

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline
Williams, Mountrail, Ward Counties**

Case No. PU-17-097

**CERTIFICATION RELATING TO ROUTE ADJUSTMENTS
PURSUANT TO N.D.C.C. § 49-22.1-15(1)**

STATE OF MONTANA)

) ss.

AFFIDAVIT OF GREG BROWN

COUNTY OF YELLOWSTONE)

Pursuant to N.D.C.C. § 49-22.1-15(1), the undersigned, Greg Brown, being first duly sworn, states as follows:


1. I am over the age of 18 and am competent to testify to the facts set forth below. I am the President of Cenex Pipeline, LLC ("Cenex"), with the authority to bind Cenex to the following. I make this statement and certification in my capacity as President, an authorized representative of Cenex, and represent the following to be true.
2. In Finding of Facts, Conclusions of Law and Order dated March 14, 2018 in the above-referenced matter, the North Dakota Public Service Commission ("Commission") issued Certificate of Corridor Compatibility No. 202 and Route Permit No. 212 to Cenex for the construction and operation of an approximately 149.7 mile 10-inch diameter refined petroleum products pipeline and associated facilities located in Williams, Mountrail, and Ward Counties, North Dakota (the "Project"). *See*, Docket No. 100.
3. On September 26, 2018, the Commission approved Order on Amended Certificate of Corridor Compatibility and Route Permit issuing First Amended Certificate of Corridor Compatibility Number 202 and First Amended Route Permit 212 (March 14, 2018 and September 26, 2018 Orders collectively herein, the "Order") for two route changes to the Project located in Williams County. *See*, Docket. No. 135.
4. North Dakota Century Code section 49-22.1-15(1) provides:

Before or during construction, a utility, without any action by the commission, may adjust the route of a gas or liquid transmission line within the designated corridor if, before conducting any construction activities associated with the adjustment, the utility files with the commission certification and supporting documentation that:

- a. The construction activities will be within the designated corridor;

- b. The construction activities will not affect any known exclusion or avoidance areas within the designated corridor; and
 - c. The utility will comply with the commission's order, laws, and rules designating the corridor and designating the route.
5. Pursuant to the statutory certification procedure set forth above, Cenex provides written notice of its intent to adjust the Project route within the existing Commission approved 200-foot-wide Project corridor. *See*, PU-17-097 Order, Docket No. 100, Order Provision No. 2; *see, also*, N.D.C.C. § 49-22.1-15(1)(a).
 6. Attached hereto as Exhibit 1 is a Memorandum that discusses the route adjustments in more detail. The route adjustment is proposed to shift the pipeline and associated bore location to meet depth requirements below the railroad that crosses Section 29, Township 155 North, Range 83 West. In addition, the adjustments are proposed to shift the pipeline to avoid overlap with an electrical transmission line and to accommodate routing considerations through the Cenex terminal. The route adjustments are depicted in more detail on the map set marked as Exhibit 2 hereto.
 7. Construction activities for the route adjustments occur within the previously surveyed and approved 200-foot-wide Project corridor. Cenex analyzed the potential impacts of the route adjustments pursuant to the Commission's designated Avoidance and Exclusion Areas (N.D. Admin. Code § 69-06-08-02). Activities associated with the route adjustments will not affect any known Exclusion or Avoidance Area. *See*, N.D.C.C. § 49-22.1-15(1)(b); *see also*, Exhibit 1 hereto.
 8. Cenex will continue to comply with the Commission's Order, laws, and rules designating the Project's corridor and route. N.D.C.C. § 49-22.1-15(1)(c).

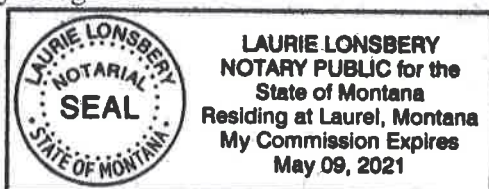
Dated this 25 day of November, 2019.



 Greg Brown, President
 Cenex Pipeline, LLC

STATE OF MONTANA)) ss.
 COUNTY OF YELLOWSTONE)

The foregoing instrument was signed and sworn to before me on this 25th day of November, 2019 by Greg Brown.





 Notary Public



4585 Coleman Street
Bismarck, ND 58503-0431
701 355 8400
KLJENG.COM

Memorandum

Date: 11/18/2019
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.

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 a proposed pipeline reroute not previously contained within the PSC applications. The proposed reroute would occur within the previously surveyed and approved 200-foot wide corridor.

It was determined that the current pipeline bore alignment under the Burlington Northern Santa Fe railroad required an adjustment for constructability reasons and to meet depth requirements below the railroad in Section 29, T155N, R83W. The proposed pipeline bore realignment would allow the bore to meet the required depth. In addition, a new overhead electrical transmission line is being constructed by Central Power adjacent to the proposed Cenex Pipeline requiring a slight shift in the pipeline route to avoid overlap of infrastructure. The Cenex pipeline route would also be adjusted within the Cenex terminal facility to accommodate the layout of the facility. Please refer to attached map; **Re-Route BNSF Bore** and **Re-Route Cenex Terminal** for an overview of the proposed pipeline reroutes.

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



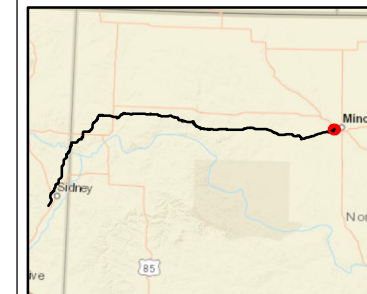
- Recreational Resources
- Agriculture and Farmland
- Soils
- Geologic and Groundwater Resources
- Wildlife
- Rare and Unique Natural Resources

CONCLUSION:

Analysis of the reroutes did not identify any significant changes in impacts to resources when compared to the analysis discussion included in the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Route Permit applications. No 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.

Cenex Pipeline, LLC
Refined Fuels Pipeline

Route Changes
Inside of Corridor

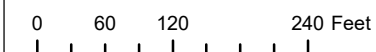


Re-Route
BNSF Bore

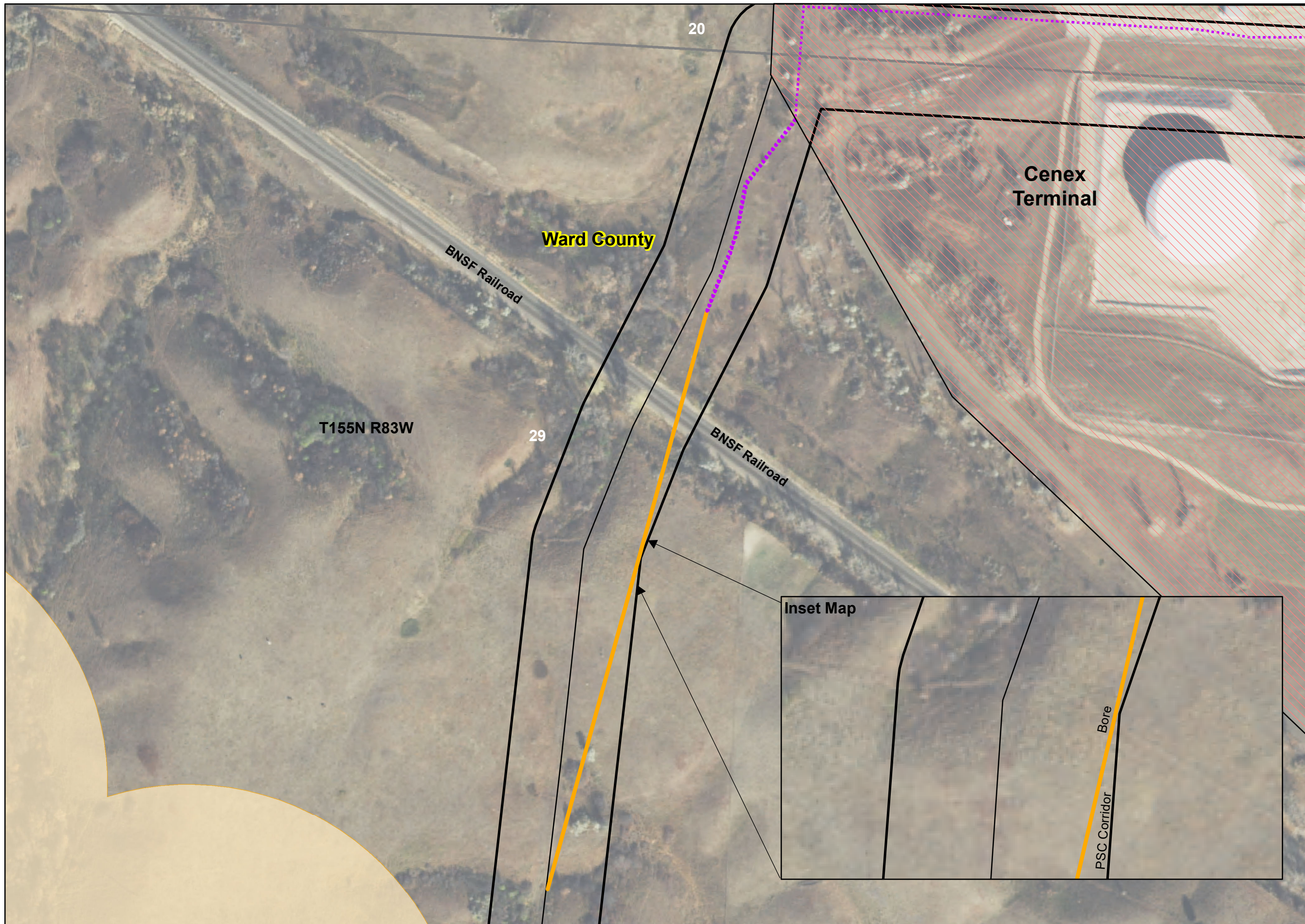
Legend

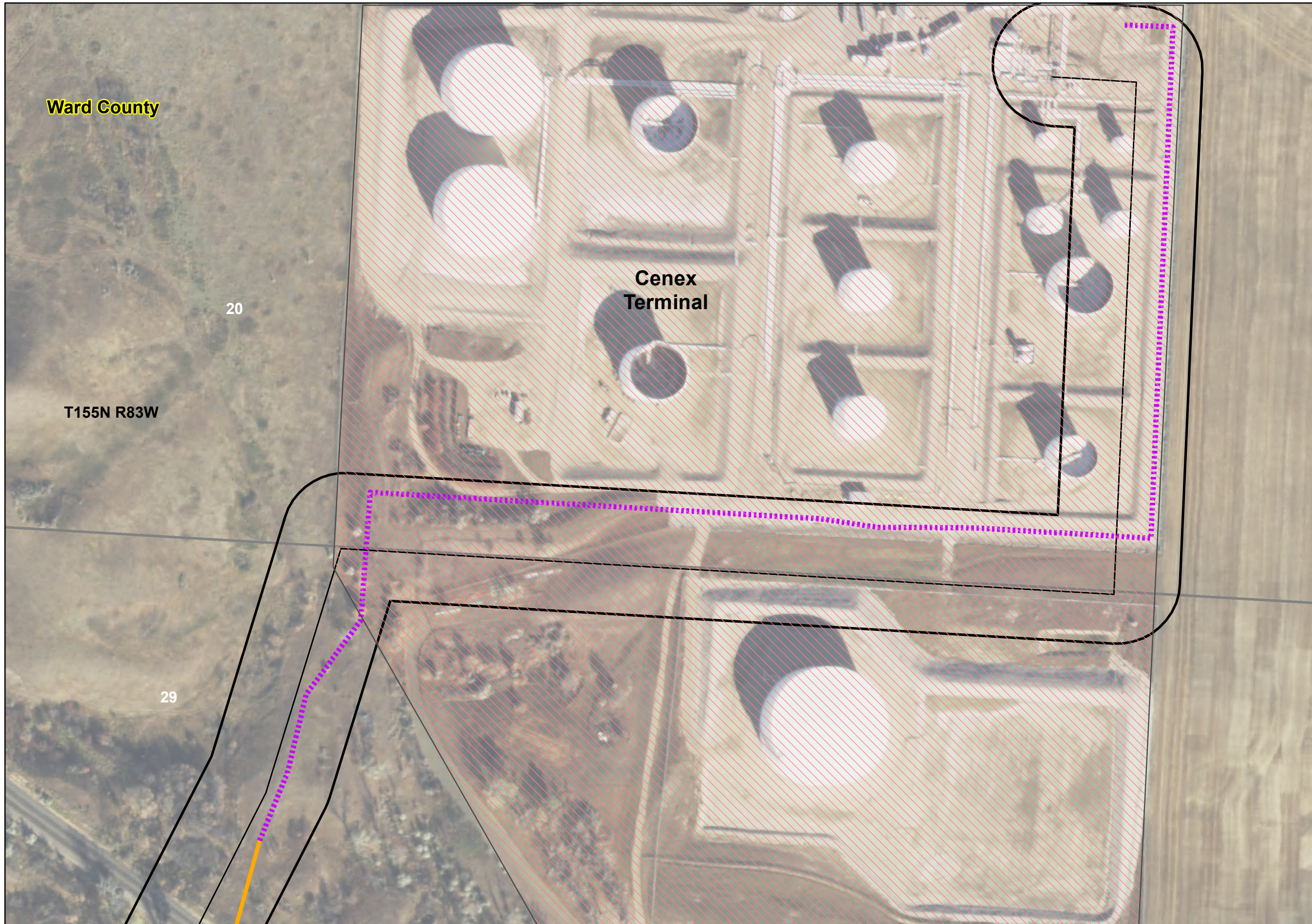
- PSC Corridor
- PSC Route
- Proposed Trench
- Proposed Bore
- Residential/Commercial Building - 500' Avoidance
- Cenex Terminal
- Section

Bore Length: 1087 FT



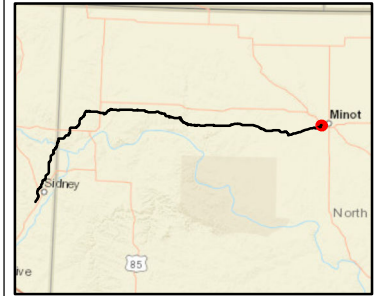
Exclusion & Avoidance





**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Route Changes
Inside of Corridor**

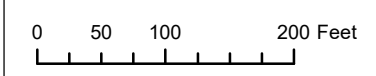


**Re-Route
Cenex Terminal**

Legend

- PSC Corridor
- PSC Route
- Proposed Trench
- Proposed Bore
- Section
- Cenex Terminal

Trench Length: 2745 FT



Exclusion & Avoidance

