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Memorandum

Date: 7/29/2019
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.

Coordination with the United States Fish and Wildlife Service (USFWS) identified multiple easements associated with wetlands throughout the project corridor. KLJ accompanied the USFWS into the field to record their wetland boundary locations with GPS units and provided the digital data to the USFWS for verification. In agreeance with the USFWS these wetlands will either be bored or avoided entirely.

A wetland located in Sections 26 and 35, Township 155N, Range 91W was identified as a USFWS easement. During a field constructability review Cenex, Loenbro, and KLJ identified this to be a constructability issue and will be identified as USFWS Conflict #6. The point of intersection (PI) does not allow the required space for crews to work without impacting the USFWS wetland. A reroute is being proposed to shift the pipeline routing further to the east, avoiding the wetland and allowing crews the necessary work space at the PI. This reroute will incorporate the horizontal directional drilling (HDD) under the USFWS wetland.

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 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.