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October 24, 2019

*Via Electronic Mail and Hand-Delivery*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

*Email: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)*

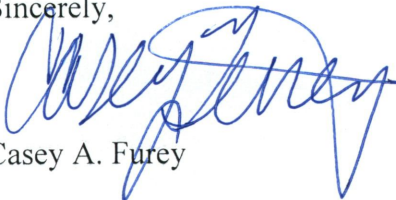
In re: Cenex Pipeline, LLC  
Case No. PU-17-097  
Our File No. 020836-000001

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, are eight copies of Cenex Pipeline, LLC's memorandum regarding a cultural resource incursion.

Please feel free to contact me with any questions or comments.

Sincerely,



Casey A. Furey

CAF/tka

Enc.

cc: Patrick Fahn (via email)  
Kari Carter (via email)  
Robb Schwend (via email)

**186 PU-17-97** Filed: 10/24/2019 Pages: 2  
**Memorandum regarding cultural resource incursion**



4585 Coleman Street  
Bismarck, ND 58503-0431  
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# Memorandum

**Date:** 10/24/2019  
**To:** North Dakota Public Service Commission  
**Copy to:** Mike Stahly, Cenex Pipeline, LLC  
**From:** Grady Wolf - KLJ  
**RE:** Cenex Pipeline, LLC. Liquid Petroleum Pipeline  
Avoidance Area Incursion  
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.

As outlined in the order, mitigation measures were taken to ensure impacts to any cultural sites would be avoided in accordance with North Dakota State Historical Preservation Office (NDSHPO) recommendations. On October 18, 2019 in Section 36, T155N, R94W multiple vehicles entered the site boundary and/or buffer for cultural site 32MN1401, which is eligible for inclusion in the National Register of Historic places. The buffer had been identified using wooden lathe and green paint with green flagging/ribbon. The incursion occurred when vehicles crossed portions of the buffer and site boundary during the process of the contractor unloading and laying out pipe. When noted by an inspector onsite that an incursion of the buffer had occurred, the contractor was immediately notified to stop work and to avoid the site.

The site was visited on October 19 and 21, 2019 by KLJ cultural resources personnel and it was determined that impacts to the site resulting from the incursion were minimal and consisted of driven over rocks that are part of prehistoric stone features at 32MN1401. Cenex is in the process of coordinating with NDSHPO to ensure that the integrity of the site is maintained. Contractors will not resume construction in this area until Cenex receives concurrence from NDSHPO and said concurrence is filed with the PSC. To further facilitate the mitigation measures recommended by NDSHPO, Cenex has enacted the following precautionary measures.

- Increased coordination with contractor, inspection, and all field staff regarding work around cultural sites.
  - Daily reminders to crews working near known avoidance areas.
- Fencing the remaining cultural sites within the corridor in areas where topsoil removal or boring has not yet occurred.
- Cultural monitors for the remaining sites in areas still requiring topsoil removal or boring.