

Casey A. Furey
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
cfurey@crowleyfleck.com

March 19, 2019

Via Hand Delivery and E-mail

*E-mail: ndpsc@nd.gov
arenfandt@nd.gov*

Mr. Adam Renfandt
Analyst Public Utilities Division
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Belle Fourche Pipeline Company
8-inch Wilson-Bowline Pipeline Conversion Project
Siting Application - Case No. PU-18-404
Our File No. 013084-000013**

Dear Mr. Renfandt:

On behalf of Belle Fourche Pipeline Company (“Belle Fourche”), eleven copies of the following documents are enclosed for filing in the above-referenced matter:

1. Updated Aerial Map Book;
2. Updated Topographic Map Book;
3. Agency Correspondence Chart;
4. Project Notification Letters;
5. Updated Agency Correspondence;
6. Landowner Waiver;
7. 10-year Spill History Chart;
8. Spill Response Plan Certification and Information;
9. Unanticipated Discoveries Plan;
10. McKenzie County Conditional Use Permit Approval Letter;
11. McKenzie County Weed Management Plan;
12. McKenzie County Utility Crossing Permit; and

A CD containing Project GIS is also enclosed for filing. Additionally, Belle Fourche provides the following information in response to your January 14, 2019 request letter (Docket No. 4).

I. 01/14/2019 INFORMATION REQUEST – PARAGRAPH I

Request 1. Updated corporate papers.

Response. On January 30, 2019, updated corporate papers were filed in Case No. PU-07-753.

Request 2. An updated Exhibit B.5 black and white map for publication.

Response. On January 17, 2019, an updated black and white map for publication was filed in Case No. PU-18-404 (Docket No. 8).

Request 3. GIS map layers showing all exclusion, avoidance, and selection criteria in the survey area. For instance, woodlands, wetlands, geographically unstable regions, the surface tracts identified by the North Dakota Department of Trust Lands in the letter dated June 8, 2018, and the four parcels of United States Forest Service National Grasslands need to be included as well as the other missing GIS layers.

Response. Enclosed for filing is a CD containing GIS layers displaying the exclusion, avoidance, and selection criteria in the survey area. The Forest Service parcels and the North Dakota Department of Trust Lands parcels that intersect the survey corridor have also been included.

Request 4. A response of whether any Wellhead Protection and Source Water Protection Areas, an Avoidance Area, are located in the survey area. If yes, please provide the name, location, mitigation plans, update the maps, and provide the GIS layer.

Response. No Wellhead Protection and Source Water Protection Areas are located within two miles of the Project.

Request 5. Updated hardcopies of any map set that changed.

Response. Copies of updated Aerial Project Map Books and Topographic Map Books are enclosed for filing.

II. 01/14/2019 INFORMATION REQUESTS - PARAGRAPH II

Request 1. Copies of all agency correspondence.

Response. Copies of an agency correspondence chart and updated agency correspondence are enclosed for filing.

Request 2. A table showing the agencies contacted as noted in Section 7, the date of contact, the date of the response, and the concerns expressed by each agency.

Response. An updated agency correspondence chart is enclosed for filing.

Request 3. A table listing all permits required for the Project (including all county road and conditional use permits), the status of each permit application, and the status of NDSHPO concurrence with the Class III study.

Response. On September 10, 2018, McKenzie County approved a utility permit for the Project. Subsequently, on September 21, 2018, the McKenzie County Planning Department approved a conditional use permit for the Project. No additional permits are needed for the Project. *See* enclosed filings.

On January 22, 2018, the NDSHPO issued a concurrence letter for the Project. *See* attached agency correspondence.

Request 4. Copies of signed waivers and status of any outstanding waivers and discussion of any ongoing issues or objections that have been raised.

Response. A total of two occupied residences are located within 500 feet of the Project route. Belle Fourche has obtained one landowner waiver, a copy of which is enclosed for filing. Belle Fourche is in the process of obtaining the remaining landowner waiver, and will file the remaining waiver with the Commission once it is received.

Request 5. A response of whether any Wellhead Protection and Source Water Protection Areas, an Avoidance Area, are located in the survey area. If yes, please provide the name, location, mitigation plans, update the maps, and provide the GIS layer.

Response. No Wellhead Protection and Source Water Protection Areas are located within two miles of the Project.

Request 6. The application is for a 20-mile corridor and route. However, Section 5 on page 7 indicates a Class I study was conducted over 18 miles. Explain.

Response. Beaver Creek Archaeology, Inc. performed a Class I archeological file search using a one-mile-wide study corridor for the entire 20 miles of the Project route. A Class III field survey was performed on a 200-foot-wide Survey Area in July 2018.

Request 7. The following Project control documents, and for those not complete, provide the status and completion date(s):

a. Emergency procedures plan.

Response. The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration has approved Belle Fourche's Operated Systems Oil Spill Response Plan. *See* attached Spill Response Plan Certification and Information.

b. 10-year spill history report.

Response. *See* attached 10-year Spill History Chart.

c. Wetlands delineation report.

Response. Belle Fourche, through its consultants, conducted a desktop survey using aerial photographs, USGS topographic maps, and the United States Fish & Wildlife Service National Wetland Inventory identifying wetlands along the pipeline route. Keitu Engineers & Consultants, Inc. followed standard United States Army Corps of Engineers (USACE) offsite inspections protocol for identifying wetlands and waterbodies as described in the Corps of Engineers Wetlands Delineation Manual (Part IV, Section D, Subsection 1). Wetlands and waterbodies identified doing the desktop survey are listed in Section 5.1.

USACE permits were not needed for this project so a field wetland delineation was not completed. Conversion of the Project will not result in the permanent drainage or filling of wetlands or waterbodies. If any Project maintenance or construction is needed in the Project corridor, Belle Fourche will horizontally directionally drill any future wetlands or waterbodies and conduct field wetland delineations if required by the USACE.

d. Construction and environment program plan.

Response. The pipeline is constructed therefore, the request is not applicable.

e. Unanticipated discoveries plan.

Response. *See* attached Unanticipated Discoveries Plan.

f. Erosion control plan.

Response. The pipeline is constructed therefore, the request is not applicable.

g. Storm water pollution prevention plan.

Response. The pipeline is constructed therefore, the request is not applicable.

h. Migratory Bird Treaty Act plan and training documents detailing the environmental training of contractors and construction crews on the proper identification of unique,

rare, protected, or special bird species, their habitats, and correct procedures regarding a sighting.

Response. The pipeline is constructed therefore, the request is not applicable. Additionally, no threatened or endangered species habitat exists within the Project corridor or the survey corridor. Refer to Application Sections 5.3 & 5.4 for additional information regarding filed surveys and review of species in the area.

i. Spill prevention and control plan.

Response. The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration has approved Belle Fourche's Operated Systems Oil Spill Response Plan. See attached Spill Response Plan Certification and Information.

j. Horizontal directional drilling inadvertent release control and mitigation contingency plan.

Response. The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration has approved Belle Fourche's Operated Systems Oil Spill Response Plan. See attached Spill Response Plan Certification and Information.

k. Revegetation plan.

Response. The pipeline is already constructed therefore, the request is not applicable. To the extent any trees or shrubs are subsequently removed, removal and replacement will occur pursuant to the Commission's Tree and Shrub Mitigation Specifications.

l. Weed management plan, and all county specific weed management plan(s).

Response. Per the request of McKenzie County, Belle Fourche has adopted McKenzie County's Weed Management Plan. See attached McKenzie County Weed Management Plan.

m. Dust control plan.

Response. The pipeline is constructed therefore, no heavy traffic is anticipated, and the request is not applicable.

n. Environmental training plan.

Response. The pipeline is constructed therefore, the request is not applicable.

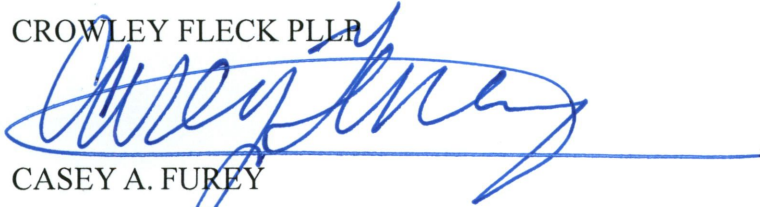
o. Baseline soil analysis used for determining topsoil depth along the Project.

Response. The pipeline is constructed, therefore this request is not applicable.

Please contact me with any questions.

Respectfully,

CROWLEY FLECK PLLP



CASEY A. FUREY

cc: Wade C. Mann (via email)
Ken Dockweiler (via email)
Patrick Fahn (via email)
Mitchell Armstrong (via email)
Brian Schmidt (via email)
Sarah Wall (via email)
Timothy J. Dawson (via email)