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Memorandum

Date: 6/25/2019
To: North Dakota Public Service Commission
Copy to: Mike Stahly, Cenex Pipeline, LLC
From: Grady Wolf - KLJ
Cenex Pipeline, LLC. Liquid Petroleum Pipeline
RE: Addendum to Certificate of Corridor Compatibility and Route Permit
Case No. PU-17-97

Remarks

INTRODUCTION:

Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit 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, and as subsequently amended on September 26, 2018.

During the public hearing, there was discussion on Geologically Unstable Areas (GUA) identified along the proposed route. Administrative Law Judge Dawson identified late filed Exhibit No 25 to be a geotechnical investigation of the identified GUA's. On September 25, 2017 and October 10, 2017 Exhibit No. 25 and the addendum thereto (Docket Nos. 85 & 90), which consisted of geotechnical investigations completed by Terracon, were submitted to the PSC. The report identified use of cut and cover, Horizontal Directional Drill (HDD) or an alternative route as acceptable construction methods for the GUAs. Cenex identified it would utilize the cut and cover method for construction at each of the three GUAs. A follow up submittal to the PSC on November 29, 2017 (Docket No. 93) identified the use of trench breakers as an acceptable addition to the cut and cover method chosen for construction.

During a recent field visit with the construction contractor to the GUA in Section 3, Township 155N, Range 55W, in Williams County, North Dakota, it was determined that a shift in the route alignment and alternative construction method will simplify construction from the previous route and construction method presented to the PSC (see, Docket No. 90). The proposed route would be shifted north approximately 75 feet and would continue to run parallel to the road within the 200-foot permitted corridor. Due to steep topography at the eastern portion of the reroute, HDD will be utilized to further avoid disturbance of the GUA. The HDD method was determined to be an acceptable method for avoidance of GUA's as outlined in Exhibit No 25. This memo takes into account the proposed reroute which occurs entirely within the previously approved 200-foot corridor.

Cenex may utilize the HDD method at the remaining two GUA's (Section 33, T154N R103W, Williams County (Docket No. 85) and Section 27, T155N, R94W, Mountrail County (Docket No. 90)) if the contractor believes HDD to be a more constructible method of installing the pipeline. Any subsequent route adjustments resulting from further avoidance of GUAs will be filed under separate cover.



ANALYSIS:

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 applications. The proposed reroute is to occur within the previously surveyed and approved 200-foot wide corridor.

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. In addition to GIS digital and agency provided data, environmental staff from KLJ completed additional field inspections of the proposed project areas during the 2016-2017 field season.

CONCLUSION:

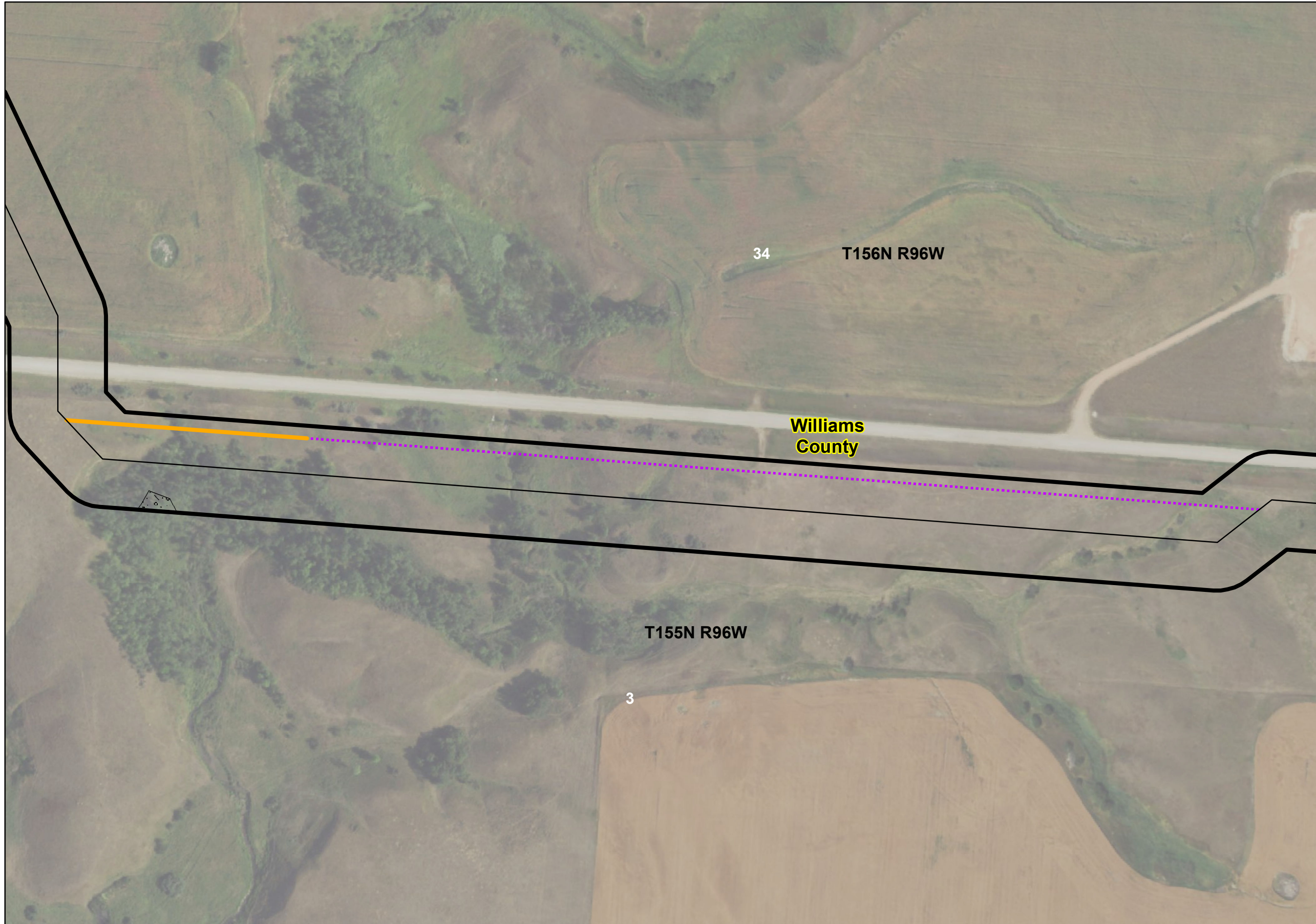
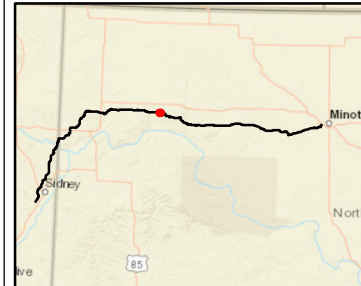
The following resources were analyzed as part of the reroute.

- Demography and Economy
- Land Use
- Public Services – Electrical and Local Services, Roads and Traffic, Telephone, Radio, Antenna, Communication, and Microwave Structures, and Water Supply
- Human Health and Safety – Hazardous Materials/Hazardous Waste, Security, and Noise
- Aesthetics
- Wetlands
- Cultural and Archaeological Resources
- Recreational Resources
- Agriculture and Farmland
- Soils
- Geologic and Groundwater Resources
- Wildlife
- Rare and Unique Natural Resources

With the exception of the change in construction method chosen for work within the GUA, analysis of the reroute did not identify any significant changes when compared to the analysis discussion included in the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Route Permit applications. No additional exclusion or avoidance areas were identified along the proposed reroute, and therefore the route adjustment is not anticipated to result in any additional impacts than those previously filed with the PSC.

**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Route Changes
Within Corridor**

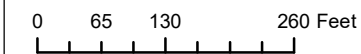


Legend

- Historic Landslide Areas
- PSC Corridor
- PSC Route
- Proposed Trench
- Proposed Bore

Re-Route Length: 2480 FT

Closest Distance to Corridor: 25 FT



Exclusion & Avoidance

