

June 21, 2021

Via Electronic Mail & U.S. Mail

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

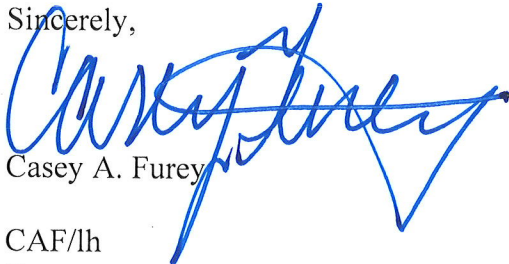
**In re: Cenex Pipeline, LLC
10" Refined Fuels Pipeline
Case No. PU-17-097
Our File No. 020836-000001**

Dear Mr. Kahl:

Enclosed for filing on behalf of Cenex Pipeline, LLC ("Cenex"), please find a memorandum regarding the status of restoration activities in the above-referenced matter. The memorandum is submitted in accordance with Order Provision No. 12 of the Commission's March 14, 2018 Order issued in PU-17-097 as Docket No. 100, requiring Cenex to provide a restoration status report post project operation. Two paper copies will also follow by mail.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

CAF/lh
Enc.

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



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Bismarck, ND 58503-0431
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Memorandum

Date: 6/18/2021
To: North Dakota Public Service Commission
Copy to: Mike Stahly, Cenex Pipeline, LLC; Robb Schwend, Cenex Pipeline, LLC; Casey Furey, Crowley-Fleck
From: Grady Wolf - KLJ
RE: Cenex Pipeline, LLC. Liquid Petroleum Pipeline
Summary of the Status of Restoration Activities
Case No. PU-17-97

Remarks

INTRODUCTION:

Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit to the North Dakota (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.

Construction of the pipeline occurred in two segments identified as “spreads”. Spread 1 consists of the segment from the Montana border east to 113th Avenue Northwest in Williams County, ND. Spread 2 consists of the segment from 113th Avenue Northwest in Williams County, ND to the Cenex Terminal west of Minot, ND. Construction of the pipeline began in June 2019 and was completed with the project being commissioned in June of 2020.

As a condition of the Order, paragraph 12 stipulated that one year after the project is placed in service, Cenex shall file with the PSC a summary of the status of restoration activities related to the project, including any restoration-related issues raised by landowners or identified by Cenex. A field inspection focused on the success of reclamation efforts was conducted May 22, 2021 through May 26, 2021.

Weather conditions along the pipeline route have been less than favorable for successful reclamation, with the entirety of the pipeline experiencing moderate to severe drought conditions through much of 2020 and into 2021. Vegetative success in rangeland and pasture lands is varied throughout the Right-of-Way (ROW). The majority of rangeland had some planted grass species establishing, however, hilltops along portions of the ROW typically saw reduced vegetative success and increased weed species. This may be due to wind exposure and shallow soils commonly associated with the topography. Multiple portions of the ROW in rangeland have numerous rocks ranging from medium (6 – 10 inches across) to large (10 – 15 inches across). Rocks may have impeded seeding as areas with numerous rocks typically exhibited less vegetative success. The attached photo log gives a general overview of vegetative success.



During the survey, rangeland areas identified with extremely sparse to virtually no vegetative growth were identified between pipeline stationing 5065+50- 5076+00 (photo 10), 5548+00 - 5585+00 (photo 15), 5660+00 - 5711+00 (photo 16), 5911+00 - 5923+00 (photo 18), 6955+00 - 6983+00 (photo 26-27), 7202+00 - 7213+00 (photo 28), and 7675+00 - 7730+00 (photo 33). These areas will continue to be monitored throughout the year during monthly SWPPP inspections for grass species establishment as well as invasive and noxious weed species presence. A large area of leafy spurge, located in Section 7, Township 154N, Range 86W, was noted during the field inspection (Photo 37). The infestation was not identified preconstruction. Cenex will coordinate with the landowner in Section 7 regarding timing and control methods. Spot spraying for weeds will be conducted as necessary on all rangeland and pasture lands and fall or spring seeding will occur where necessary in accordance with Natural Resources Conservation Service (NRCS) guidelines for the appropriate seed mixes.

There have been several reports by landowners of excessive weed growth and poor grass establishment in Section 34, Township 156N, Range 100W, Section 6, Township 155N, Range 100W, Section 31, Township 155N, Range 92W. Section 34 and 6 were mowed and sprayed to reduce weed growth and reseeded in November of 2020. Through discussions with the landowner of Section 31, Cenex provided the landowner specific requested seed mixtures and the landowner plans to reseed the ROW towards the end of 2021. Seeding was conducted in November 2020 at the request of the landowner in Section 29, Township 155N, Range 84W.

During the survey it was noted that many of the access locations throughout Spread 2 had diminished vegetative success and were dominated by weedy species. Accesses will continue to be monitored during the growing season and if necessary, spot sprayed for weeds and reseeded when appropriate. If grass establishment continues to be impacted and it appears compaction may be a contributing factor, tillage followed by reseeding may be necessary.


The Equality Township in Williams County along Spread 1 identified issues with their roads post construction. Cenex coordinated with the contractor and the roads were graded to the township's standard.

Timing of the field inspection coincided with many producers preparing fields for planting. Readily identifiable issues to agricultural fields within the ROW were not apparent during the inspection.


Multiple landowners reported areas where the ROW over the pipeline had settled creating depressional features. Coordination between Cenex, landowners, and the contractor resulted in the locations being restored to landowner/tenant satisfaction. During the field inspection multiple areas of settling over the pipeline were observed. Cenex will coordinate with landowners to repair the locations as necessary and when possible in coordination with weed control and seeding efforts.

Block valves were inspected and minor issues regarding aggregate materials were noted. Cenex will coordinate with contractors to ensure that excess aggregate stockpiled for future use around the block valves is contained. Cenex and their contractors continue to work to ensure that the requirements of the SWPPP are met and that the ROW is maintained to standards outlined in the SWPPP.




Photograph #1	CENEX Sidney to Minot Spread 1	Station 2198+50
Date Taken:	May 26, 2021	
Direction:	South	
Description:	Grasses and forbs establishing, sparse areas.	




Photograph #2	CENEX Sidney to Minot Spread 1	Station 2624+00
Date Taken:	May 26, 2021	
Direction:	Northeast	
Description:	Establishing grasses and forbs mixed with annual weeds.	




Photograph #3	CENEX Sidney to Minot Spread 1	Station 3637+00
Date Taken:	May 26, 2021	
Direction:	Southwest	
Description:	Sparse vegetative growth over pipeline, preservation of surrounding vegetation within ROW.	




Photograph #4	CENEX Sidney to Minot Spread 1	Station 3709+50
Date Taken:	May 26, 2021	
Direction:	East	
Description:	Weedy vegetative growth, sparse vegetative cover in areas, grasses beginning to establish.	




Photograph #5	CENEX Sidney to Minot Spread 1	Station 3770+00
Date Taken:	May 26, 2021	
Direction:	East	
Description:	Area treated for weeds 2020. Sparse areas of grasses establishing as well as weeds.	




Photograph #6	CENEX Sidney to Minot Spread 1	Station 3779+50
Date Taken:	May 26, 2021	
Direction:	West	
Description:	Area treated for weeds 2020. Sparse areas of grasses establishing as well as weeds.	




Photograph #7	CENEX Sidney to Minot Spread 1	Station 4074+00
Date Taken:	May 26, 2021	
Direction:	East	
Description:	Grasses establishing, weeds present. Location impacted by prairie dog village.	




Photograph #8	CENEX Sidney to Minot Spread 1	Station 4183+00
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Grasses and forbs establishing, sparse veg, North Dakota State Lands.	




Photograph #9	CENEX Sidney to Minot Spread 2	Station 4976+50
Date Taken:	May 25, 2021	
Direction:	East	
Description:	Very sparse vegetation	




Photograph #10	CENEX Sidney to Minot Spread 2	Station 5068+50
Date Taken:	May 25, 2021	
Direction:	East	
Description:	ROW devoid of vegetation due to recent construction of pipeline adjacent to ROW.	




Photograph #11	CENEX Sidney to Minot Spread 2	Station 5284+00
Date Taken:	May 25, 2021	
Direction:	East	
Description:	Grasses and forbs developing nicely.	




Photograph #12	CENEX Sidney to Minot Spread 2	Station 5299+50
Date Taken:	May 25, 2021	
Direction:	Northwest	
Description:	Example of vegetative growth at access, relatively common throughout spread 2.	




Photograph #13	CENEX Sidney to Minot Spread 2	Station 5452+50
Date Taken:	May 25, 2021	
Direction:	East	
Description:	Sparse vegetated hilltops, developing grasses on hillslopes and in drainages.	




Photograph #14	CENEX Sidney to Minot Spread 2	Station 5471+00
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Grasses and forbs establishing.	




Photograph #15	CENEX Sidney to Minot Spread 2	Station 5577+50
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Very sparse vegetation.	




Photograph #16	CENEX Sidney to Minot Spread 2	Station 5678+00
Date Taken:	May 25, 2021	
Direction:	South	
Description:	Very sparse vegetation	




Photograph #17	CENEX Sidney to Minot Spread 2	Station 5770+00
Date Taken:	May 25, 2021	
Direction:	Southeast	
Description:	Sparse vegetation on hilltops, grasses establishing	




Photograph #18	CENEX Sidney to Minot Spread 2	Station 5919+50
Date Taken:	May 25, 2021	
Direction:	East	
Description:	Very sparse vegetation, erosion occurring as a result	




Photograph #19	CENEX Sidney to Minot Spread 2	Station 6012+00
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Sparse vegetation over pipeline and throughout ROW, State of North Dakota lands.	




Photograph #20	CENEX Sidney to Minot Spread 2	Station 6082+50
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Grasses establishing along with weeds.	




Photograph #21	CENEX Sidney to Minot Spread 2	Station 6144+00
Date Taken:	May 25, 2021	
Direction:	West northwest	
Description:	Grasses establishing, sparse, rocks throughout ROW, weeds.	




Photograph #22	CENEX Sidney to Minot Spread 2	Station 6381+50
Date Taken:	May 25, 2021	
Direction:	East	
Description:	Non native grasses, weeds, throughout ROW.	




Photograph #23	CENEX Sidney to Minot Spread 2	Station 6672+50
Date Taken:	May 24, 2021	
Direction:	West	
Description:	Grasses and forbs establishing, State of North Dakota Land.	




Photograph #24	CENEX Sidney to Minot Spread 2	Station 6782+00
Date Taken:	May 24, 2021	
Direction:	Northwest	
Description:	Grasses establishing, sparse hilltops.	




Photograph #25	CENEX Sidney to Minot Spread 2	Station 6956+00
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Very sparsely vegetated, weeds, North Dakota State Lands.	




Photograph #26	CENEX Sidney to Minot Spread 2	Station 6978+50
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Very sparsely vegetated, weeds, North Dakota State Lands.	




Photograph #27	CENEX Sidney to Minot Spread 2	Station 7213+00
Date Taken:	May 24, 2021	
Direction:	West	
Description:	Sparse vegetation.	




Photograph #28	CENEX Sidney to Minot Spread 2	Station 7359+00
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Grasses establishing, sparse vegetation	




Photograph #29	CENEX Sidney to Minot Spread 2	Station 7442+50
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Grasses establishing, sparse in areas.	




Photograph #30	CENEX Sidney to Minot Spread 2	Station 7508+00
Date Taken:	May 25, 2021	
Direction:	West	
Description:	Sparsely vegetated, some grasses establishing.	




Photograph #31	CENEX Sidney to Minot Spread 2	Station 7604+50
Date Taken:	May 24, 2021	
Direction:	East southeast	
Description:	Stunted vegetative growth potentially as a result of compaction on access.	




Photograph #32	CENEX Sidney to Minot Spread 2	Station 7706+00
Date Taken:	May 24, 2021	
Direction:	East southeast	
Description:	Very sparse vegetation.	




Photograph #33	CENEX Sidney to Minot Spread 2	Station 7925+00
Date Taken:	May 24, 2021	
Direction:	Northwest	
Description:	Grasses establishing, annual weeds intermixed.	




Photograph #34	CENEX Sidney to Minot Spread 2	Station 8080+50
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Stunted vegetative growth.	




Photograph #35	CENEX Sidney to Minot Spread 2	Station 8357+00
Date Taken:	May 24, 2021	
Direction:	southeast	
Description:	Grasses and forbs establishing.	




Photograph #36	CENEX Sidney to Minot Spread 2	Station 8370+00
Date Taken:	May 24, 2021	
Direction:	South	
Description:	Leafy spurge infestation.	




Photograph #37	CENEX Sidney to Minot Spread 2	Station 8506+00
Date Taken:	May 24, 2021	
Direction:	East	
Description:	Grasses and forbs establishing.	




Photograph #38	CENEX Sidney to Minot Spread 2	Station 8691+00
Date Taken:	May 23, 2021	
Direction:	West southwest	
Description:	Poor vegetative growth establishing grasses elsewhere.	




Photograph #39	CENEX Sidney to Minot Spread 2	Station 8962+00
Date Taken:	May 23, 2021	
Direction:	North	
Description:	Contoured agricultural field adjacent delineated aquatic feature. Photo taken outside of ROW.	




Photograph #40	CENEX Sidney to Minot Spread 2	Station 9056+50
Date Taken:	May 23, 2021	
Direction:	South southwest	
Description:	Contours of drainage in agricultural field, sandy subsoil material. Photo outside ROW.	




Photograph #41	CENEX Sidney to Minot Spread 2	Station 9335+00
Date Taken:	May 23, 2021	
Direction:	Southwest	
Description:	Predominantly weedy vegetation, very sparse grasses.	



Photograph #42	CENEX Sidney to Minot Spread 2	Station 9354+00
Date Taken:	May 23, 2021	
Direction:	Southeast	
Description:	Sparse vegetation, grasses establishing.	



Photograph #43	CENEX Sidney to Minot Spread 2	Station 9528+00
Date Taken:	May 22, 2021	
Direction:	North	
Description:	Grasses establishing.	