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# Memorandum

**Date:** 8/13/2019  
**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. During construction an unanticipated cultural resource was found within the project's approved route requiring a reroute. The extent of the proposed in-corridor reroute is described below and in additional attachments provided to the PSC. A visual representation of the reroute is depicted on the attached map.

On June 27, 2019, while surveying for a potential access road, additional stone features (site 32MN01539) were identified in Section 20, Township 155N, Range 94W, in Mountrail County, North Dakota. The site consisted of stone features. The site is unevaluated for listing on the National Register of Historic Places.

To avoid impacts to the unanticipated cultural resource, a reroute is being proposed to shift the pipeline route to the south, avoiding the cultural resource and remaining within the study corridor. Per coordination with the North Dakota State Historic Preservation Office (NDSHPO) no disturbance would occur within the 50-foot buffer and the site would be fenced off and monitored during initial ground disturbance in the area.

Per the Project Unanticipated Discovery Plan (Docket No. 32), construction has not occurred near the site and the location was avoided until the NDSHPO had an opportunity to review submitted reports and concur with avoidance recommendations. NDSPO has concurred with the proposed avoidance measure. Please refer to the attached concurrence letter.

### 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 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.