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Memorandum

Date: 7/19/2019
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 North Dakota (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.

A known and inventoried cultural resource (Docket No. 29) occurs within the previously approved route, a reroute within the approved project corridor is being proposed to avoid impacts to the resource. The extent of the proposed in-corridor reroute, supplemented by the attached map, is described below:

To avoid impacts to a previously known and inventoried cultural resource in Section 32, Township 155N, Range 91W, 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.

ANALYSIS:

The purpose of this analysis is to document changes of potential impacts to avoidance and exclusion areas and additional resources as a result of the proposed pipeline reroutes. The proposed reroutes occur within the previously approved 200-foot wide corridor (environmental study area).

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 as part of this project. 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 should be excluded from public documents. 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 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

CONCLUSION:

Analysis of the reroute did not identify any significant changes to resource impacts 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 avoidance or exclusion areas were identified within the proposed reroute, therefore no impacts to avoidance or exclusion areas are anticipated.