffective in efforts to stabilize the level of Devils Lake, about the only thing we know is that we do not know if it will go up or down and when and how much. That uncertainty really makes what would otherwise be a good route, unacceptably risky.

From where the Sandpiper crosses Highway 281 at approximately mile 181 to where it crosses Highway 20 at approximately mile 196, much of the pipeline is potentially under the waters of greater Devils Lake. While the spill height is 1458, that is just the first trickle and the lake would be expected to go higher. It can easily reach greater heights in the northern basin. It has been common for the upper lake to be a couple of feet higher than Stump Lake where the natural outlet is located. A height of 1462 would be very possible at least for awhile. We don't tend to think of that area as Devils Lake, we likely think of it as Lake Irvine, or Lake Alice, but in past conversations with the State Engineer concerning which waters would or wouldn't be considered navigable, he indicated to me that all the connected waters of Devils Lake are really Devils Lake though we give the different areas different names. Because of this I am rather surprised the State Water Commission did not point to the areas of water the pipeline is crossing on the north edges of Lake Irvine and Lake Alice as navigable.

Whether navigable or not, it presents a difficulty with the current pipeline location. A long distance of the pipeline threatens the lake if there is a spill. In addition the land is very difficult to traverse for parts of the year and road access is seriously limited. In the spring, it would not be far off to say access to parts would be limited to hovercraft and helicopters.

While there is question as to whether the rules concerning navigable waters pertain or not, it really is necessary for there to be exercises with local authorities on what to do in the case of a spill. The area is vulnerable since we do not have the oil companies with their equipment and supplies nearby to help like is the case with potential spills on Lake Sakakawea. In addition we do not have large communities with a large contingent of emergency personnel. Devils Lake is very important to the region and supports a large fishery/tourism industry. The region needs to be protected by having trained personnel and equipment within the region to be able to respond to a spill timely enough to minimize damage.

I believe the best thing would be to change the route of the pipeline to a further north route thus protecting the lake from spills directly into the waters by removing it entirely from the bed of Devils Lake, and giving more time to stop a spill from reaching the waters. One logical place would be to turn north would be in Pierce County where instead of going around the south end of Hurricane Lake, it could go around the north end placing it along Highway 17 and then continuing east going around Cando, until turning south near Highway 20. I believe it would be difficult to bend the route far enough north to be certain it would be out of the lake without going north of Highway 17, but any movement to the north would give some margin of protection.

I recognize this would result in a significant cost, but Devils Lake needs to be protected. As a minimum, the lake and the crossings of the Big and Mauvee coulees should be treated as navigable water and enhanced safety features and emergency drills should be in place.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marvin E. Nelson". The signature is written in dark ink on a white background.

Representative Marvin E. Nelson, District 9