

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

**Sacagawea Pipeline Company, LLC
16-inch Crude Oil Pipeline – McKenzie &
Mountrail Counties
Siting Application**

CASE NO. PU-15-114

**REQUEST FOR PIPELINE ROUTE DEVIATION AND CONSOLIDATED
APPLICATION FOR AMENDED CERTIFICATE OF CORRIDOR
COMPATIBILITY AND AMENDED ROUTE PERMIT**

On March 16, 2015, Sacagawea Pipeline Company, LLC (“Sacagawea”) filed with the North Dakota Public Service Commission (“Commission”) a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (“Siting Application”) to authorize the construction of an approximately 70 mile 16-inch diameter crude oil pipeline and associated facilities in McKenzie and Mountrail Counties, North Dakota (the “Project”). *See* PSC Docket No. 1. On January 5, 2016, the Commission entered its Findings of Fact, Conclusions of Law and Order (“Order”) issuing Certificate of Corridor Compatibility Number 177 and Route Permit Number 189 for the Project. *See* PSC Docket No. 66. Pursuant to Chapter 49-22 of the North Dakota Century Code and Section 69-06-05-02 of the North Dakota Administrative Code, Sacagawea now requests that the Commission allow for one route deviation to the Project route, known as the Littlefield Reroute. Sacagawea also requests that the Commission modify the Certificate of Corridor Compatibility and Route Permit based on the route modification required for the Project.

Sacagawea is requesting the proposed route and corridor modification to accommodate landowner requests. During finalization of all easement agreements for the Project, Sacagawea worked with landowners to ensure the Project was aligned in the preferred location. These

landowner concerns related to protecting land use potential and minimizing the pipeline footprint. Specifically, it was requested that the Project route be co-located with other pipelines in the area.

Route deviations are allowed before or during construction if the deviations do not violate any of the exclusion and avoidance area criteria found in Article 69-02 of the North Dakota Administrative Code. *See* N.D.A.C. § 69-06-05-02(3). Based on the materials submitted herewith, the route modification requested by Sacagawea will not affect any exclusion or avoidance criteria. The affidavit of Troy Andrews (hereinafter referred to as “Andrews Aff.”) submitted in support of the route modification further states that the adjusted route will not affect any exclusion or avoidance areas.

As depicted in Exhibit A, a majority of the requested route modification is located within the previous study corridor. Studies analyzing the existence of exclusion and avoidance areas in the study corridor were set forth in the Siting Application materials previously submitted to the Commission. *See* PSC Docket No. 1. However, a portion of the route modification required a supplemental survey to be performed. Keitu Engineers and Consultants, Inc. (“Keitu”) performed a supplemental survey for a portion of the route adjustment on March 23, 2016. *See* Andrews Aff., Ex. D. During the supplemental survey, Keitu did not identify any exclusion or avoidance areas. *See* Andrews Aff., Ex. D. Keitu also reviewed the survey information submitted in conjunction with the original application. In reviewing the previously submitted information and supplemental field surveys, no exclusion or avoidance areas were found that will be impacted by the Littlefield Reroute. *See* Andrews Aff., Ex. E.

An Addendum II to the Class I and Class III Cultural Resource Inventory of the Paradigm Sacagawea Pipeline in McKenzie and Mountrail Counties, North Dakota was also performed to

identify any cultural resource issues for the route adjustment. *See Andrews Aff., Ex. F.*¹ The Addendum II to the Class I and Class III Cultural Resource Inventory of the Sacagawea Pipeline was also submitted to the North Dakota State Historic Preservation Office (“SHPO”) for review. By letter dated April 18, 2016, the SHPO concurred with a No Significant Sites Affected determination provided the adjustment remains as mapped and described. *See Andrews Aff., Ex. G.*

Maps of the requested Project reroute and corridor modification location are also enclosed herewith. *See Andrews Aff., Ex. A.* The route modification is located in Mountrail County and will cross the following lands: Sections 20, 29, 31, and 32 in Township 153 North, Range 91 West and Sections 2 and 3, Township 152 North, Range 92 West. The maps contain the necessary route adjustment information including the previously designated route and corridor, as well as the requested route and corridor adjustment. The total length of the Littlefield Reroute is 4.66 miles, with 2.85 miles located outside of the designated corridor. *See Andrews Aff.* Information regarding the landowners affected by the Littlefield Reroute is also included herewith. *See Andrews Aff., Ex. B.* The owners of the property to be crossed by the modified route have approved the proposed modifications. *See Andrews Aff., Ex. C.*

As set forth above and in the accompany documentation, Sacagawea has conducted the appropriate review of the route deviation area to allow for such modification, as such modification will not affect any exclusion or avoidance areas or other criteria considered by the Commission. Pursuant to North Dakota Century Code § 49-22-08, § 49-22-08.1, and North Dakota Administrative Code § 69-06-05-02(3), Sacagawea hereby requests the Commission approve the requested route deviation, and issue an amended Certificate of Corridor

¹ Exhibit F contains privileged information and is not suitable for internet publication.

Compatibility and amended Route Permit so that Sacagawea may continue with construction of the Project.

Pursuant to North Dakota Century Code § 49-22-07.2, Sacagawea may request that the Commission waive any of the procedures or time schedules set forth in Chapter 49-22 or in the rules adopted pursuant to Chapter 49-22. *See* N.D.C.C. § 49-22-07.2. Given the very few landowners involved for the route modification (*see* Andrews Aff., Ex. B), and the fact that the landowners have all executed easement agreements for the route modification (*see* Andrews Aff., Ex. C), Sacagawea requests that the Commission issue a decision based on the documentation submitted herewith and forgo issuing a notice of opportunity for hearing. Additionally, the route modification came as a result of a landowner request to co-locate the Project with other pipelines in the area. If the Commission does desire to proceed by its notice of opportunity for hearing procedures, Sacagawea requests that the Commission shorten its usual twenty (20) day notice period and instead request comments within seven (7) days of any published notice.²

Dated this 18th day of May, 2016.

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By 

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² Notice of a hearing is required at least twenty days prior to a hearing. *See* N.D.C.C. § 49-22-13(4). However, no set notice period is required for a notice of opportunity for hearing. Sacagawea therefore requests a waiver of the notice of opportunity for hearing in its entirety, and in the alternative, requests a modification to the notice period. *See* N.D.C.C. § 49-22-07.2

