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Memorandum

Date: 7/3/2019
To: North Dakota Public Service Commission
Copy to: Mike Stahly, Cenex Pipeline, LLC
From: Grady Wolf - KLJ
RE: Cenex Pipeline, LLC. Liquid Petroleum Pipeline
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.

Four areas occurring within the project's approved route raised constructability concerns and reroutes are being requested. With regards to known and inventoried cultural resources (Docket No. 29) and non-resource encumbrances occurring within the previously approved route, reroutes within the approved project corridor are being proposed to avoid impacts to the resources. The extents of the proposed in-corridor reroutes, supplemented by the attached maps, are described below:

To avoid impacts to a previously known and inventoried cultural resource in Section 31, Township 155N, Range 92W, in Mountrail County, North Dakota, a reroute is being proposed to shift the pipeline routing to the north, avoiding the resource and remaining within the study corridor. To further avoid impact, horizontal directional drilling (HDD) methods will be implemented to prevent ground disturbance in the area. Pipeline will not be routed underneath the known cultural resource or any associated avoidance area and HDD methods will be implemented for the sole purpose of reducing the width of necessary working space within the proposed reroute.

To avoid impacts to a previously known and inventoried cultural resource in Section 33, Township 156N, Range 100W, in Williams County, North Dakota, a reroute is being proposed to shift the pipeline routing to the south, avoiding the cultural resource and remaining within the study corridor.

To avoid impacts to a previously known and inventoried cultural resource in Section 34, Township 156N, Range 100W, in Williams County, North Dakota, a reroute is being proposed to shift the pipeline routing to the south, avoiding the cultural resource and remaining within the study corridor.

To avoid impacts to a physical encumbrance (decommissioned storage tanks) in Section 31, Township 156N, Range 96W, in Williams County, North Dakota, a reroute is being proposed to shift the pipeline routing to the north, avoiding the encumbrance and remaining within the study corridor. This reroute will incorporate a previously identified HDD under a section line road.



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.

The following resources were analyzed as part of the reroutes.

- 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

CONCLUSION:

Analysis of the reroutes 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.