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Memorandum

Date: 8/2/2019
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.

Constructability review on site determined that several in corridor shifts in alignment would alleviate some identified constructability concerns. The point of intersection (PI) in Sections 36, Township 155N, Range 91W was not feasible and Loenbro submitted a field change request. A reroute is being proposed to extend the horizontal directional drilling (HDD) and PI for constructability purposes. The proposed reroute is identified on the attached map labeled FCN ES 056.

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 agreement with the USFWS these wetlands will either be bored or rerouted around.

Wetlands located in Sections 21 and 22, Township 155N, Range 90W were identified as USFWS easements. During a field constructability review Cenex, Loenbro, and KLJ identified concerns with constructability at these wetland locations and proposed a reroute. The current alignment would cross a total of four USFWS wetlands and cause the need for a longer HDD. A reroute is being proposed to shift the pipeline routing further to the north, reducing the number of USFWS wetlands crossed to two and reducing area of the wetlands requiring HDD. The proposed reroute is identified as USFWS Conflicts #13-16 on the attached map.

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 reroutes not previously contained within the PSC applications. The proposed reroutes are 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 proposed 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 reroutes, and therefore the route adjustments are not anticipated to result in any additional impacts than those previously filed with the PSC.