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July 11, 2018

Via E-mail and Hand Delivery

Mr. Darrell Nitschke
Executive Director
NORTH DAKOTA PUBLIC
SERVICE COMMISSION
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

Dear Mr. Nitschke:

In re: Cenex Pipeline, LLC
Case No. PU-17-097
Our File No. 020836-000001

Enclosed for filing in the above captioned matter please find the original and 10 copies of the following documents:

1. Combined Application of Cenex Pipeline, LLC for a Waiver or Reduction of Procedures and Time Schedules and for an Amended Order, Amended Corridor Certificate and Amended Route Permit;
2. Attachment No. 1 - Hauge Addendum to Consolidated Application for a Certificate of Corridor Compatibility & Route Permit for T156N, R96W, Sec. 31-32 & T156N, R97W, Sec 33-36,
3. Attachment No. 2 - Trei Terra Reroute Addendum to Consolidated Application for a Certificate of Corridor Compatibility & Route Permit for T155N, R102W, Sec. 20, 21, 29,
4. SHPO Concurrence Letter dated June 29, 2018, and

5. Certificate of Service dated July 11, 2018.

Very truly yours,


BRIAN R. BJELLA

bw
Enc. (via email and mail)
cc: Williams County Auditor bethi@co.williams.nd.us
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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline – Williams, Mountrail, Ward
Siting Application**

PU-17-097

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2018, the following documents:

1. Combined Application of Cenex Pipeline, LLC for a Waiver or Reduction of Procedures and Time Schedules and for an Amended Order, Amended Corridor Certificate and Amended Route Permit;
2. Attachment No. 1 - Hauge Addendum to Consolidated Application for a Certificate of Corridor Compatibility & Route Permit for T156N, R96W, Sec. 31-32 & T156N, R97W, Sec 33-36,
3. Attachment No. 2 - Trei Terra Reroute Addendum to Consolidated Application for a Certificate of Corridor Compatibility & Route Permit for T155N, R102W, Sec. 20, 21, 29, and
4. SHPO Concurrence Letter dated June 29, 2018.

were served via U.S. mail and e-mail upon the following:

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Dated this 11th day of July, 2018.

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By 
BRIAN R. BJELLA (#03549)

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

In the Matter of the Application of Cenex Pipeline, LLC for a Certificate of Corridor Compatibility and Route Permit for a 150-Mile Long, 10-Inch Pipeline in Williams, Mountrail and Ward Counties, North Dakota

Case No. PU-17-097

**COMBINED APPLICATION OF CENEX PIPELINE, LLC
FOR A WAIVER OR REDUCTION OF PROCEDURES AND
TIME SCHEDULES AND FOR AN AMENDED ORDER,
AMENDED CORRIDOR CERTIFICATE AND AMENDED ROUTE PERMIT**

Applicant Cenex Pipeline, LLC (“Cenex” or “Applicant”), whose address for purposes of this Application is 803 Highway 212 South, Laurel, MT 59044, pursuant to the Energy Conversion and Transmission Facility Siting Act, codified at North Dakota Century Code Chapter 49-22.1 (“Act”), hereby submits this Combined Application For a Waiver or Reduction of Procedures and Time Schedules and For an Amended Order, Amended Corridor Certificate and Amended Route Permit (“Combined Application”).

On March 2, 2017, Cenex filed with the Public Service Commission (“Commission”) a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for a 10-inch pipeline project in Williams, Mountrail and Ward Counties, North Dakota.

By Findings of Fact, Conclusions of Law and Order dated March 14, 2018, the Commission approved this pipeline project and issued Certificate of Corridor Compatibility No. 202 and Route Permit No. 212 to Cenex authorizing the construction of approximately 149.7 miles of 10-inch inside diameter pipeline and associated facilities in Williams, Mountrail and Ward Counties, North Dakota, for the transportation of refined petroleum products.

Cenex files this Combined Application pursuant to N.D.C.C. § 49-22.1-08, and requests that the Commission waive and/or reduce procedures and time schedules required by the Act or in the Commission's regulations set forth in Title 69-06 of the North Dakota Administrative Code, to accomplish the purposes as requested herein. These include, but are not limited to: (1) waive pursuant to North Dakota Century Code §§ 49-22.1-05, 49-22.1-06(4), 49-22.1-07(4), and North Dakota Administrative Code §§ 69-06-01-02(4), 69-02-04-05 and Chapter 69-06-06, those provisions of North Dakota Century Code Chapter 49-22.1 and North Dakota Administrative Code Chapter 69-06 which require certain procedures and time schedules as set forth in said statutes and rules; (2) approve a corridor of 200 feet in width for the proposed reroutes; (3) waive the public hearing requirement and publish a notice of opportunity for a public hearing; (4) find that the proposed reroutes are of such design, length, location and purpose that they will produce minimal adverse effects; and (5) designate and approve the proposed reroutes as identified in this Combined Application and issue the appropriate amended order, amended corridor certificate and amended route permit.

The Commission's application guidelines for waiver of procedures and time schedules require the 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 Combined Application, and summarized below, Applicant's requests for waivers and/or reductions of procedures and time schedules and the issuance of an amended order, amended corridor certificate and amended route permit are justified. The proposed reroutes are of such design, length, location, and purpose that they will produce minimal adverse effects; the reroutes for which approval is sought are submitted pursuant to

requests from North Dakota landowners; and, the reroutes are essential to create needed pipeline capacity for the transport of refined petroleum products to the agricultural industry and other customers in North Dakota and western Minnesota.

DESCRIPTION

The approved Sidney-Minot pipeline (“Project”) consists of approximately 150 miles of new 10-inch diameter refined petroleum products pipeline entering the state in western Williams County, North Dakota approximately fourteen miles southwest of Williston, and extends easterly through Williams, Mountrail and Ward Counties, terminating at the existing CHS terminal in Minot, North Dakota.

As identified in Attachments 1 and 2, there are two proposed reroutes, both located in Williams County, North Dakota. In Attachment No. 1, several landowners requested a reroute of approximately 6.5 miles. Cenex reviewed the reroute request and approved it, and has secured easements from all necessary landowners. As demonstrated in the Attachment No. 1, there are no exclusion or avoidance areas within this reroute.

Attachment No. 2 sets forth a small reroute request located near Williston, North Dakota. This reroute was requested by local North Dakota landowners, who wanted the approved route moved due to the development potential of their property located near Williston. Cenex studied the request and agreed to the reroute, and has acquired the necessary easement from the North Dakota based landowners. An out of state company, which also owns land within this reroute, has not been responsive to requests for an easement on either the original approved route or this proposed reroute. Attachment No. 2 indicates that there are no exclusion or avoidance areas within this reroute.

NEED

The development of hydrocarbon production in the Bakken Formation of the Williston Basin has increased significantly in recent years. Current North Dakota Industrial Commission statistics show that as of November 2016, 10,863 active wells are producing in the Bakken Formation. Drastic expansion of industrial and commercial sectors, as well as a rapid increase in population, has triggered an increased demand for refined fuels in North Dakota and western Minnesota. This Project is proposed by Cenex in order to be able to continue to provide long term, reliable refined fuel supplies to meet this region's energy needs.

COST

No significant incremental cost or savings is anticipated by these reroutes to the Project's original cost estimate of \$115 million.

JUSTIFICATION

The environmental and cultural resource studies and reports which have been commissioned by the Applicant for the Project demonstrate that there will be minimal adverse effects by construction of the proposed reroutes. As a result, Applicant hereby submits that there is substantial justification set forth above for the requested waivers and/or reduction of time schedules and procedures, as the proposed reroutes will produce minimal adverse effects.

Applicant respectfully requests the Commission to (1) grant the requested waivers and/or reduction of procedures and time schedules, and (2) render an expeditious decision approving an amended order, amended corridor certificate and amended route permit for these proposed reroutes.

Dated this 11th day of July, 2018.

Addendum to: Consolidated Application for a Certificate of Corridor Compatibility & Route Permit



Genex Pipeline, LLC. Liquid Petroleum Pipeline
WILLIAMS, MOUNTRAIL, AND WARD COUNTIES, NORTH DAKOTA

PREPARED FOR:
Genex Pipeline, LLC.
803 Highway 212 South
Laurel, MT 59044

SUBMITTED TO:
North Dakota Public Service Commission

PREPARED BY:
KLJ
4585 Coleman St
Bismarck, ND 58503

For: T156N, R96W, Sec 31-32 &
T156N, R97W, Sec 33-36



July 2018

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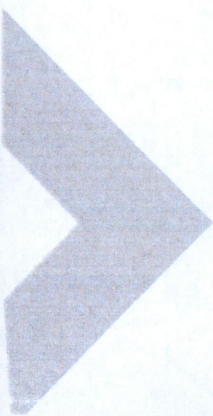


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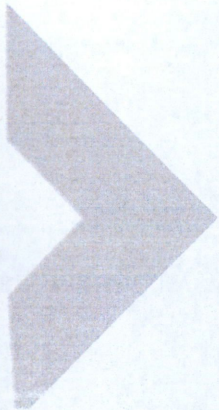
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I. BACKGROUND AND PROJECT DESCRIPTION

A. Description of the Proposed Project

The Project is to construct a new ten-inch (10") pipeline from Sidney, MT to Minot, ND for the purpose of replacing a portion of an existing eight-inch (8") pipeline system, while adding throughput capacity. Cenex currently operates a pipeline that transports refined fuels from Laurel, MT to Fargo, ND. The Cenex pipeline was originally constructed in 1954 to transport petroleum fuels (including gasoline and diesel fuel) from the oil refinery in Laurel, MT to a distribution terminal in Glendive, MT. The refinery, which commenced production in 1930, was purchased by Cenex in 1943. In 1960, the pipeline was extended from Glendive to a terminal located in Minot, ND. Then in 1991, the pipeline was again extended from Minot to Fargo, ND, where it connects with other pipelines.

For nearly two decades, Cenex has methodically replaced its pipeline systems between Billings, MT and Minot, ND by completing pipeline replacement projects. With the completion of a project near Miles City, MT in 2016, the entire distance between Billings MT and Glendive MT has now been replaced in its entirety. Also in 2016, a 46-mile segment of the Cenex Pipeline was replaced from Glendive, MT to Sidney, MT.

Cenex will replace and re-route the existing 8" Cenex Pipeline between Sidney, MT and Minot, ND. Whereas the current pipeline crosses the Yellowstone River near Sidney, running eastward to Minot, the new, 10" pipeline route would run north from Sidney until crossing the Missouri River in MT, it would then run east to Minot, passing north of Williston. This route was chosen to minimize the amount of construction taking place in sensitive areas, while also avoiding difficult river crossings and numerous other engineering and land-use challenges. The pipeline is needed to accommodate an increased demand for refined fuels in the region and to reduce the level of maintenance required to safely operate the pipeline system. Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit (Application) to the ND Public Service Commission (PSC) in March 2017 for the 149.7 miles of pipeline that would occur in ND. The ND PSC issued a Findings of Fact, Conclusions of Law and Order (Order) for the Project (Case No. PU-17-97) on March 14, 2018.

Upon issuance of the March 2018 Order, Cenex continued to finalize the right-of-way (ROW) agreements. During final negotiation, Cenex agreed to a modification of the proposed route at the request of a landowner. The reroute would require construction to occur outside of the previously approved 200-foot corridor. Please refer to **Table 1, Proposed Reroute**.

Table 1, Proposed Reroute

| REROUTE | LOCATION | LENGTH (FEET) | | REASON | EXTENT OF REROUTE |
|---------|---|---------------|------------------|-------------------|---|
| | | TOTAL | OUTSIDE CORRIDOR | | |
| 1 | Sec. 31 and 32, T156N, R96W; Sec. 33, 34, 35, and 36, T156N, R97W | 32,253 | 31,957 | Landowner Request | Centerline extends outside of previously approved 200-foot corridor |
| Total | | 32,253 | 31,957 | | |

Several landowners expressed dissatisfaction with the route as approved by the ND PSC, and suggested that Cenex utilize a more southern route that they found acceptable. With the assistance of one of the landowners, Cenex was able to secure easements from all landowners necessary for this greater than six-mile reroute.

II. SITE ANALYSIS

A. Introduction

The purpose of this analysis is to document changes to potential impacts of avoidance and exclusion areas and additional resources that may be impacted by the proposed pipeline reroute not previously contained within the PSC application. One reroute is proposed to disturb areas outside the previously approved 200-foot wide corridor (environmental study area). Exclusion and avoidance areas have been identified, along with other potential environmental concerns that should be avoided, minimized, or mitigated. Commitments to avoid, minimize or mitigate impacts to resources discussed in the PSC Application would be applicable to the proposed reroute unless specified otherwise below.

The PSC regulations include the following criteria as exclusion areas for transmission facility corridors and route criteria:

- › Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas;
- › Designated or registered state: parks; historic sites; monuments; historical markers; archeological sites; and nature preserves.
- › County parks and recreation areas; municipal parks; and parks owned or administered by other governmental subdivisions.
- › Areas critical to the life stages of threatened & endangered animal or plant species.
- › Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.
- › Areas within 1,200 feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.
- › Areas within 30 feet on each side of a direct line between intercontinental ballistic missile (ICBM) launch or launch control facilities to avoid microwave interference.

The PSC regulations include the following criteria as avoidance areas for transmission facility corridors and route criteria:

- › Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.
- › Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.
- › Historical resources which are not specifically designated as exclusion or avoidance areas.
- › Areas which are geologically unstable.

- > Within five hundred feet (152.4 meters) of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.
- > Reservoirs and municipal water supplies.
- > Water sources for organized rural water districts.
- > Irrigated land. This criterion shall not apply to an underground transmission facility.
- > Areas of recreational significance which are not designated as exclusion areas.

Avoidance and exclusion areas were identified through available data via coordination with resource agencies and through state and agency Geographical Information System (GIS) data hubs. Several resource agencies provided confidential information used to identify potential avoidance and exclusion areas. The purpose of the confidentiality of certain data is to protect the integrity of sensitive areas from intentional disturbance. Due to the confidential nature of this information, specific details regarding the nature and locations of these sensitive areas have been excluded from the document. In addition to GIS digital and agency provided data, environmental staff from KLJ completed additional field inspection of the proposed environmental study area during the 2016 and 2017 field seasons.

III. AVOIDANCE/EXCLUSION AREAS AND RESOURCE ANALYSIS

A. Demography and Economy

Communities nearest the proposed reroute include Williston, Ray and Tioga. Major employment industries within these communities include oil- and gas-related activities, agriculture, educational, health and social services, transportation and warehousing, utilities, construction, accommodation, food services, and retail trade. Ray and Tioga have limited infrastructure and public services, while Williston and Minot provide an expanded selection of shopping, dining, advanced education and recreational opportunities.

Impacts

No impacts to demographics or the regional economy, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

B. Land Use

The reroute would be located in a rural setting composed primarily of croplands (76.6 acres) and pasture (66.8 acres). The remaining land uses within the environmental study area include wetlands, open water, forest/shrubland, and developed areas (3.3 acres). The reroute is located atop private lands and would include a 50-foot-wide permanent ROW for the pipeline and 25-foot-wide temporary construction easements on one side of the ROW (a total of 75-foot ROW). In some areas where construction activities would require less space (e.g. wooded draws, steep topography, or boring locations) the construction corridor would be reduced as necessary to minimize impacts. For purposes of this analysis, to provide the most conservative assessment, potential temporary impacts from

construction activities are estimated assuming the entire length of the Project would include a 75-foot-wide construction corridor. Please refer to **Table 4, Land Use** and **Figure A-2, Land Use in Appendix A**.

Impacts

Short-term adverse impacts on land use would be expected from the Project. Construction of the reroute would result in the temporary disturbance of approximately 55.0 acres of land within the 75-foot-wide construction corridor; however, no permanent impacts are anticipated. It is not anticipated that the disturbance of lands within the Project route would result in a trend toward modification of existing land use patterns.

C. Public Services—Electrical Services

There are no overhead utility lines within the proposed reroute environmental study area.

Impacts

No impacts to electrical services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

D. Public Services—Local Services

The Project would pass through rural portions of North Dakota, primarily composed of grasslands and cultivated lands. There are no towns or municipalities within the environmental study area. The towns nearest the proposed reroute include Ray, Tioga and Williston. Ray and Tioga provide banking, retail stores, restaurants, bars, health center and chiropractic clinic, while Williston provides services associated with larger urban municipalities such as kindergarten, elementary, middle, and high schools, hospitals, fire and paramedic service, hotels, restaurants, shopping malls, airports, and recreational opportunities.

Impacts

No impacts to local services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

E. Public Services—Roads and Traffic

The proposed reroute would cross Williams County Road 17 (paved surface) and 113 Avenue Northwest (gravel surface). Both roadways would be bored under using Hydraulic Directional Drill (HDD).

Impacts

No impact to roads and traffic, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

F. Public Services—Telephone, Radio, Antenna, Communication, and Microwave Structures

There are no radio structures, microwave structures, or wireless communication towers present within the environmental study area. The Project route was selected to avoid radio, antenna, communication, and microwave structures. One overhead utility line is intersected by the environmental study area.

Impacts

No impacts to telephone, radio, antenna, communication, and microwave structures, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

G. Public Services—Water Supply

The Western Area Water Supply Authority (WAWSA) supplies water to rural areas in Williams County. The Western Area Water Supply Project utilizes a combination of Missouri River water treated at the Williston Regional Water Treatment Plant and groundwater treated by the R&T Water Supply Commerce Authority's Water Treatment Plant in Ray, North Dakota. Currently, the Authority provides water to 70,000 people and should provide up to 160,000 people by 2038 (WAWSA 2016).

There are no sole source aquifers¹ designated in the environmental study area or the State of North Dakota (EPA 2009); however, unconsolidated aquifers may be crossed by the proposed Project. Unconsolidated aquifers are located between rock formations and contain the most productive aquifers in North Dakota. The aquifers are composed of loose deposits of sand and gravel through which water readily moves. Some of these deposits are tens of square miles in area and are as much as 100 feet thick (USGS, 1983).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the environmental study area. All public water systems that have wells or intakes are participants in the Source Water Protection Program established by the Safe Drinking Water Act. Wellhead Protection Areas are managed by the North Dakota Department of Health (NDDH) to protect groundwater-dependent public water systems, or surface water-dependent public water systems (NDDH, 2016). There are no Wellhead Protection Areas within the proposed reroute environmental study area.

Impacts

No impacts to water supplies, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

¹ EPA (2009), "defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer".

H. Human Health and Safety—Hazardous Materials/Hazardous Waste

Review of US Environmental Protection Agency (EPA) hazardous materials databases (e.g. Superfund, Resource Conservation and Recovery Act [RCRA], and Toxics Release Inventory [TRI]) was conducted for Williams County. There are no known hazardous waste sites within the proposed reroute environmental study area. Minor amounts of hazardous materials (i.e. used oils, cleaning agents, batteries) could be used during construction, maintenance, or operation activities associated with the Project. Hazardous waste would not be generated from construction, maintenance, or operation activities associated with the Project.

Impacts

Any hazardous waste encountered, or hazardous materials used during construction, would be contained per the SWPPP that would be maintained by Cenex. Cenex, nor its contractors, would store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 100 feet of streams or waterbodies.

I. Human Health and Safety—Security

The Project is located in Williams County. All access to the Project route would require permission from property owners, which would minimize public access and should reduce the need for additional security during construction.

Impacts

No impacts to security, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

J. Human Health and Safety—Noise

The Project would be in a rural setting. Existing noise contributions in the environmental study area would be from nearby farming activities and roadway traffic. Noise levels in rural settings typically range from 25 to 40 decibels (Noise Quest 2016, IAC Acoustics 2016).

Impacts

No impacts associated with noise, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

K. Aesthetics (Visual)

The environmental study area lacks large-scale development and contains sparsely scattered farmsteads and rural residences. Much of the landscape within the reroute environmental study area is utilized for agricultural and ranching activities.

The landscape of the Project is characterized by cultivated agricultural fields, grasslands, pasturelands, oil and gas development, with occasional small creeks and drainages. The reroute would cross portions of the prairie pothole region; an area characterized by pothole wetlands heavily interspersed within

the landscape. There are no scenic byways, or wild and scenic rivers within the reroute environmental study area.

Impacts

No impacts to aesthetics, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

L. Cultural and Archaeological Resources

KLJ performed a Class III cultural resource inventory along the proposed reroute between September 11 - 22, 2017. The survey area was approximately 200-feet in width, unless it overlapped with previously surveyed area. When a site was identified, it was recorded and mapped, even if it extended outside the 200-foot inventory corridor, unless it extended onto property where permission to access was not granted. During the survey, two previously undocumented cultural resource was identified. Both sites are identified as unevaluated for listing on the National Register of Historic Places (NRHP). Four previously recorded cultural resources were historically documented within the study areas; however, were not located and presumed destroyed.

Impacts

The two unevaluated sites would be avoided by a minimum of 50 feet; therefore, impacts to *Eligible* or unevaluated resources are not anticipated within the proposed reroute environmental study area. A Class III Cultural Resources Report has been submitted to the State Historic Preservation Office for concurrence. A copy of the concurrence will be filed with the ND PSC.

M. Recreational Resources

Rangeland, cropland, wetlands, and creeks are found in the study area. In addition, McLeod Lake is located near the environmental study area, which may provide recreational opportunities such as bird watching, photography, fishing, and general recreation. Additionally, there are city parks, golf courses, and museums located in the nearby rural towns and municipalities.

There are no Wildlife Management Areas (WMAs), Wildlife Production Areas (WPAs), or National Wildlife Refuges (NWRs) located within the proposed environmental study area.

Impacts

No impacts to recreational resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

N. Agriculture and Farmland

Much of the environmental study area consists of gently rolling topography and level cropland fields, an occasional drainage way, and plentiful wetland depressions containing very poorly drained soils. Most areas in the environmental study area are utilized for farmland. Impacts within the study area to Farmland were analyzed and minimized to the extent practicable.

Impacts

Short-term adverse impacts on farmland would be associated with construction of the proposed reroute. Potential agricultural losses from the temporary disturbance of farmland are anticipated to be minor or non-existent.

O. Soils

There are 14 soil types within the environmental study area. Most of these soil types are loamy soils, which are a broad textural class of soils that contain a mixture of sand, silt, and clay particles. The presence of clay in a soil has a greater influence on a soil than the presence of silt or sand; therefore, a soil name can include the modifier "clay" with as little as 20 percent clay, while a soil must contain at least 55 percent sand or 40 percent silt to contain those respective modifiers in its name. Soils identified as sandy loams have moderately coarse textures, silt loams have medium textures, and clay loams have moderately fine textures (Schoeneberger et. al., 2012). Much of the environmental study area consists of gently rolling topography and level cropland fields, an occasional drainage way, and plentiful wetland depressions containing very poorly drained soils. Most areas along the reroute are utilized for farmland.

Impacts

Short-term, adverse impacts on soils would be expected from construction of the proposed reroute. There are approximately 146.7 acres within the 200-foot environmental survey area of the reroute; however, approximately 55.0 acres would be temporarily impacted from surface disturbance and soil compaction during construction and the use of heavy machinery. Any impacts on soils from construction of the Project would be localized and would not be considered significant, as BMPs would be implemented to minimize impacts on soils.

The risk of soil contamination from a potential release of crude oil by way of a pipeline integrity emergency in the proposed pipeline would be minimal.

P. Geologic and Groundwater Resources

The environmental study area is located primarily in an ecoregion of North Dakota known as the Northwest Glaciated Plains. This area was formed by glaciers moving across the state that became stagnant, depositing rock debris, gravel, and fine-grained sediments intermixed with large ice-chunks. When buried ice-chunks melted, wetlands were created. Due to these geologic sequences, the region in which the study area is located is commonly referred to as the prairie pothole region (Bryce et. al. 1996). Geology in this ecoregion consists primarily of glacial till and outwash surface materials layered over Tertiary sandstone and shale, or Cretaceous Pierre Shale bedrock formations (Bryce et. al. 1996). The stratum, or layer of sediment deposited millions of years ago, the pipeline would be placed in consists mostly of the Coleharbor stratum (North Dakota Studies 2016). This layer was deposited by water (i.e. rivers or lakes in the region), and can be as thick as 200 feet in some areas. It is composed of sandy, silty clay with pebbles of limestone, dolomite, granite, and basalt (USGS 2016a). This layer was deposited 2.5 million years ago in the Quaternary, Pleistocene epoch (North Dakota Studies 2016).

Landslide prone areas are most commonly located along drainage features, valleys, badlands topography and regions where sediment are exposed near the surface (M.R. McDonald, Personal

Communication, May 3, 2016). There are no historically identified landslide-prone areas within the environmental study area.

An aquifer is an underground layer of water contained within consolidated layers (e.g. solid rock), rock fractures or unconsolidated materials (e.g. gravel, sand, or silt) from which groundwater can be extracted (USGS 2016b). No sole source aquifers² have been identified in the environmental study area (EPA 2009).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the environmental study area.

Impacts

If a pipeline integrity emergency occurs during operations, short-term or long-term, adverse impacts on groundwater might occur. Groundwater can become directly contaminated in several ways. If surface water which recharges an aquifer is polluted, this pollution will transfer to the groundwater source. Groundwater can also become contaminated when a fluid or hazardous substance leaches downward through the soil and into a groundwater source (DiGuilio et. al. 2011). The proposed reroute is not anticipated to impact geological or groundwater resources.

Q. Surface Water and Floodplain Resources

The study area occurs primarily in the Missouri River Basin. Numerous smaller streams, wetlands and drainages occur within the study area. The pipeline reroute was not mapped by the Federal Emergency Management Agency (FEMA) for floodplains (Zone D).

Impacts

No impacts to surface water and floodplain resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

R. Wetlands

Wetlands are defined both in the 1977 Executive Order 11990, Protection of Wetlands, and in Section 404 of the Clean Water Act of 1986, as those areas that are inundated by surface or groundwater with a frequency to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Three parameters that define a wetland, as outlined in the Federal Manual for Delineating Jurisdictional Wetlands (USACE 1987), are hydric soils, hydrophytic vegetation, and hydrology. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are important natural resources that often

² EPA (2009), "defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer".

serve many functions, such as providing habitat for wildlife, storing floodwaters, recharging groundwater, and improving water quality through purification.

Field wetland delineations were completed by KJL to identify wetlands, so they could be avoided or impacts from construction could be minimized. One wetland totaling approximately 1.4 acres and one Other Water of the United States (OWUS) totaling approximately 0.03 acre were delineated within the proposed reroute environmental study area.

Impacts

Temporary impacts to wetlands could be expected from construction of the pipeline. Impacts on large wetlands and open water would be avoided by constructing the pipeline using HDD. Trenching through wetlands may occur at the direction of Cenex environmental inspector personal. The decision to trench or use HDD at wetland locations will be determined in the field and will be based on maintaining compliance with US Army Corps of Engineers (USACE) Nationwide Permit (NWP) 12 – Utility Line Activities, and ease of construction/reclamation. NWP 12 limits impacts to temporary fills without notification as well as requires compliance with the general condition of the permit. Any temporary fills would be removed in their entirety and the affected areas returned to pre-construction elevations (USACE, 2017).

The Project would comply with USDOT regulations, specifically the design, construction, pressure testing, operation, welding, maintenance and emergency response requirements, as outlined in Transportation of Hazardous Liquids by Pipeline regulations (49 CFR Parts 194 and 195). Upon completion of construction and prior to commissioning, the pipeline would be hydrotested for pipeline integrity. The water from hydrotesting would be discharged in accordance with the requirements listed in the dewatering permit from the NDDH. Construction of the Project would include installation of MLVs, which would allow segments of the pipeline to be isolated for inspection and maintenance purposes or in the event of an emergency. During operations, SCADA system communications would be used to monitor for pipeline integrity. In addition, the pipeline would receive regular inspections along the ROW for any indications of pipeline integrity and other maintenance issues.

In the unlikely event of an emergency with the pipeline during operations, short-term, adverse impacts on wetlands may occur.

S. Vegetation

The study area consists predominantly of cropland and grasslands with a mixture of native and introduced grasses, forbs, and trees. Much of the study area has been previously disturbed by cultivation, and development activities that have led to soil disturbance. Grass species include Kentucky bluegrass (*Poa pratensis*), smooth brome (*Bromus inermis*), prairie junegrass (*Koeleria macrantha*), green needlegrass (*Nassella viridula*), needle-and-thread (*Stipa comata*), western wheatgrass (*Agropyron smithii*), Porcupine grass (*Miscanthus sinensis*), and Side-oats grama (*Bouteloua curtipendula*).

North Dakota has listed 11 noxious weeds: absinth wormwood, Canada thistle, diffuse knapweed, leafy spurge, musk thistle, purple loosestrife, Russian knapweed, spotted knapweed, yellow toadflax,

dalmatian toadflax, and saltcedar. Cities and counties are also able to list additional noxious weeds for control within their jurisdiction. Williams County has designated houndstongue, narrowleaf hawksbeard and Palmer amaranth as additional noxious weed species. According to the North Dakota Weed Mapper, no noxious weeds were documented within the reroute from 2010 through 2015 (Information beyond 2015 was unavailable at the time of the review).

Impacts

Short- and long-term, adverse impacts on vegetation are anticipated to result from the proposed reroute. Implementation of the Project would result in the temporary disturbance of approximately 55.0 acres of land within the 75-foot-wide construction corridor of the proposed reroute. During construction, it is common for weed species to grow in disturbed areas until the desired re-vegetation of the site is complete.

The risk of contaminating vegetation from a potential release of refined fuel by way of a pipeline integrity emergency would be minimal. The Project would comply with USDOT regulations, specifically the design, construction, pressure testing, operation, welding, maintenance, and emergency response requirements, as outlined in Transportation of Hazardous Liquids by Pipeline regulations (49 CFR Parts 194 and 195). Upon completion of construction and prior to commissioning, the pipeline would be hydrotested for pipeline integrity. The water from hydrotesting would be discharged in accordance with the requirements listed in the NDPDES permit. The MLVs would allow segments of the pipeline to be isolated if there were a pipeline integrity emergency or for inspection and maintenance purposes. During operations, SCADA system communications would be used to monitor for pipeline integrity. In addition, the pipeline would receive regular inspections along the ROW for any indications of pipeline integrity and other maintenance issues.

If there were a pipeline integrity emergency during operations, short-term, adverse impacts on vegetation might occur.

T. Wildlife — Mammals

White-tailed (*Odocoileus virginianus*) and mule deer (*Odocoileus hemionus*) flourish within, and near to, the environmental study area due to the ample forage from surrounding cropland intermingled with the native rangeland. Numerous other mammals such as Eastern cottontail rabbit (*Sylvilagus floridanus*), red fox (*Vulpes vulpes*), beaver (*Castor canadensis*), muskrats (*Ondatra zibethicus*), black-tailed prairie dog (*Cynomys ludovicianus*), and coyotes (*Canis latrans*) also inhabit this part of the state.

Impacts

No impacts to mammals, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

U. Wildlife — Avian Species

The study area lies in the prairie pothole region of North Dakota and the Central Flyway of North America. As such, this area is used as resting grounds for many birds on their spring and fall migrations,

as well as nesting and breeding grounds for many waterfowl species hunted as game in the region. Many other non-game bird species are fly through and inhabit this region.

Impacts

No impacts to avian species, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

V. Rare and Unique Natural Resources—USFWS-Listed Threatened and Endangered Species

The environmental study area has been evaluated to determine the potential for occurrences of federally listed threatened, endangered, proposed, and candidate species. In Williams County there are four endangered species (e.g. interior least tern [*Sterna antillarum*], gray wolf [*Canis lupus*], pallid sturgeon [*Scaphirhynchus albus*], and whooping crane [*Grus Americana*]), and three threatened species (e.g. piping plover [*Charadrius melodusnorthern*], rufa red knot [*Calidris canutus rufa*], and northern long-eared bat [*Myotis septentrionalis*]). There is USFWS-designated critical habitat for the piping plover within Williams County; however, no designated critical habitat is within the environmental study area (USFWS ECOS IPaC, 2016).

Impacts

Field surveys were conducted for the proposed reroute and no threatened or endangered species or preferred habitat were observed within the environmental study area. In addition, designated critical habitat for the piping plover would not be impacted as part of the proposed reroute.

W. Rare and Unique Natural Resources—Rare and Sensitive Species

Genex has coordinated with the USFWS, NDGFD, and NDPRD to assist with identifying sensitive species and sensitive habitat that could exist within the proposed reroute environmental study area. Field surveys were completed by KLJ staff in 2017. No historically documented bald or golden eagle nests occur within the proposed reroute environmental study area.

According to NDPR NHI data, no sensitive botanical or zoological species were identified within the Project route (K. Duttenhefner, Personal Communication, December 15, 2015).

Communities of Ecological Importance

Ecological communities are used to address conservation and resource management issues. They are also used to provide a systematic way to describe natural vegetation pattern and processes across the landscape. The NDPRD NHI database did not identify any significant ecological communities within an approximate 3-mile radius of the environmental study area. Per the NDPRD, the information in the NHI database is not based on a comprehensive survey; therefore, there could be significant ecological communities in the area that are not represented in the database (K. Duttenhefner, Personal Communication, December 15, 2015).

Impacts

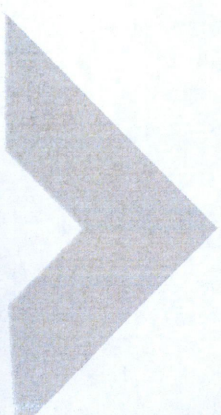
Impacts to sensitive species and habitat as well as communities of ecological importance outside of what was contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are not anticipated.

**X. Avoidance/Exclusion Area and Resources Analysis
Conclusions**

The Project was sited to avoid impacts to exclusion areas. The following table provides a summary of exclusion areas identified within the 200-foot survey corridor for the proposed reroute.

Table 2, Summary of Exclusion Areas

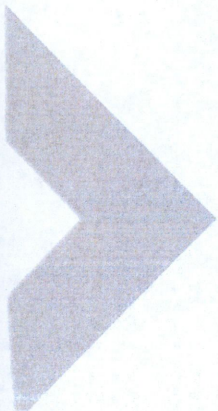
| EXCLUSION AREA | PRESENT WITHIN 200' SURVEY CORRIDOR | METHODS/ALTERNATIVES CONSIDERED FOR EXCLUSION AREA | PROPOSED MITIGATION |
|---|-------------------------------------|--|---------------------|
| Designated or registered national: parks, memorial parks, historic sites and landmarks, natural landmarks, monuments, and wilderness areas. | None | N/A | N/A |
| Designated or registered state: parks, historic sites, monuments, historical markers, archaeological sites, and nature preserves. | None | N/A | N/A |
| County parks and recreation areas, municipal parks, and parks owned or administered by other governmental subdivisions. | None | N/A | N/A |
| Areas critical to life stages of threatened or endangered animal or plant species. | None | N/A | N/A |
| Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged. | None | N/A | N/A |
| Areas within 1,200 feet of the geographic center of an ICBM launch or launch control facility. | None | N/A | N/A |
| Areas within 30 feet on either side of a direct line between ICBM launch or launch control facilities to avoid microwave interference. | None | N/A | N/A |



The Project was sited to avoid impacts to avoidance areas. The following table provides a summary of avoidance areas identified within the 200-foot survey corridor for the proposed reroute.

Table 3, Summary of Avoidance Areas

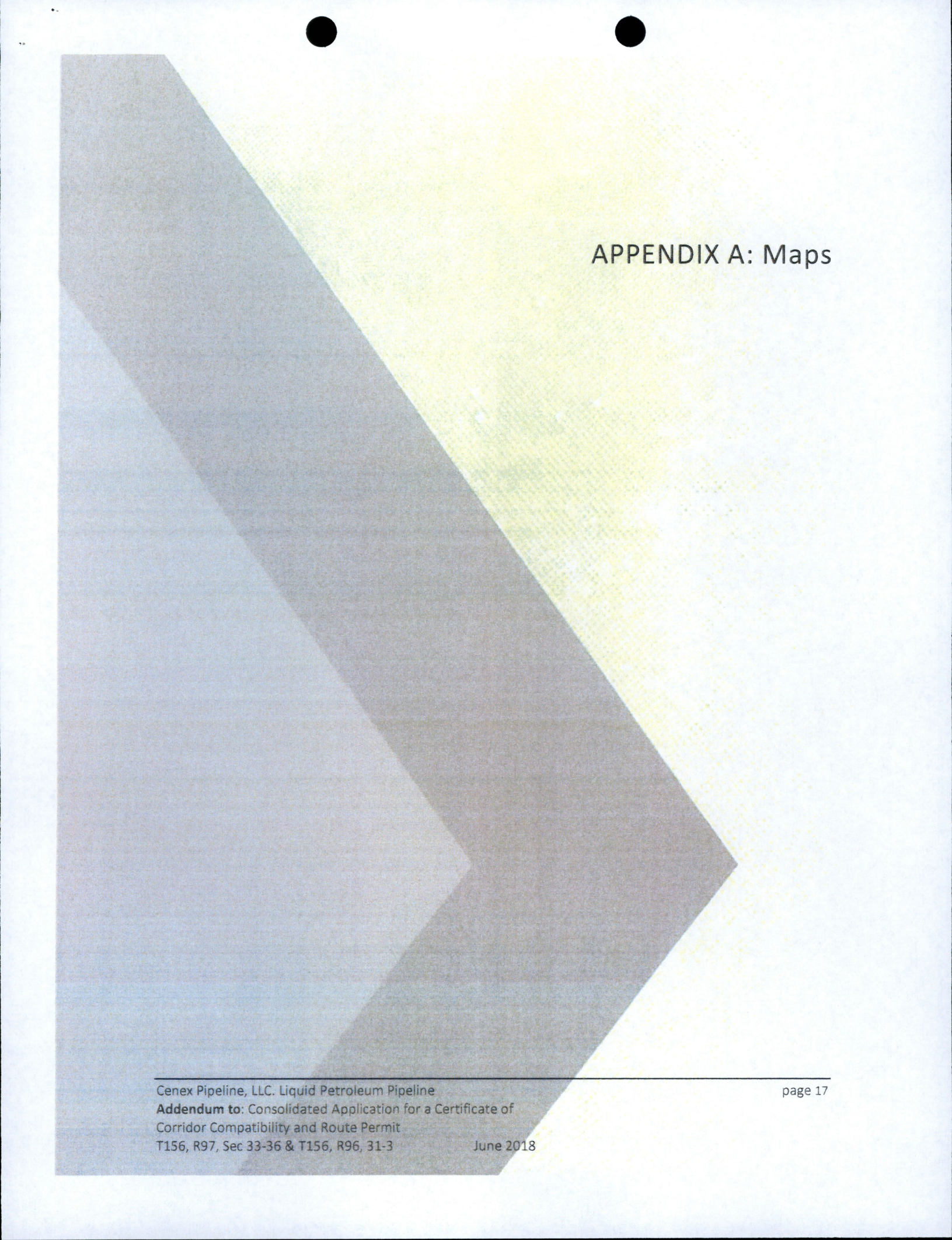
| AVOIDANCE AREA | PRESENT WITHIN 200' SURVEY CORRIDOR | METHODS/ALTERNATIVES CONSIDERED FOR AVOIDANCE AREA | PROPOSED MITIGATION |
|--|-------------------------------------|---|---------------------|
| Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges and grasslands. | None | N/A | N/A |
| Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands. | None | N/A | N/A |
| Historical resources that are not specifically designated as exclusion or avoidance areas. | Yes | The proposed route would avoid both unevaluated cultural resource sites by a minimum of 50 feet therefore no adverse impacts are anticipated. | N/A |
| Areas which are geologically unstable. | None | N/A | NA |
| Location of route within 500 feet (152.4 meters) of a residence, school, or place of business. | None | N/A | N/A |
| Reservoirs and municipal water supplies. | None | N/A | N/A |
| Water resources for organized rural water districts. | None | N/A | N/A |
| Areas of recreational significance which are not designated as exclusion areas. | None | N/A | N/A |



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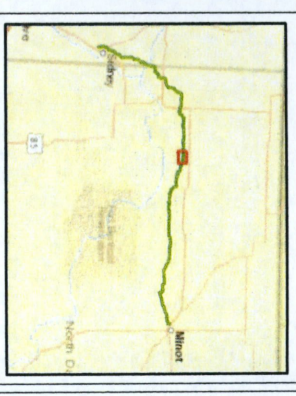
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APPENDIX A: Maps

**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Re-Route Changes
Outside of Corridor**

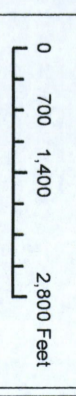


Legend

- Schools - 500' Avoidance
- Missile Site - 1200ft
- Exclusion
- Residential/Commercial Building - 500' Avoidance
- Potential Dakota Skipper Habitat
- Historic Landslide Areas
- Delineated Wetlands
- PSC Corridor - June 2017
- PSC Route - June 2017
- Proposed Corridor - as of April 2018 -
- Proposed Re-Routes - as of April 2018 -

Re-Route Length Outside of PSC (June 2017): 31957 FT

Furthest Distance to PSC (June 2017) ROW: 4262 FT



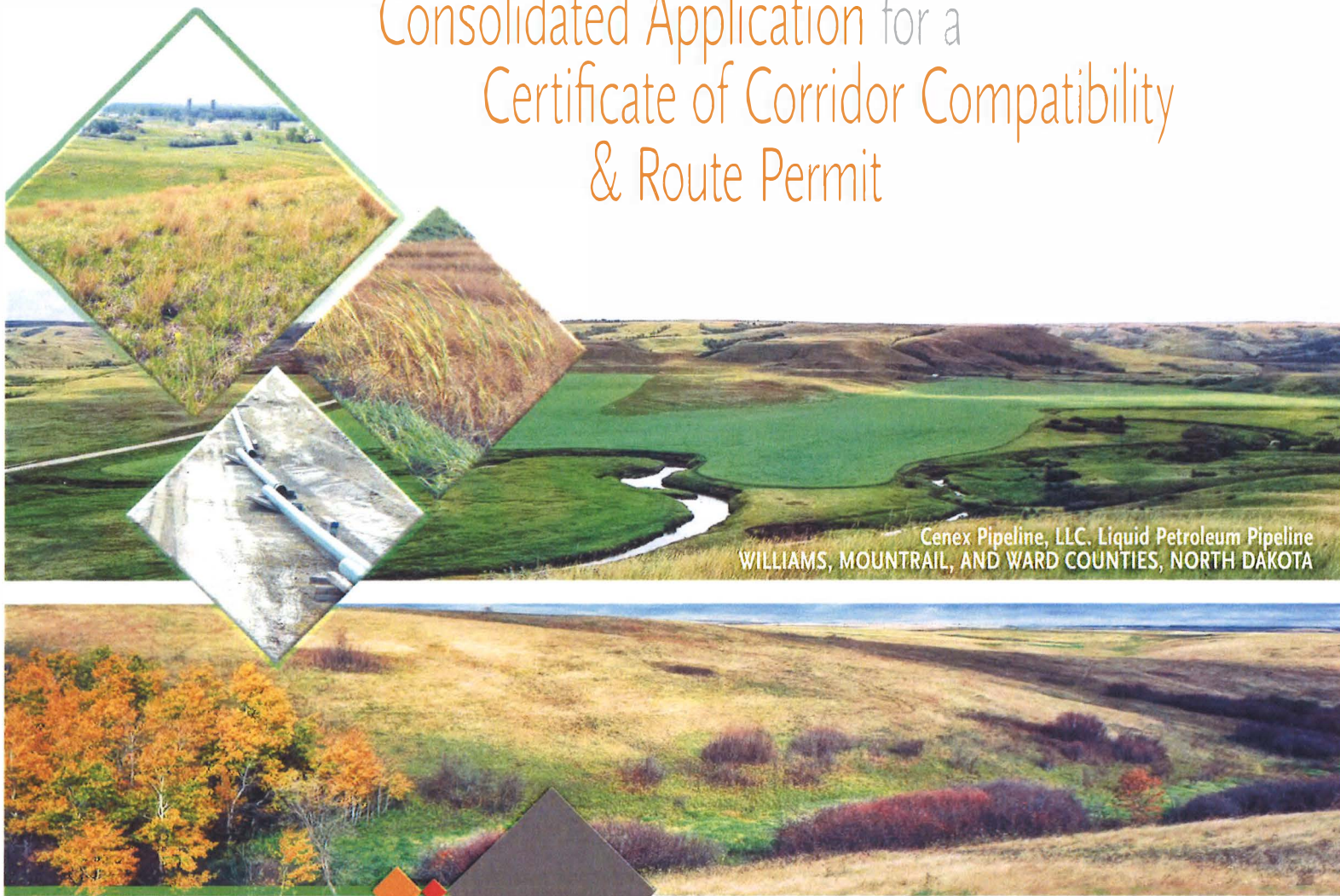
Exclusion & Avoidance



1 inch = 2,131 feet
Page 3 of 5
Created Date: 5/30/2018
Created By: AAJ



Addendum to: Consolidated Application for a Certificate of Corridor Compatibility & Route Permit



Cenex Pipeline, LLC. Liquid Petroleum Pipeline
WILLIAMS, MOUNTRAIL, AND WARD COUNTIES, NORTH DAKOTA

PREPARED FOR:
Cenex Pipeline, LLC.
803 Highway 212 South
Laurel, MT 59044

SUBMITTED TO:
North Dakota Public Service Commission

PREPARED BY:
KLJ
4585 Coleman St
Bismarck, ND 58503

For: T155N, R102W, Sec 20, 21, 29



July 2018

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I. BACKGROUND AND PROJECT DESCRIPTION

A. Description of the Proposed Project

The project is to construct a new ten-inch (10") pipeline from Sidney, MT to Minot, ND for the purpose of replacing a portion of an existing eight-inch (8") pipeline system, while adding throughput capacity. Cenex currently operates a pipeline that transports refined fuels from Laurel, MT to Fargo, ND. The Cenex pipeline was originally constructed in 1954 to transport petroleum fuels (including gasoline and diesel fuel) from the oil refinery in Laurel, MT to a distribution terminal in Glendive, MT. The refinery, which commenced production in 1930, was purchased by Cenex in 1943. In 1960, the pipeline was extended from Glendive to a terminal located in Minot, ND. Then in 1991, the pipeline was again extended from Minot to Fargo, ND, where it connects with other pipelines.

For nearly two decades, Cenex has methodically replaced its pipeline systems between Billings, MT and Minot, ND by completing pipeline replacement projects. With the completion of a project near Miles City, MT in 2016, the entire distance between Billings MT and Glendive MT has now been replaced in its entirety. Also in 2016, a 46-mile segment of the Cenex Pipeline was replaced from Glendive, MT to Sidney, MT.

Cenex will replace and re-route the existing 8" Cenex Pipeline between Sidney, MT and Minot, ND. Whereas the current pipeline crosses the Yellowstone River near Sidney, running eastward to Minot, the new, 10" pipeline route would run north from Sidney until crossing the Missouri River in MT, it would then run east to Minot, passing north of Williston. This route was chosen to minimize the amount of construction taking place in sensitive areas, while also avoiding difficult river crossings and numerous other engineering and land-use challenges. The pipeline is needed to accommodate an increased demand for refined fuels in the region and to reduce the level of maintenance required to safely operate the pipeline system. Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit (Application) to the ND Public Service Commission (PSC) in March 2017 for the 149.7 miles of pipeline that would occur in ND. The ND PSC issued a Findings of Fact, Conclusions of Law and Order (Order) for the project (Case No. PU-17-97) on March 14, 2018.

Upon issuance of the March 2018 Order, Cenex continued to finalize the right-of-way (ROW) agreements. During final negotiation, Cenex agreed to one minor modifications to the proposed route at landowner request in Williams County. The proposed reroute would require construction to occur outside of the previously approved 200-foot corridor. Please refer to **Table 1, Proposed Reroute**.

The affected landowner in Section 20 who lives in North Dakota expressed dissatisfaction to Cenex with the route approved by the ND PSC. This landowner requested the route be relocated slightly to the east so as not to harm the subdivision potential of their property located near Williston. An out of state company, which owns the property on either side of the resident landowner for both routes, has not been open to signing an easement. However, Cenex wishes to accommodate the request of the in-state landowner, as their request was reasonable and required minimal route movement. The in-state landowner has granted Cenex an easement for the proposed reroute.

Table 1, Proposed Reroute

| REROUTE | LOCATION | LENGTH | | REASON | EXTENT OF REROUTE |
|--------------|-----------------------------------|--------------|--------------------------|-------------------|---|
| | | TOTAL | OUTSIDE CORRIDOR (MILES) | | |
| 1 | Sec. 20, 21, and 29, T155N, R102W | 3,750 | 0.71 | Landowner Request | Centerline extends outside of previously approved 200-foot corridor |
| Total | | 3,750 | 0.71 | | |

II. SITE ANALYSIS

A. Introduction

The purpose of this analysis is to document changes to potential impacts of avoidance and exclusion areas and additional resources that may be impacted by the proposed pipeline reroute not previously contained within the PSC application. The reroute is proposed to disturb areas outside the previously approved 200-foot wide corridor (environmental study area). Exclusion and avoidance areas have been identified, along with other potential environmental concerns that should be avoided, minimized, or mitigated. Commitments to avoid, minimize or mitigate impacts to resources discussed in the PSC Application would be applicable to the reroute unless specified otherwise below.

The PSC regulations include the following criteria as exclusion areas for transmission facility corridors and route criteria:

- Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas;
- Designated or registered state: parks; historic sites; monuments; historical markers; archeological sites; and nature preserves.
- County parks and recreation areas; municipal parks; and parks owned or administered by other governmental subdivisions.
- Areas critical to the life stages of threatened & endangered animal or plant species.
- Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.
- Areas within 1,200 feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.
- Areas within 30 feet on each side of a direct line between intercontinental ballistic missile (ICBM) launch or launch control facilities to avoid microwave interference.

The PSC regulations include the following criteria as avoidance areas for transmission facility corridors and route criteria:

- Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.

- › Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.
- › Historical resources which are not specifically designated as exclusion or avoidance areas.
- › Areas which are geologically unstable.
- › Within five hundred feet (152.4 meters) of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.
- › Reservoirs and municipal water supplies.
- › Water sources for organized rural water districts.
- › Irrigated land. This criterion shall not apply to an underground transmission facility.
- › Areas of recreational significance which are not designated as exclusion areas.

Avoidance and exclusion areas were identified through available data via coordination with resource agencies and through state and agency Geographical Information System (GIS) data hubs. Several resource agencies provided confidential information used to identify potential avoidance and exclusion areas. The purpose of the confidentiality of certain data is to protect the integrity of sensitive areas from intentional disturbance. Due to the confidential nature of this information, specific details regarding the nature and locations of these sensitive areas have been excluded from the document. In addition to GIS digital and agency provided data, environmental staff from KLJ completed additional field inspection of the proposed project area during the 2017 field seasons.

III. AVOIDANCE/EXCLUSION AREAS AND RESOURCE ANALYSIS

A. Demography and Economy

Williston, ND is the community nearest the proposed reroute. Major employment industries within the community of Williston include oil- and gas-related activities, agriculture, educational, health and social services, transportation and warehousing, utilities, construction, accommodation, food services, and retail trade.

Impacts

No impacts to demographics or the regional economy, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

B. Land Use

The Project would be located in a rural setting composed entirely of cropland and roadway used for transportation (10 acres). The reroute is all located atop private lands and would include a 50-foot-wide permanent ROW for the pipeline and 25-foot-wide temporary construction easements on one side of the ROW (a total of 75-foot ROW). In some areas where construction activities would require less space (e.g. HDD locations) the construction corridor would be reduced as necessary to minimize impacts. For purposes of this analysis, to provide the most conservative assessment, potential temporary impacts from construction activities are estimated assuming the entire length of the Project

would include a 75-foot-wide construction corridor. Please refer to **Figure A-2, Land Use in Appendix A**.

Impacts

Short-term adverse impacts on land use would be expected from the project. The public roadway would be bored under and minimal disturbance of traffic would be anticipated. Construction of the reroute associated with the project would result in the temporary disturbance of approximately 10 acres of land within the 75-foot-wide construction corridor; however, no permanent impacts are anticipated. It is not anticipated that the disturbance of lands within the project route would result in a trend toward modification of existing land use patterns.

C. Public Services—Electrical Services

There are no overhead electrical utility crossings of the proposed rerouted pipeline route.

Impacts

No impacts to electrical services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

D. Public Services—Local Services

The Project would pass through rural portions of North Dakota, primarily composed of grasslands and cultivated lands. There are no towns or municipalities within the environmental study area. The town nearest the proposed reroute is Williston. Williston provides services associated with larger urban municipalities such as Kindergarten, elementary, middle, and high schools, hospitals, fire and paramedic service, hotels, restaurants, shopping malls, airports, and recreational opportunities.

Impacts

No impacts to local services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

E. Public Services—Roads and Traffic

One paved roadway would be crossed by the proposed reroute. The roadway would be bored using HDD.

Impacts

No impact to roads and traffic, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

F. Public Services - Telephone, Radio, Antenna, Communication, and Microwave Structures

There are no radio structures, microwave structures, or wireless communication towers present within the ROW, environmental study area. The Project route was selected to avoid radio, antenna, communication, and microwave structures.

Impacts

No impacts to telephone, radio, antenna, communication, and microwave structures, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

G. Public Services—Water Supply

The Western Area Water Supply Authority (WAWSA) supplies water to rural areas in Mountrail, Williams, and Ward Counties. The Western Area Water Supply Project utilizes a combination of Missouri River water treated at the Williston Regional Water Treatment Plant and groundwater treated by the R&T Water Supply Commerce Authority's Water Treatment Plant in Ray, North Dakota. Currently, the Authority provides water to 70,000 people and should provide up to 160,000 people by 2038 (WAWSA 2016).

There are no sole source aquifers¹ designated in the environmental study area or the State of North Dakota (EPA 2009); however, unconsolidated aquifers may be crossed by the proposed project. Unconsolidated aquifers are located between rock formations and contain the most productive aquifers in North Dakota. The aquifers are composed of loose deposits of sand and gravel through which water readily moves. Some of these deposits are tens of square miles in area and are as much as 100 feet thick (USGS, 1983).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the environmental study area. All public water systems that have wells or intakes are participants in the Source Water Protection Program established by the Safe Drinking Water Act. Wellhead Protection Areas are managed by the North Dakota Department of Health (NDDH) to protect groundwater-dependent public water systems, or surface water-dependent public water systems (NDDH, 2016). There are no Wellhead Protection Areas within the proposed reroute environmental study areas.

Impacts

No impacts to water supplies, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

¹ EPA (2009), "defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer".

H. Human Health and Safety—Hazardous Materials/Hazardous Waste

Review of US Environmental Protection Agency (EPA) hazardous materials databases (e.g. Superfund, Resource Conservation and Recovery Act [RCRA], and Toxics Release Inventory [TRI]) was conducted for Williams, Mountrail, and Ward Counties. There are no known hazardous waste sites within the proposed reroute environmental study area. Minor amounts of hazardous materials (i.e. used oils, cleaning agents, batteries) could be used during construction, maintenance, or operation activities associated with the Project. Hazardous waste would not be generated from construction, maintenance, or operation activities associated with the Project.

Impacts

Any hazardous waste encountered, or hazardous materials used during construction, would be contained per the SWPPP that would be maintained by Cenex. Cenex, nor its contractors, would store hazardous materials, chemicals, fuels, lubricating oils, or perform concrete coating activities within 100 feet of streams or waterbodies.

I. Human Health and Safety—Security

The Project would be in Williams, Mountrail, and Ward Counties. All access to the project route would require permission from property owners, which would minimize public access and should reduce the need for additional security during construction.

Impacts

No impacts to security, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

J. Human Health and Safety—Noise

The Project would be in a rural setting. Existing noise contributions in the environmental study area would be from nearby farming activities and roadway traffic. Noise levels in rural settings typically range from 25 to 40 decibels (Noise Quest 2016, IAC Acoustics 2016).

Impacts

No impacts associated with noise, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

K. Aesthetics (Visual)

The environmental study area lacks large-scale development and contains sparsely scattered farmsteads and rural residences. Much of the landscape within the reroute environmental study area is utilized for agricultural activities.

The landscape of the Project is characterized by cultivated agricultural fields, with occasional small drainages. The reroute would cross a portion of the prairie pothole region; an area characterized by

pothole wetlands heavily interspersed within the landscape. There are no scenic byways, or wild and scenic rivers within the reroute environmental study areas.

Impacts

No impacts to aesthetics, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

L. Cultural and Archaeological Resources

KLJ performed a Class III cultural resource inventory along the proposed reroute between September 11–22, 2017. The survey area was approximately 200-feet in width, unless it overlapped with previously surveyed areas. No previously recorded or new sites were identified within the study area.

Impacts

Impacts to *Eligible* or unevaluated resources are not anticipated within the proposed reroute environmental study area. A Class III Cultural Resources Report has been submitted to the State Historic Preservation Office for concurrence. A copy of the concurrence will be filed with the ND PSC.

M. Recreational Resources

Cropland is found within the proposed reroute study area. No major water bodies are located within or near the proposed reroute. The closest major water body is the Missouri River approximately nine miles southeast of the reroute location. This area may provide recreational opportunities such as hunting, bird watching, photography, fishing, and general recreation. Additionally, city parks, golf course, and museums are located in the nearby town of Williston.

There are no Wildlife Management Areas (WMAs), Wildlife Production Areas (WPAs), or National Wildlife Refuges (NWRs) located within the proposed reroute study area.

Impacts

No impacts to recreational resources associated, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated associated with the proposed reroute.

N. Agriculture and Farmland

Much of the proposed reroute study area consists of level cropland fields. This area is used primarily for farmland. Impacts within the study area to Farmland were analyzed and minimized to the extent practicable.

Impacts

Short-term adverse impacts on farmland would be associated with construction of the proposed reroute. Potential agricultural losses from the temporary disturbance of farmland are anticipated to be minor or non-existent.

O. Soils

The proposed reroute area is dominated by loam soils, which are a broad textural class of soils that contain a mixture of sand, silt, and clay particles. The presence of clay in a soil has a greater influence on a soil than the presence of silt or sand; therefore, a soil name can include the modifier “clay” with as little as 20 percent clay, while a soil must contain at least 55 percent sand or 40 percent silt to contain those respective modifiers in its name. Soils identified as sandy loams have moderately coarse textures, silt loams have medium textures, and clay loams have moderately fine textures (Schoeneberger et. al., 2012). Areas in this proposed reroute is utilized for farmland.

Impacts

Short-term, adverse impacts on soils would be expected from construction of the proposed reroute. There are approximately 10 acres within the 200-foot environmental survey area of the reroute; however, only approximately 3.75 acres would be temporarily impacted from surface disturbance and soil compaction during construction and the use of heavy machinery. Any impacts on soils from construction of the Project would be localized and would not be considered significant, as BMPs would be implemented to minimize impacts on soils.

The risk of soil contamination from a potential release of crude oil by way of a pipeline integrity emergency in the proposed pipeline would be minimal.

P. Geologic and Groundwater Resources

The environmental study area is located primarily in an ecoregion of North Dakota known as the Northwest Glaciated Plains. This area was formed by glaciers moving across the state that became stagnant, depositing rock debris, gravel, and fine-grained sediments intermixed with large ice-chunks. When buried ice-chunks melted, wetlands were created. Due to these geologic sequences, the region in which the study area is located is commonly referred to as the prairie pothole region (Bryce et. al. 1996). Geology in this ecoregion consists primarily of glacial till and outwash surface materials layered over Tertiary sandstone and shale, or Cretaceous Pierre Shale bedrock formations (Bryce et. al. 1996). The stratum, or layer of sediment deposited millions of years ago, the pipeline would be placed in consists mostly of the Coleharbor stratum (North Dakota Studies 2016). This layer was deposited by water (i.e. rivers or lakes in the region), and can be as thick as 200 feet in some areas. It is composed of sandy, silty clay with pebbles of limestone, dolomite, granite, and basalt (USGS 2016a). This layer was deposited 2.5 million years ago in the Quaternary, Pleistocene epoch (North Dakota Studies 2016).

Landslide prone areas are most commonly located along drainage features, valleys, badlands topography and regions where sediment are exposed near the surface (M.R. McDonald, Personal Communication, May 3, 2016). There are no historically identified landslide-prone areas within the proposed reroute area.

An aquifer is an underground layer of water contained within consolidated layers (e.g. solid rock), rock fractures or unconsolidated materials (e.g. gravel, sand, or silt) from which groundwater can be extracted (USGS 2016b). No sole source aquifers² have been identified in the project area (EPA 2009).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the proposed reroute area.

Impacts

If a pipeline integrity emergency occurs during operations, short-term or long-term, adverse impacts on groundwater might occur. Groundwater can become directly contaminated in several ways. If surface water which recharges an aquifer is polluted, this pollution will transfer to the groundwater source. Groundwater can also become contaminated when a fluid or hazardous substance leaches downward through the soil and into a groundwater source (DiGuilio et. al. 2011). The proposed reroute is not anticipated to impact geological or groundwater resources.

Q. Surface Water and Floodplain Resources

The reroute area occurs in the Missouri River Basin. Surface water and drainages are not present in the reroute area. The pipeline reroute area was not mapped by the Federal Emergency Management Agency (FEMA) for floodplains (Zone D).

Impacts

No impacts to surface water and floodplains outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

R. Wetlands

Wetlands are defined both in the 1977 Executive Order 11990, Protection of Wetlands, and in Section 404 of the Clean Water Act of 1986, as those areas that are inundated by surface or groundwater with a frequency to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Three parameters that define a wetland, as outlined in the Federal Manual for Delineating Jurisdictional Wetlands (USACE 1987), are hydric soils, hydrophytic vegetation, and hydrology. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are important natural resources that often serve many functions, such as providing habitat for wildlife, storing floodwaters, recharging groundwater, and improving water quality through purification.

² EPA (2009), “defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer”.

Field wetland delineations were completed by KLI to identify wetlands, so they could be avoided or impacts from construction could be minimized. No wetlands were found to occur within the reroute area during field delineations.

Impacts

The proposed reroute would have no impacts to wetlands.

S. Vegetation

The reroute area is dominated by cropland. Much of the area has been previously disturbed by cultivation, due to farming practices that have led to soil disturbance.

North Dakota has listed 11 noxious weeds: absinth wormwood, Canada thistle, diffuse knapweed, leafy spurge, musk thistle, purple loosestrife, Russian knapweed, spotted knapweed, yellow toadflax, dalmatian toadflax, and saltcedar. Cities and counties are also able to list additional noxious weeds for control within their jurisdiction. Williams County has designated houndstongue, narrowleaf hawksbeard and Palmer amaranth as additional noxious weed species. According to the North Dakota Weed Mapper, no noxious weeds were documented within the reroute location from 2010 through 2015 (Information beyond 2015 was unavailable at the time of the review).

No trees occur within the reroute portion of the pipeline alignment.

Impacts

Short term adverse impacts on vegetation are anticipated to result from the proposed reroute. No long term impacts are anticipated due to the reroute occurring on farmland, as it would return to pre-construction use with the completion of the project. Implementation of the project would result in the temporary disturbance of approximately 3.75 acres of land within the 75-foot-wide construction corridor of the proposed reroute. No tree removal is anticipated as a part of the proposed reroute. During construction, it is common for weed species to grow in disturbed areas until the desired re-vegetation of the site is complete.

The risk of contaminating vegetation from a potential release of refined fuel by way of a pipeline integrity emergency would be minimal. The Project would comply with USDOT regulations, specifically the design, construction, pressure testing, operation, welding, maintenance, and emergency response requirements, as outlined in Transportation of Hazardous Liquids by Pipeline regulations (49 CFR Parts 194 and 195). Upon completion of construction and prior to commissioning, the pipeline would be hydrotested for pipeline integrity. The water from hydrotesting would be discharged in accordance with the requirements listed in the NDPDES permit. The MLVs would allow segments of the pipeline to be isolated if there were a pipeline integrity emergency or for inspection and maintenance purposes. During operations, SCADA system communications would be used to monitor for pipeline integrity. In addition, the pipeline would receive regular inspections along the ROW for any indications of pipeline integrity and other maintenance issues.

If there were a pipeline integrity emergency during operations, short-term, adverse impacts on vegetation might occur.

T. Wildlife—Mammals

White-tailed (*Odocoileus virginianus*) and mule deer (*Odocoileus hemionus*) flourish within, and near to, the environmental study area due to the ample forage from surrounding cropland intermingled with the native rangeland. Numerous other mammals such as Eastern cottontail rabbit (*Sylvilagus floridanus*), red fox (*Vulpes vulpes*), beaver (*Castor canadensis*), muskrats (*Ondatra zibethicus*), black-tailed prairie dog (*Cynomys ludovicianus*), and coyotes (*Canis latrans*) also inhabit this part of the state.

Impacts

No impacts to mammals, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

U. Wildlife—Avian Species

The study area lies in the prairie pothole region of North Dakota and the Central Flyway of North America. As such, this area is used as stopover habitat for many birds on their spring and fall migrations, as well as nesting and breeding grounds for many waterfowl species hunted as game in the region. Many other non-game bird species are fly through and inhabit this region.

Impacts

No impacts to avian species, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are anticipated.

V. Rare and Unique Natural Resources—USFWS-Listed Threatened and Endangered Species

The project route has been evaluated to determine the potential for occurrences of federally listed threatened, endangered, proposed, and candidate species. In Williams County, there are four endangered species (e.g. interior least tern [*Sterna antillarum*], gray wolf [*Canis lupus*], pallid sturgeon [*Scaphirhynchus albus*], and whooping crane [*Grus Americana*]), and three threatened species (e.g. piping plover [*Charadrius melodusnorthern*], rufa red knot [*Calidris canutus rufa*], and northern long-eared bat [*Myotis septentrionalis*]). There is USFWS-designated critical habitat for the piping plover within Williams County; however, no critical habitat is within the environmental study area (USFWS ECOS IPaC, 2018).

Impacts

Field surveys were conducted for the proposed reroute and no threatened or endangered species or preferred habitat were observed within the environmental study areas. In addition, designated critical habitat for the piping plover would not be impacted as part of the proposed reroute.

W. Rare and Unique Natural Resources—Rare and Sensitive Species

Cenex has coordinated with the USFWS, NDGFD, and NDPRD to assist with identifying sensitive species and sensitive habitat that could exist within the proposed reroute environmental study area. Field

surveys were completed by KLJ staff in 2017. No historically documented bald or golden eagle nests occur within the proposed reroute environmental study area.

According to NDPR NHI data, no sensitive botanical or zoological species were identified within the Project route (K. Duttenhefner, Personal Communication, December 15, 2015).

Communities of Ecological Importance

Ecological communities are used to address conservation and resource management issues. They are also used to provide a systematic way to describe natural vegetation pattern and processes across the landscape. The NDPRD NHI database did not identify any significant ecological communities within an approximate 3-mile radius of the environmental study area. Per the NDPRD, the information in the NHI database is not based on a comprehensive survey; therefore, there could be significant ecological communities in the area that are not represented in the database (K. Duttenhefner, Personal Communication, December 15, 2015).

Impacts

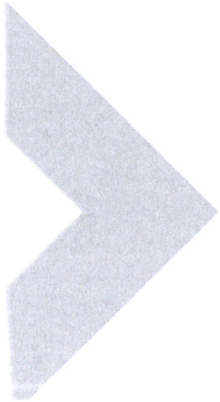
Impacts to sensitive species and habitat as well as communities of ecological importance outside of what was contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit, are not anticipated.

X. Avoidance/Exclusion Area and Resources Analysis Conclusions

The Project was sited to avoid impacts to exclusion areas. The following table provides a summary of exclusion areas identified within the 200-foot survey corridor for the proposed reroute.

Table 2, Summary of Exclusion Areas

| EXCLUSION AREA | PRESENT WITHIN 200' SURVEY CORRIDOR | METHODS/ALTERNATIVES CONSIDERED FOR EXCLUSION AREA | PROPOSED MITIGATION |
|---|---|--|------------------------|
| Designated or registered national: parks, memorial parks, historic sites and landmarks, natural landmarks, monuments, and wilderness areas. | None | N/A | N/A |
| Designated or registered state: parks, historic sites, monuments, historical markers, archaeological sites, and nature preserves. | None | N/A | N/A |
| County parks and recreation areas, municipal parks, and parks owned or administered by other governmental subdivisions. | None | N/A | N/A |
| Areas critical to life stages of threatened or endangered animal or plant species. | None | N/A | N/A |
| Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged. | None | N/A | N/A |
| Areas within 1,200 feet of the geographic center of an ICBM launch or launch control facility. | None | N/A | N/A |
| Areas within 30 feet on either side of a direct line between ICBM launch or launch control facilities to avoid microwave interference. | None | N/A | N/A |



The Project was sited to avoid impacts to avoidance areas. The following table provides a summary of avoidance areas identified within the 200-foot survey corridor for the proposed reroute.

Table 3, Summary of Avoidance Areas

| AVOIDANCE AREA | PRESENT WITHIN 200' SURVEY CORRIDOR | METHODS/ALTERNATIVES CONSIDERED FOR AVOIDANCE AREA | PROPOSED MITIGATION |
|--|-------------------------------------|--|---------------------|
| Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges and grasslands. | None | N/A | N/A |
| Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands. | None | N/A | N/A |
| Historical resources that are not specifically designated as exclusion or avoidance areas. | None | N/A | N/A |
| Areas which are geologically unstable. | None | N/A | NA |
| Location of route within 500 feet (152.4 meters) of a residence, school, or place of business. | None | N/A | N/A |
| Reservoirs and municipal water supplies. | None | N/A | N/A |
| Water resources for organized rural water districts. | None | N/A | N/A |
| Areas of recreational significance which are not designated as exclusion areas. | None | N/A | N/A |



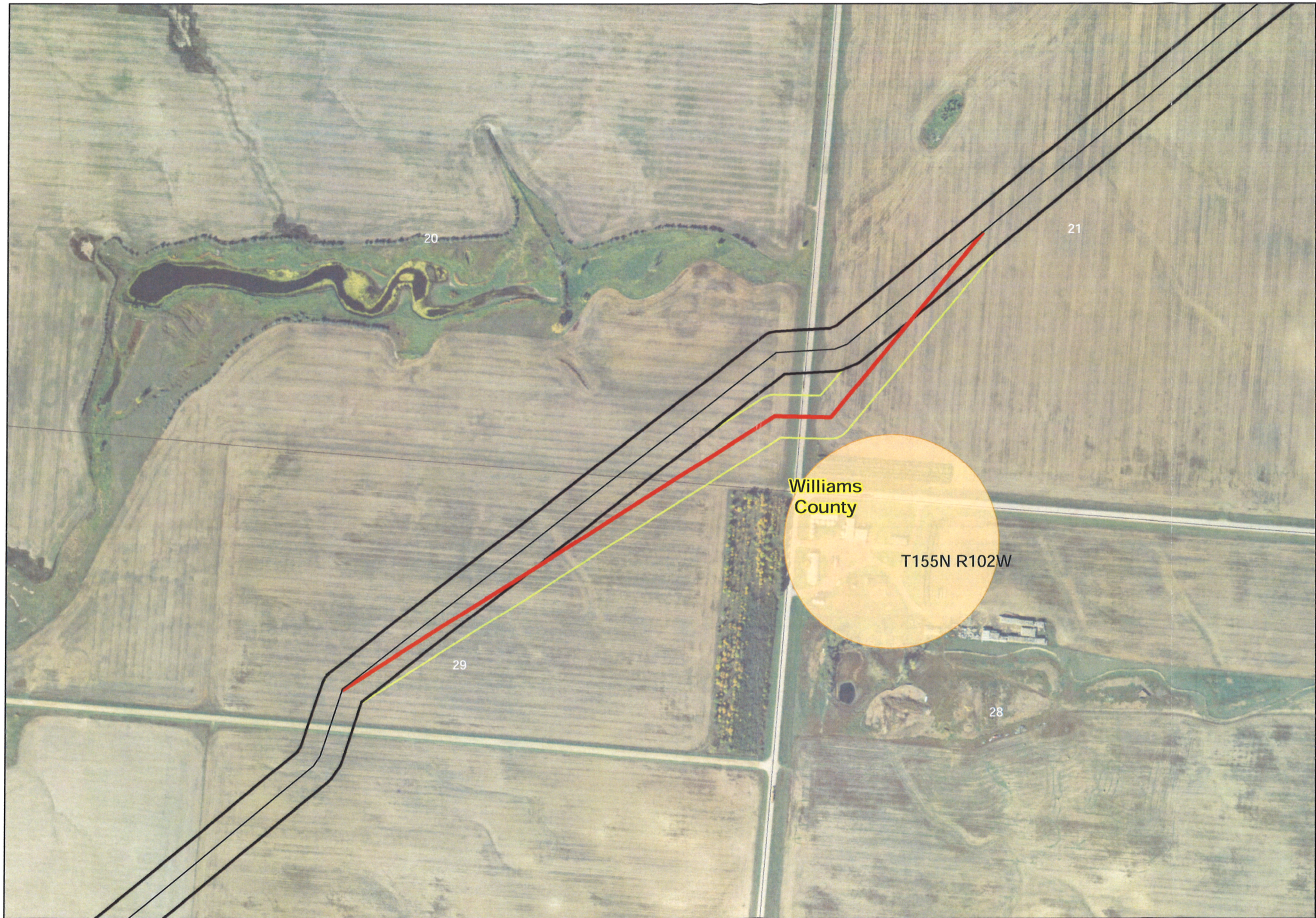
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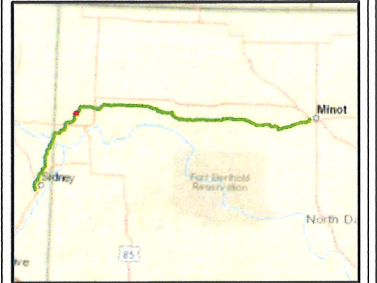


APPENDIX A: Maps





**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Re-Route Changes
Outside of Corridor**

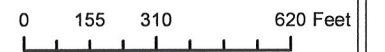


Legend

-  Schools - 500' Avoidance
-  Missile Site - 1200ft Exclusion
-  Residential/Commercial Building - 500' Avoidance
-  Potential Dakota Skipper Habitat
-  Historic Landslide Areas
-  Delineated Wetlands
-  PSC Corridor - June 2017
-  PSC Route - June 2017
-  Proposed Corridor - as of April 2018 -
-  Proposed Re-Routes - as of April 2018 -

Re-Route Length
Outside of PSC
(June 2017): 2182 FT

Furthest Distance
to PSC (June 2017)
ROW: 296 FT



Exclusion & Avoidance





**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Doug Burgum
Governor of North Dakota

North Dakota
State Historical Board

Terrance Rockstad
Bismarck - President

H. Patrick Weir
Medora - Vice President

Steve C. Martens
Fargo - Secretary

Albert I. Berger
Grand Forks

Daniel Stenberg
Watford City

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Melissa Baker
*Director
Parks and Recreation
Department*

Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

*Accredited by the
American Alliance
of Museums since 1986*

June 29, 2018

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Bismarck ND 58502-1157

ND SHPO Ref: 16-0917B PSC "Second Addendum to Cenex Pipeline, LLC Refined Fuels Pipeline: A Class III Cultural Resource Inventory in Williams, Mountrail and Ward Counties, North Dakota"

Dear Mr. von Wedell,

We reviewed ND SHPO Ref: 16-0917B PSC "Second Addendum to Cenex Pipeline, LLC Refined Fuels Pipeline: A Class III Cultural Resource Inventory in Williams, Mountrail and Ward Counties, North Dakota," and find the report acceptable. There has been a good faith effort to identify and avoid impacts to "Significant Sites," provided the projects remain as described and mapped in this report dated June 2018. Also the project should avoid 32WI1167 and 32WI1168, 32WI2300, 32WI2301. We request archaeological monitoring of these sites.

Thank you for the opportunity to review this project. If you have questions please contact Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

Claudia J. Berg
Director, State Historical Society of North Dakota