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February 3, 2020

*Via Hand Delivery & Electronic Mail*

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: Expedited Request for Authorization  
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 ("Cenex") Winter Topsoil Removal Memorandum and this corresponding filing letter.

On March 14, 2018, the Commission issued Findings of Fact, Conclusions of Law and Order in PU-17-097. Finding of Fact No. 39 requires Cenex to obtain Commission approval prior to removing frozen topsoil and sets forth guidance documents containing winter construction guidelines and methods that Cenex has committed to following in the event such authorization is requested. The enclosed memorandum identifies several locations where topsoil removal is necessary so that remaining construction can occur, and the pipeline can be placed into operations to meet its service date. Therefore, Cenex respectfully requests that the Commission approve its expedited request for topsoil removal, or that the Commission authorize staff to issue such expediated approval. Additional details regarding each removal location are contained in the Winter Topsoil Removal Memorandum.

As referenced in the attached memorandum, Cenex has committed to having an environmental inspector on-site during topsoil removal and for these locations to undergo additional monitoring in the spring. Cenex also proposes to utilize ground thawing methodology on certain areas as identified in the attachment. However, should the Commission prefer that this methodology not be utilized at the identified locations, Cenex will utilize the methodology provided for in the guidance documents set forth in Finding of Fact No. 39.

Construction crews are already mobilized on-site; however, starting mid to late this week crews will be on standby and construction will be halted until authorization is received for topsoil removal to occur. For the reasons outlined herein, and as set forth in the attached, good cause exists for the Commission to approve Cenex's expedited request.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

CAF

Enc.

cc: Kari Carter (via email)  
Robb Schwend (via email)  
Travis Jones (via email)  
Patrick Fahn (via email)  
Brian Johnson (via email)



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Bismarck, ND 58503-0431  
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# Memorandum

**Date:** 2/3/2020  
**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

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.

On January 10, 2020 the PSC was notified through the Monthly Construction Progress Report that topsoil clearing was complete. Since this notification was filed locations have been identified as requiring additional topsoil removal to facilitate pipeline installation. These areas include several bell hole locations (entry points for boring) where additional clearance is necessary to tie-in remaining pipeline segments after boring, two locations for trenching, and one location where topsoil removal is necessary for the placement of a block valve. Additional details regarding the specific locations are provided below.

Cenex has made certain commitments with respect to topsoil removal. As stated in the Findings of Fact, Conclusion of Law and Order (Docket #100) Measure to Minimize Impact Number 39,

In the event that construction is undertaken by Cenex after topsoil has frozen to the point that frost inhibits soil segregation, Cenex has committed to the following applicable winter construction guidelines as set forth in the following documents: North Dakota State University Extension Service, Publication R1728, "Successful Reclamation of Lands Disturbed by Oil and Gas Development and Infrastructure Construction, August 2014; INGAA Foundation, Inc. Report No. 2013.04, "Planning Guidelines for Pipeline Construction During Frozen Conditions," December 2013.

The methods recommended in the INGAA report outline mechanical methods such as "multiple passes (vs. a single pass) with a bulldozer or other specialized equipment may be necessary to remove only the topsoil and not the subsoil. Specialized equipment (e.g., soil rippers) may be necessary to break up the topsoil prior to removal." These methods are the preferred methods for linear areas of topsoil removal.

An alternative method of topsoil removal is proposed for smaller areas around the bell hole and block valve locations. Ground thawing with a ground heater and heating blankets is the preferred method for these locations. Work would consist of covering area needing to be stripped with heating blankets and running the ground heater for manufacturer's recommended time considering the conditions and depths needed to be thawed. After heat has been applied, an excavator would be used to scratch a test area (approximately 5'x5') in 2" to 6" increments and check to see the condition of the disturbed topsoil. If



frozen topsoil isn't present, 2" to 6" increments would continue to be removed until either frozen topsoil is found, the required topsoil removal depth of up to 12" or the depth of cultivation is reached, or subsoil is reached. If frozen topsoil is present, ground heating equipment would be reinstalled, and heating would continue for the manufacturer recommended times followed by testing until adequate depths are reached. Monitoring of the entire area being stripped would continue and heating equipment installed as needed to ensure that frozen topsoil is not excavated.

Listed below are the locations requiring winter topsoil removal and the method planned to be utilized at each location. A location map for each location has been attached for reference. Additionally, topsoil removal will be monitored by an on-site environmental inspector and Cenex will conduct periodic monitoring of these areas throughout the spring.

- Section 5, T155N, R101W – Location 1 (Map Sheet 1)
  - Topsoil removal is required for the placement of a block valve. Topsoil in this location had been removed previously and replaced during installation of the main line. It was determined this location would best suit the block valve installation and the PSC was notified of the modification (Docket #191). Landowner negotiations delayed the installation requiring winter topsoil removal considerations. A verbal agreement with the landowner has been secured regarding winter topsoil removal. Ground thawing methodology is proposed for this location.
- Section 3, T155N, R96W – Location 2 (Map Sheet 2)
  - Topsoil removal is required for a bell hole to tie in bore pipes once boring is completed in the location. Cultural coordination required work to be stopped in the area. Topsoil was not removed while cultural coordination occurred. Prior to topsoil removal, Cenex will coordinate with the landowner to secure consent regarding winter topsoil removal. Work in this location will occur in compliance with stipulations outlined in the cultural resource clearance with the ND State Historic Preservation Office. Ground thawing methodology is proposed for this location.
- Sections 20 and 21, T155N, R94W – Location 3 (Map Sheet 3)
  - Topsoil removal is required for the trenching and placement of main line pipe. Original plans called for bore of the section line. Negotiations with the County and landowner determined the section line could be open trenched. Approximately 400 linear feet of ROW was not topsoiled during negotiations and remains in place. A verbal agreement with the landowner has been secured regarding winter topsoil removal. Mechanical winter topsoil removal methods in accordance with the INGAA report will be utilized at this location.
- Section 21, T155N, R94W – Locations 4, 5, & 6 (Map Sheet 4)
  - Topsoil removal is required for the trenching and placement of main line pipe (Location 4) and for two bell holes at tie-in locations (Locations 5 & 6). Topsoil was not removed in this area due to coordination with infrastructure providers in the area. Approximately 900 linear feet of ROW was not topsoiled during the coordination. A verbal agreement with the landowner has been secured regarding winter topsoil removal. As identified in Map Sheet 4, mechanical winter topsoil removal methods in accordance with the INGAA report will be utilized at Location 4 and ground thawing methodology is proposed for Locations 5 & 6.
- Section 36, T155N, R94W – Locations 7 & 8 (Map Sheet 5)
  - Topsoil removal is required in two locations for bell holes (locations 7 & 8) associated with the tie-in of bore pipe. Negotiations with the State of North Dakota (see Docket #183) prevented the removal of topsoil at these locations. Prior to topsoil removal, Cenex will coordinate with the State of North Dakota to secure consent regarding winter topsoil removal. Ground thawing methodology is proposed for these locations.

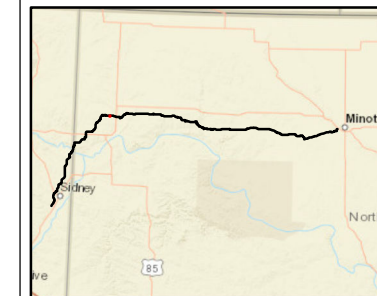


- Section 29, T155N, R83W – Location 9 (Map Sheet 6)
  - Topsoil removal is required for a bell hole and trench associated with the tie in of bore pipe. During the boring process the bore angle exceeded the area previously cleared of topsoil. Topsoil was not impacted as a result of the bore, however, to facilitate the tie in approximately 30' of topsoil would need to be removed to allow for trenching to occur near the bell hole to achieve the desired angle. A verbal agreement with the landowner has been secured regarding winter topsoil removal.








**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

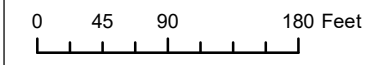
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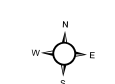
**Section 05  
T155N, R101W**

**Legend**

-  Sections
-  50FT ROW
-  PSC Corridor
-  PSC Route
-  Ground Thawing  
Topsoil Removal



Map Sheet 1

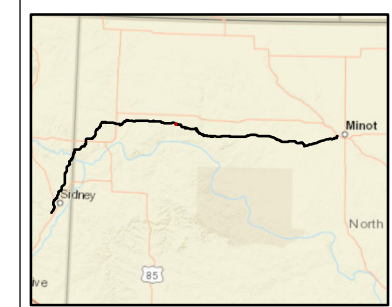


1 inch = 132 feet  
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

**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

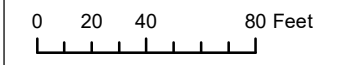
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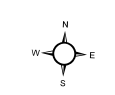
**Section 03  
T155N, R96W**

**Legend**

-  Sections
-  50FT ROW
-  PSC Corridor
-  PSC Route
-  Ground Thawing  
Topsoil Removal



Map Sheet 2



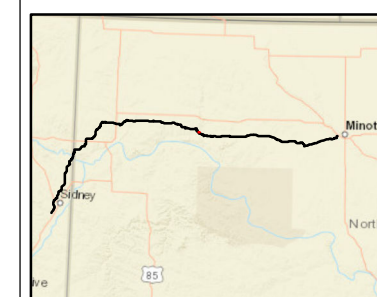
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



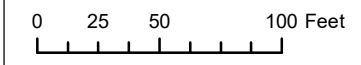
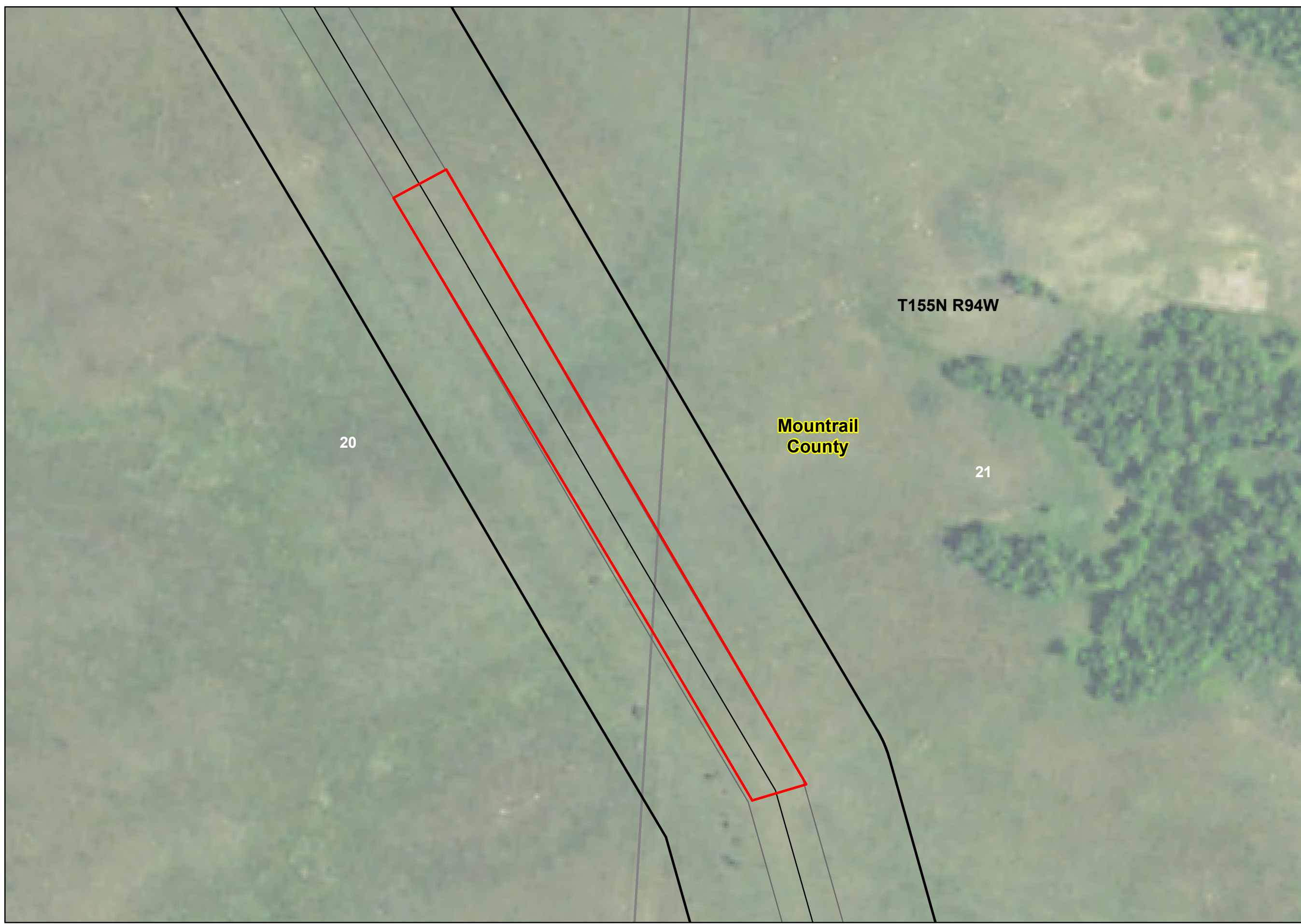
**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

**Winter Topsoil  
Removal**



**Section 20 & 21  
T155N, R94W**

- Legend**
-  Sections
  -  50FT ROW
  -  PSC Corridor
  -  PSC Route
  -  Mechanical Topsoil Removal

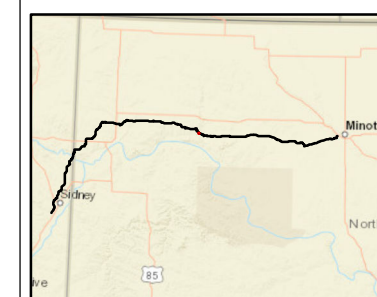


Map Sheet 3









**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

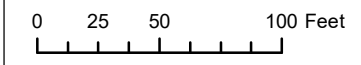
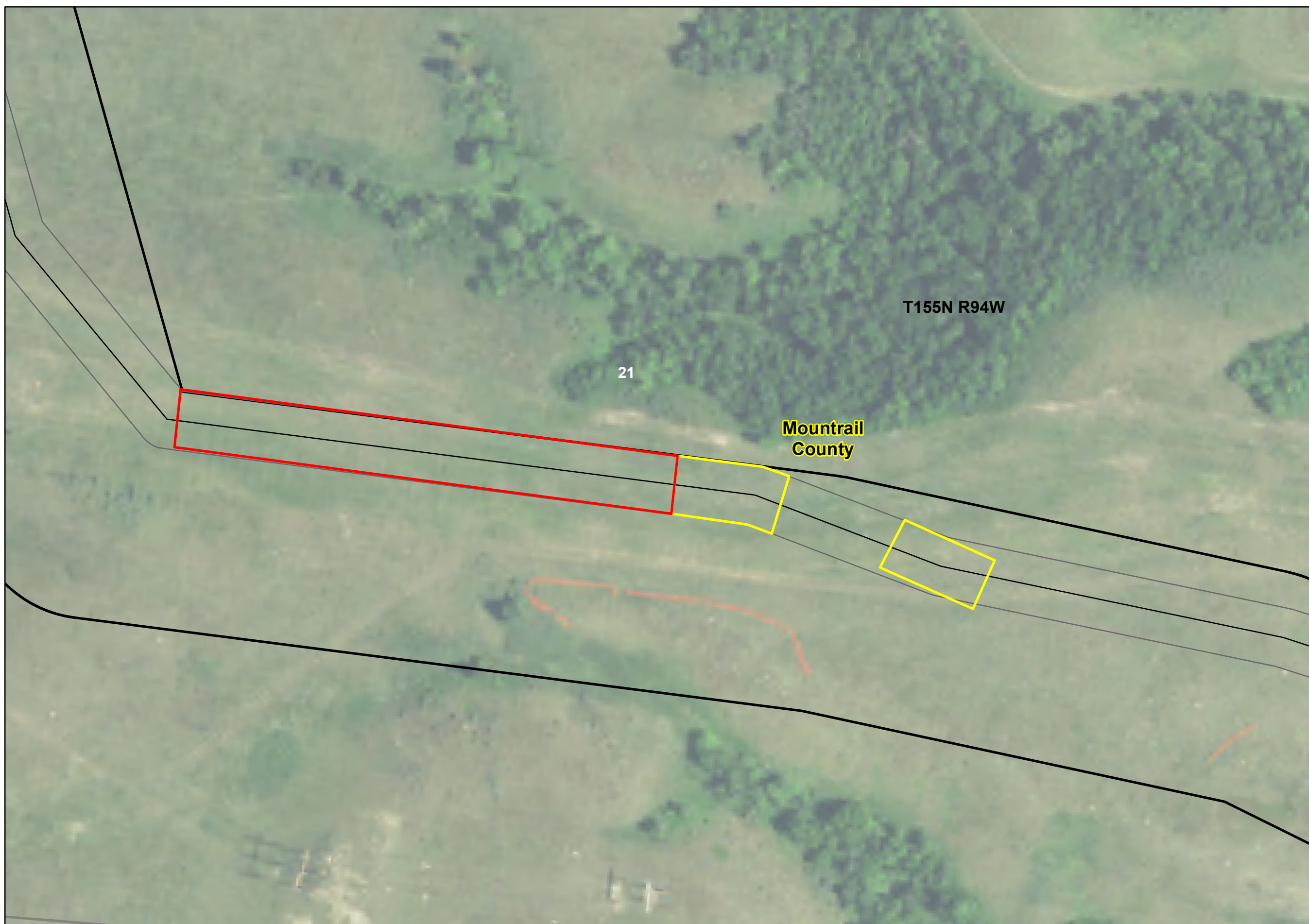
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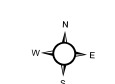
**Section 21  
T155N, R94W**

**Legend**

-  Sections
-  50FT ROW
-  PSC Corridor
-  PSC Route
-  Ground Thawing  
Topsoil Removal
-  Mechanical  
Topsoil Removal

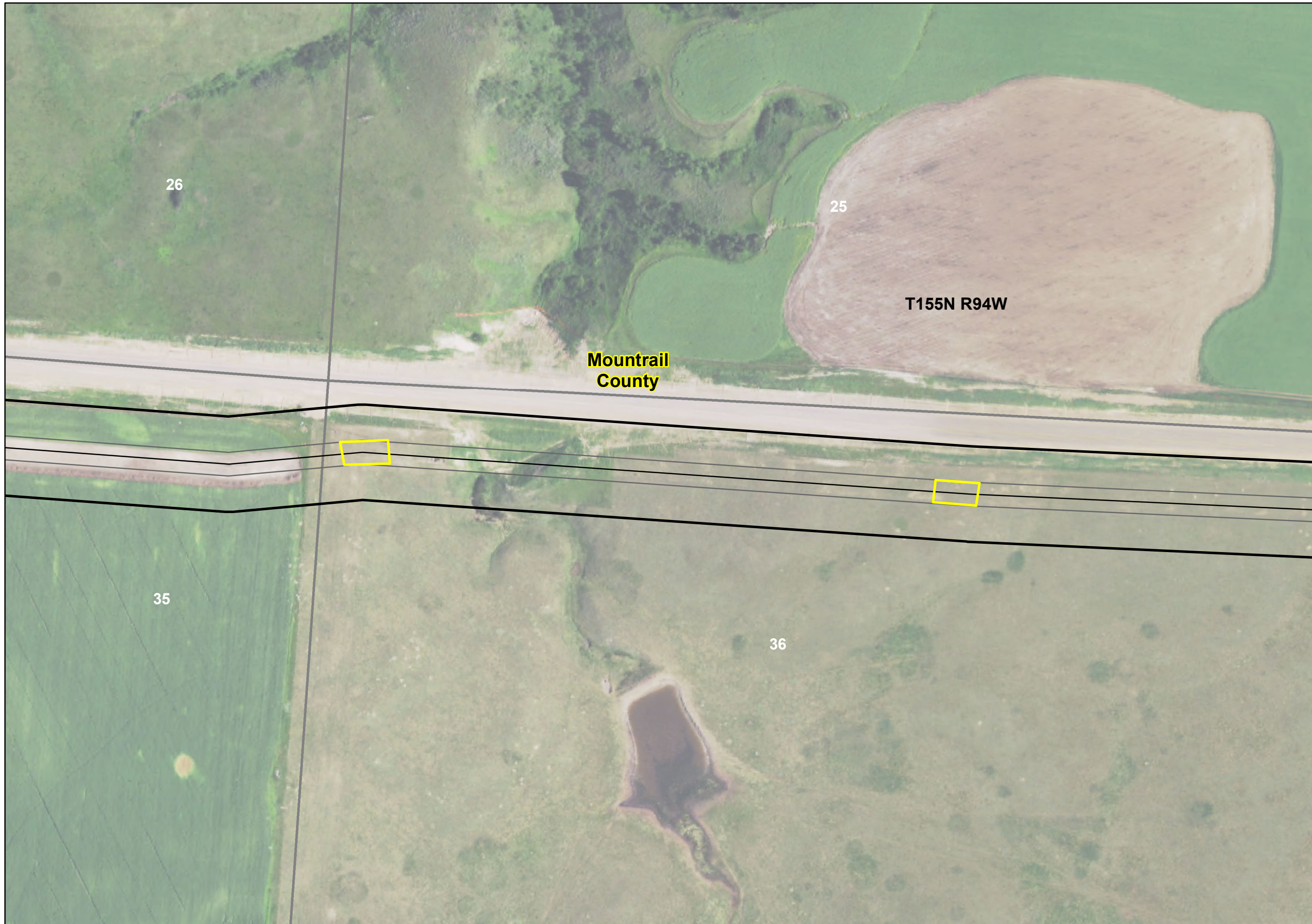


Map Sheet 4



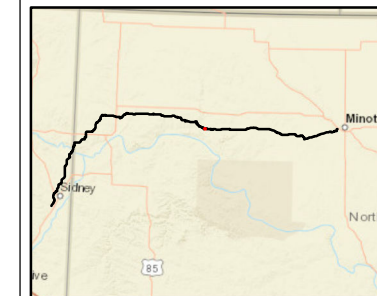
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

**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

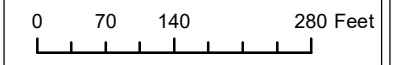
**Winter Topsoil  
Removal**



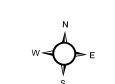
**Section 36  
T155N, R94W**

**Legend**

-  Sections
-  50FT ROW
-  PSC Corridor
-  PSC Route
-  Ground Thawing Topsoil Removal



Map Sheet 5



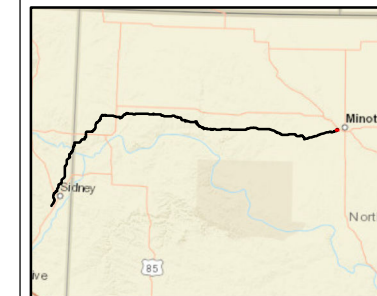
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

**Cenex Pipeline, LLC  
Refined Fuels Pipeline**

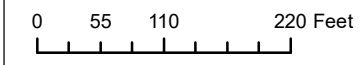
**Winter Topsoil  
Removal**



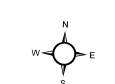
**Section 29  
T155N, R83W**

**Legend**

-  Sections
-  50FT ROW
-  PSC Corridor
-  PSC Route
-  Ground Thawing Topsoil Removal



Map Sheet 6



1 inch = 167 feet  
Created Date: 1/31/2020

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