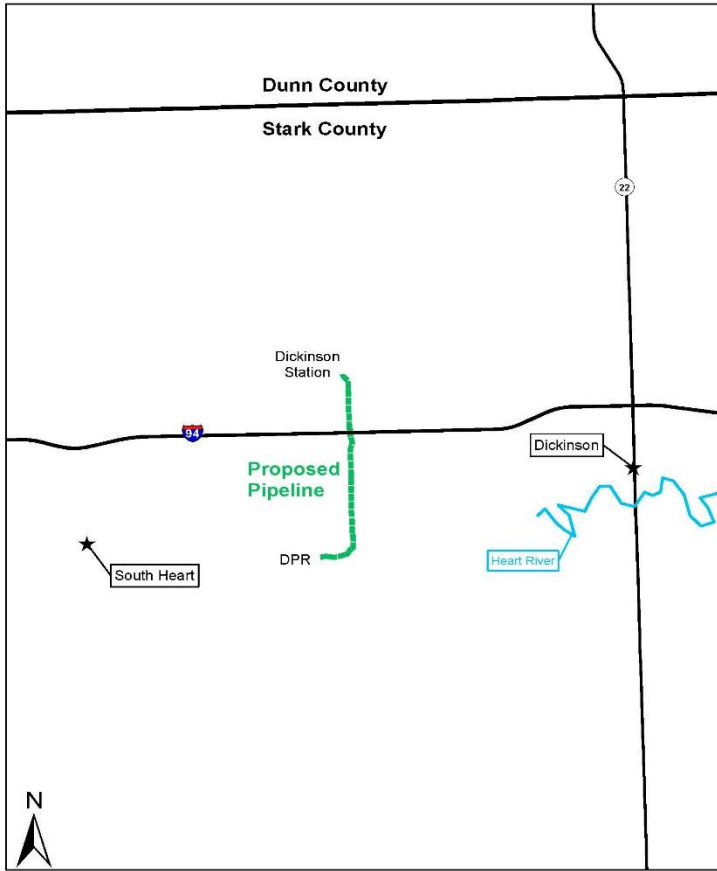




**Belle Fourche Pipeline Company**  
455 North Poplar Street  
Casper, Wyoming 82602



**PU-18-405 Amended Application  
6" Pipeline Conversion Project**

**Stark County**

**Amended Consolidated  
Application for Certificate  
of Corridor Compatibility  
& Route Permit**

**February 2020**



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**Engineering, Environmental, & Regulatory Affairs Professionals**

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49-22.1-06	Application for a Certificate for a Corridor	
1.a	Description of size and type of facility	1.0, 2.1
1.b	Summary of any studies of environmental impacts	5.0
1.c	Need for the facility	2.2
1.d	Site for energy conversion facility	N/A
1.e	Preferred transmission (pipeline) corridor	2.16, Exhibit A
1.f	Analysis of merits and detriments of facility location	4.0
1.g	Mitigating measures	9.0
1.h	Corridor evaluation pursuant to 49-22.1-09 and 49-22.1-03	6.0, 8.0
1.i	Other relevant information	8.0
49-22.1-07	Application for Route Permit	
1.a	Description of size and type of facility	1.0, 2.1
1.b	Description of the location	Intro, 1.4, 2.15, 2.16
1.c	Route evaluation relative to 49-22.1-09 and 49-22.1-03	6.0, 8.0
1.d	Mitigating measures	9.0
1.e	Right-of-way preparation, construction, and reclamation	2.17
1.f	Statement identifying how: 1. Landowners informed of right-of-way acquisition 2. How landowners will be compensated	2.18
1.g	Other relevant information	8.0
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2	Effects of transmission technology and design to minimize adverse effects	8.2
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10	Effect of route on unique biological areas	6.1, 6.6, 8.10
11	Problems raised by federal, state, or local entities	7.0, 8.11, Exhibit C

AUTHORITY	DESCRIPTION	SECTION
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69-06-05-01	Application for a Transmission Facility Permit (Corridor Certificate)	
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2.d.	Need for the facility	2.2
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2.g.	Study area to enable the NDPSC to evaluate the factors in the Century Code section 49-22.1-09;	5.0
2.h.	Discussion of factors in Century Code 49-22-09.1 to aid NDPSC's evaluation	6.0, 8.0

AUTHORITY	DESCRIPTION	SECTION
2.i.	A discussion of the applicant's policies and commitments to limit the environmental impact of its facilities, including copies of the board resolutions and management directives	8.12
2.j.	Map of criteria that led to route location	Exhibit A
2.k.	Discuss relative value of each criteria and how the location was selected; how operation will affect criteria	6.0
2.l.	Mitigating measures	9.0
2.m.	Qualifications of each person involved in location study	11.0
2.n.	Map identifying criteria that led to the route location and new facilities	Exhibit A
2.o.	8 1/2 X 11 black and white map suitable for newspaper publication	Separate
2.p.	Discussion of present and future natural resource development in the area	10.1
2.q.	Maps and GIS data meeting NDPSC requirements	Exhibit A, electronic GIS data
69-06-08-02	Transmission Facility Corridor and Route Criteria	--
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3.a.(4)	Surface drainage patterns and groundwater flow patterns	6.18.1
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3.b.(2)	Visual effect on adjacent area	6.18.3
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3.b.(4)	Wetlands, woodlands, and wooded areas	6.18.5
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4.e.	Commitment of portion of transmitted product for use in state	6.19.5
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4.i.	Using existing and proposed rights-of-way and corridors	6.19.9
4.j.	Other existing or proposed transmission facilities	6.19.10

## **LIST OF EXHIBITS**

Exhibit A: Project Route Maps

- A.1: Aerial Mapbook
- A.2: Topographic Mapbook

Exhibit B: Cultural Resources Report

Exhibit C: Agency Consultations

- C.1: Sample Notifications
- C.2: Agency Responses

Exhibit D: Landowner Waivers

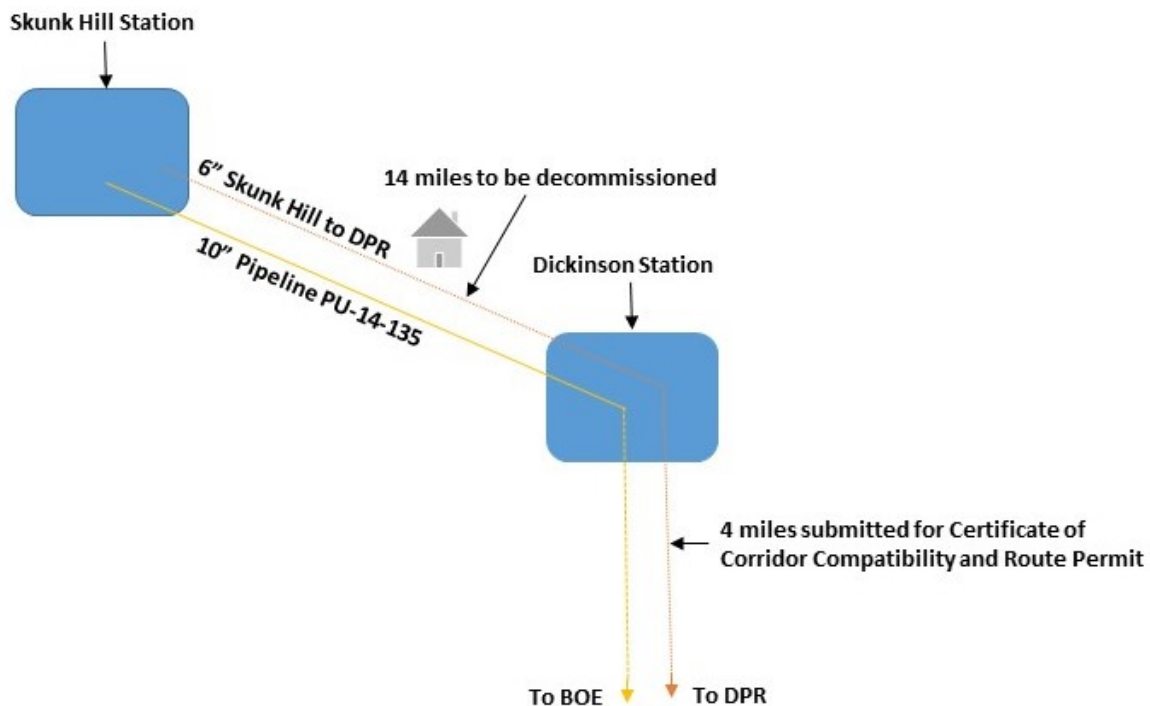
Exhibit E: ESRI ArcGIS Shapefiles

## INTRODUCTION

Belle Fourche Pipeline Company (Belle Fourche), submits the following Amended Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (Amended Application) to the North Dakota Public Service Commission (NDPSC) for the conversion of an approximately 4-mile-long, six (6)-inch existing crude oil gathering pipeline to a transmission line located in Stark County, North Dakota (Amended Project). This Amended Application supplements the previously submitted Skunk Hill to Dickinson Prairie Refinery Pipeline Conversion Project Consolidated Application for an approximately 18-mile pipeline located in Billings, Stark, and Dunn Counties, North Dakota (Original Project) and filed with the NDPSC as Docket No. 1 in Case No. PU-18-405 (Original Application). The former Dakota Prairie Refinery (DPR) is now known as the Marathon Dickinson Refinery.

Belle Fourche hereby withdraws 14 miles of the Original Project. The 14 miles to be withdrawn is located between Skunk Hill Pump Station and Dickinson Station. Crude that flowed from the 6-inch pipeline from Skunk Hill Pump Station to Dickinson Station will be redirected to a co-located pipeline previously sited by the NDPSC for transport to the Dickinson Station. The existing co-located pipeline to be utilized is known as the 10" Crude Oil Loop Pipeline, Case #: PU-14-135. See Figure 1. Once volumes from the 10" reach Dickinson Station, a portion of volumes from the 10" pipeline would be directed to the remaining four-mile segment of the Original Project that extends from Dickinson Station to DPR.

Figure 1 – Project Overview



Belle Fourche filed a certification pursuant to N.D.C.C. § 49-22.1-01(3)(a) for improvements to the 10" pipeline (Case No. PU-14-135) which allow the 10" pipeline to redirect volumes to the Amended Project at the Dickinson Station for continued transport to DPR. As referenced in the 10" certification, a tee, valve, and meter installed on the 10" pipeline within its certificated corridor at the Dickinson Station will allow a portion of volumes to be redirected from the 10" back to the Amended Project to delivery to DPR.

Belle Fourche is seeking approval for a Certificate of Corridor Compatibility for a 200-foot-wide corridor (Corridor) that will align with the centerline of the pipeline route for the remaining 4-mile segment of the Amended Project from Dickinson Station to DPR. The Amended Project originates at the Dickinson Station in Stark County, approximately five (5) miles NW of Dickinson, North Dakota, and runs four (4) miles to DPR, which is located five (5) miles SW of Dickinson, North Dakota. The Amended Project interconnects with Belle Fourche facilities at Dickinson Station to supply DPR. Simply stated, the Original Project routed volumes from the Skunk Hill Pump Station to Dickinson Station for delivery to DPR. The Amended Project removes the 14-mile segment of the Original Project between Skunk Hill Pump Station to Dickinson Station; however, the Amended Project will continue to route volumes from the Dickinson Station to DPR along the remaining 4-mile segment in the same manner the Original Project operated. The corridor and route of the Amended Project have not been modified and remain the same as this segment was presented in the Original Application. This Amended Application identifies information from the Original Application that specifically applies to the Amended Project.

Although outside of the scope of this Amended Application, Belle Fourche provides the following information by way of background regarding activities associated with decommissioning the 14-mile segment of the Original Project. Belle Fourche will utilize nitrogen to purge this segment of crude. The segment will then be disconnected from its existing connections at Skunk Hill Pump Station and Dickinson Station to seal off the segment from active facilities and to prevent volumes from re-entering the line. The segment will continue to be monitored for cathodic protection and with aerial patrols. The above methodology is preferred for decommissioning because it avoids major construction activities and disturbance that would otherwise occur with the pipeline's removal. Decommissioning activities will occur in accordance with Belle Fourche's standard operating procedures which were developed in accordance with the Pipeline Hazardous Materials Safety Administration's (PHMSA) regulations.

Belle Fourche seeks NDPSC approval for utilization of the Amended Project as a transmission line. In accordance with Chapter 49-22.1 of the North Dakota Century Code, Section 69-06-08-02 of the North Dakota Administrative Code, and the NPSC's Energy Conversion and Transmission Facility Siting Guidelines, Belle Fourche provides the information in this Amended Application to support its request for a Certificate of Corridor Compatibility and Route Permit for the Amended Project.

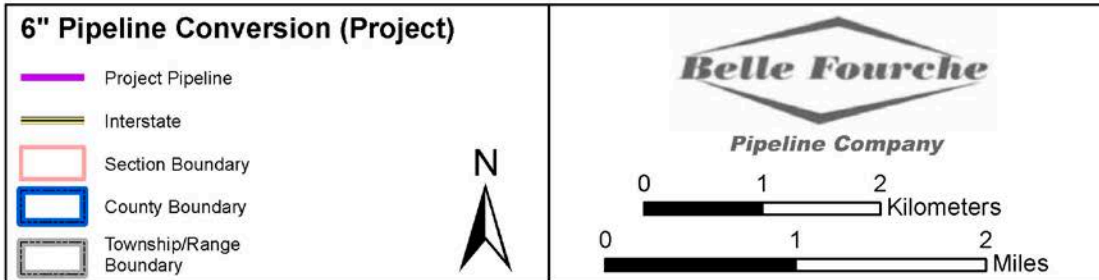
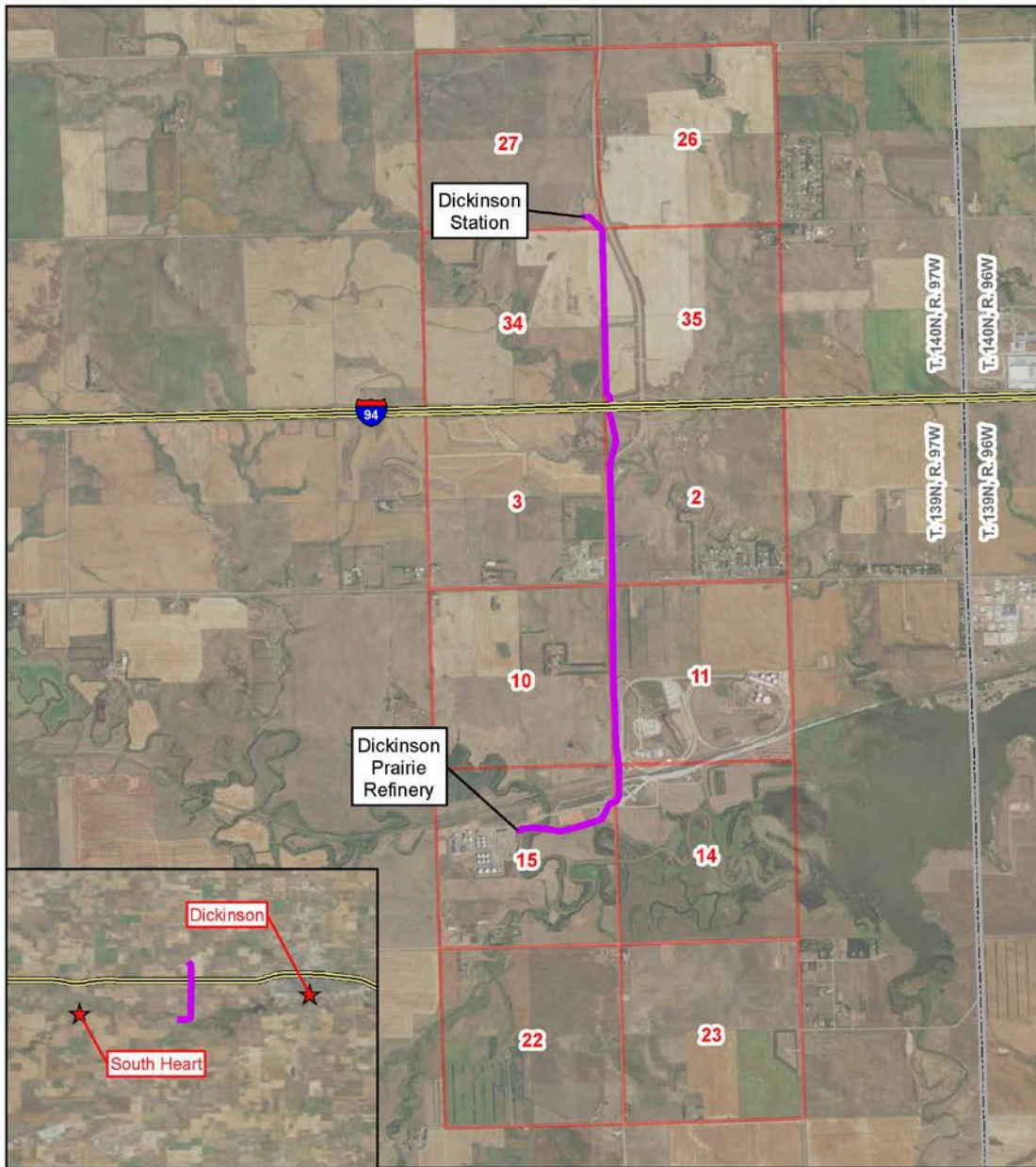
## **1 DESCRIPTION OF PROPOSED FACILITY**

### **1.1 Type**

The Amended Project originates at the Dickinson Station in Stark County approximately 5 miles NW of Dickinson, North Dakota and runs 4 miles to DPR located five (5) miles SW of Dickinson, North Dakota where the pipeline terminates.

The Original Project was originally constructed in 1995 by Belle Fourche as a gathering line. While still serving as a gathering line, it also reversed and flowed from Skunk Hill to BOE. The last modification to this line was in 2015 when the line was extended one-half (0.5) miles into DPR, west of Dickinson to deliver crude oil supplies to the refinery.

Figure 2 – General Project Location Map



## **1.2 Size**

The Amended Project consists of multiple connecting pipeline segments that have been laid from 1995 to 2015. The entire pipeline has a 6-inch nominal outside diameter with segment wall thicknesses varying from 0.156 to 0.188 inches at road and water body crossings. All pipe in this line is X52 and a majority of the line is coated in a two layer polyethylene tape coating. The maximum allowable operating pressure is 1,100 pounds per square inch gauge (psig).

All valves on the Amended Project are 6-inch 600# American National Standards Institute, flanged end, full port ball valves. These valves were manufactured in accordance with American Petroleum Institute Standard 6D "API Specification for Steel, Gate, Plug, Ball and Check Valves for Pipeline Service". These valves are of American Society of Mechanical Engineers 16.5 design. The maximum allowable operating pressure of the valve will be 1480 psig. The carbon steel pipe utilized for construction of the Project meets United States Department of Transportation (DOT) regulations, specifically the design criteria outlined in 49 C.F.R. Subpart 195(C). The Project was constructed as a gathering line per 49 C.F.R. Subpart 195(D). The Project will be operated and maintained per 49 C.F.R. part 195.

The maximum temperature of the crude is 80°F, which is within design parameters.

The maximum potential flow rate of the Project is 20,000 barrels per day (bpd).

## **1.3 Length**

The Amended Project is approximately 4 miles in length.

## **1.4 Aboveground Facilities**

The Amended Project's segments are buried underground. Surface structures are limited to pipeline markers, rectifier sites, and block valves. Some small fenced-in enclosures were installed to house associated power and control systems to allow valves to be operated remotely.

A pig receiver was installed at the DPR station during construction, a pig launcher will be installed at Dickinson Station. The Project has four block valves. One block valve is located at Dickinson Station, two are midline and the final one is east of DPR. See Exhibit A herein for valve locations.

## **2 DESIGN OF THE PROPOSED FACILITY**

### **2.1 Design**

The Amended Project is designed to convert an existing approximately 4-mile 6-inch diameter crude oil gathering pipeline into a crude oil transmission pipeline extending from the Dickinson Station to DPR.

### **2.2 Purpose and Need of the Facility**

The purpose of the Amended Project is to transport crude oil produced in west and northwestern North Dakota to DPR (now the Marathon Dickinson Refinery).

The Amended Project will provide needed capacity to transport increased petroleum from western North Dakota where oil production is expected to increase until 2025.

Conversion of the Amended Project will add (1) additional pipeline shipping capacity in North Dakota; (2) more access to liquid delivery options for Belle Fourche customers; and (3) a pipeline transportation alternative to trucking or railing crude oil to other shipping points and markets.

Installed cost of the system is extremely difficult to estimate given construction of multiple sections of the line over different periods of time. Belle Fourche estimates that the cost of the system in today's dollars would be in excess of \$10 million.

### **2.3 General Area to be Served**

The Amended Project will provide needed capacity to transport increased petroleum from western North Dakota where oil production is expected to increase until 2025.<sup>1</sup> The pipeline will transport crude oil from Dickinson Station connection near Dickinson, North Dakota to the DPR.

### **2.4 Capacity**

The maximum potential flow rate of the Project is 20,000 bpd.

### **2.5 Technology to be Deployed/Employed**

Information included in the Original Application remains applicable.

### **2.6 Product**

Information included in the Original Application remains applicable.

### **2.7 Final Destination of Product**

The Amended Project originates at the Dickinson Station in Stark County approximately 5 miles NW of Dickinson, North Dakota and runs 4 miles to DPR located five (5) miles SW of Dickinson, North Dakota where the pipeline terminates.

Belle Fourche does not own any of the crude petroleum transported in its pipeline system. Belle Fourche does not determine markets or destinations for petroleum commodities. Belle Fourche's business is to provide a service which is available to anyone tendering commodities for transportation. Belle Fourche attempts to anticipate the need for additional pipeline capacity by relying upon forecasts for throughput generated by shippers on the system.

Belle Fourche's system of operating pipelines provides flexibility of transporting North Dakota's crude petroleum to multiple national markets. Once crude petroleum is delivered to DPR and refined, the product is provided to customers nationwide including states such as Colorado, Oklahoma, as well as in-state markets.

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<sup>1</sup> U.S. Energy Information Administration, "U.S. Crude Oil Production to 2025: Updated Projection of Crude Types," *available at* <https://www.eia.gov/analysis/petroleum/crudetypes/pdf/crudetypes.pdf> (accessed Sep 27, 2017).

## **2.8 Width of Right-of-Way (ROW)**

Information included in the Original Application remains applicable.

## **2.9 Requirement For and General Location of Any New Associated Facilities**

Information included in the Original Application remains applicable.

## **2.10 Estimated Distance between Surface Structures for Pipeline Facilities**

The Amended Project is largely underground. Unlike electrical transmission lines, no major features of this system are installed aboveground. Aboveground features are generally limited to minor features such as to pipeline markers, block valves, cathodic protection test sites and rectifier sites, typically miles apart based on convenient access points along a public ROW. Operation and maintenance buildings are located at Belle Fourche's Dickinson Station.

## **2.11 Maximum Design Operating Pressure and Temperature for Pipeline Facilities**

The maximum allowable operating pressure of the pipeline is 1100 psig. The maximum temperature of the petroleum is 80°F.

## **2.12 Maximum Design Flow Rate for Pipeline Facilities**

Information included in the Original Application remains applicable.

## **2.13 Number and General Location for Compressor or Pumping Stations**

No new pumping units will be installed. No new mid-route stations will be necessary at this time. Pumps currently exist at Dickinson Station.

## **2.14 Estimated Total Cost of Construction**

Installed cost of the system is extremely difficult to estimate given construction of multiple sections over different period of time. The cost of the system in today's dollars would approximate \$10 million.

## **2.15 Preferred Location of Facility**

The Amended Project is located in Stark County. The Amended Project originates at the Dickinson Station in Stark County approximately 5 miles NW of Dickinson, North Dakota and runs 4 miles to the Dickinson Station located five (5) miles SW of Dickinson, North Dakota. The pipeline connects with Belle Fourche facilities at Dickinson Station to DPR.

The Amended Project is designed and will be operated in a manner that meets or exceeds state and federal engineering, safety and operational design standards.

## **2.16 Preferred Location of Corridor**

Information included in the Original Application remains applicable.

## **2.17 Description of ROW Preparation and Construction and Reclamation Procedures**

Information included in the Original Application remains applicable.

## **2.18 Landowner Notification, Easement Acquisition, and Compensation**

The Amended Project uses an existing ROW and will not require new ROW acquisition. All pipeline easements have been obtained.

## **3 SCHEDULE**

### **3.1 Obtaining Certificate of Corridor Compatibility**

The Original Application was submitted in December 2018. The Amended Application is being submitted February 2020.

### **3.2 Obtaining Route Permit**

The Original Application was submitted in December 2018. The Amended Application is being submitted February 2020.

### **3.3 Completing ROW Acquisition**

The Amended Project uses an existing ROW and will not require new ROW acquisition.

### **3.4 Starting Construction**

No construction for the Amended Project is required.

Due to the decommissioning of the 14-mile segment of the Original Project, the installation of a tee, valve, and a meter will occur within the certificated corridor of the co-located 10" pipeline to allow crude oil from the 10" Crude Oil Loop Pipeline at Dickinson Station to be redirected to the Amended Project. As previously mentioned, a certification for the improvements to the 10" has been submitted to the NDPSC. No additional segments, or storage facilities are expected at this time.

### **3.5 Completing Construction**

No construction for the Amended Project is required.

### **3.6 Testing Operations**

Information included in the Original Application remains applicable.

### **3.7 Commencing Operations**

Information included in the Original Application remains applicable.

## **4 ALTERNATIVES**

The pipeline is a permanent, ongoing system. As such, Belle Fourche has a continuing commitment to conduct its operations in an environmentally responsible manner. Substantial, continual effort is placed on pipeline integrity, operational safeguards, emergency response, and landowner relationships, all of which reduce the impact of the pipeline to the environment. The Company supplements the support from the existing internal environmental staff with engineering and environmental consultants as necessary to assure compliance with environmental regulations and applicable Company policy. A brief discussion of other possible alternatives is provided below.

### **4.1 No Action Alternative**

Information included in the Original Application remains applicable.

### **4.2 New Pipeline**

Information included in the Original Application remains applicable.

### **4.3 Skunk Hill to DPR Pipeline Conversion Project**

The pipeline route previously submitted in the Original Application for the 6-Inch Skunk Hill to DPR Pipeline Conversion Project PU-18-405, Docket #1 was the original preferred location. A detailed discussion the Original Project and Amended Project's scope is located on pages 1-2 herein.

In 1995 when the Original Project was constructed, the gathering system did not fall under the NDPSC's jurisdiction and the NDPSC's siting criteria did not apply. The Original Application identified an occupied residence within 500 feet of the Original Project (T. 140N, R. 98W, Section 1). At the time the Original Project was constructed, a waiver was not required from the landowner; however, as a result of the conversion the Commission's regulations classify this residence as an Avoidance Area. After numerous good-faiths attempts to secure a waiver, Belle Fourche was unable to acquire a waiver for the above-referenced residence which is located along the 14-mile segment of the Original Project extending between the Skunk Hill Pump Station and Dickinson Station. Therefore, Belle Fourche is withdrawing the 14-mile segment from Skunk Hill Pump Station to Dickinson Station and seeks a Certificate of Corridor Compatibility and Route Permit for the 4-mile portion of the pipeline from Dickinson Station to DPR.

## **5 ENVIRONMENTAL STUDIES**

Information included in the Original Application remains applicable. Because the Amended Project is a segment of Original Project, studies and surveys conducted for the Original Project remain applicable and no new studies or surveys are required for the Amended Project. Information contained in the Original Application that relates specifically to the Amended Project is provided below.

Analysis of the Project entailed both desktop studies and field surveys. A one-mile-wide study corridor was utilized for the entire Project route ("Study Area"). The one-mile-wide Study Area included a desktop study and field survey. Desktop studies for the one-mile-wide Study Area reviewed items such as Class I archeological file search and wildlife database search. Surveys were conducted along the entire route in the field on foot within the specified survey corridor ("Survey Area"). Survey Areas for the Amended Project were 200-foot-wide.

A field survey in May of 2017 using a one-mile-wide Study Area was used to search for wildlife and a 200-foot-wide Survey Area for plant species.

Belle Fourche engaged Keitu and BCA to perform the environmental and cultural resource siting studies for the Project.

BCA performed a Class I archeological file search in August of 2017 using a one-mile-wide Survey Area on the entire 4 miles of the Amended Project route. A Class III field survey was performed on a 200-foot-wide Survey Area in September of 2017. The cultural resource location details are not presented in a publicly available document per the request of the State Historical Society of North Dakota. BCA has provided a redacted version of the cultural resource report and is found in Exhibit B. Additional details of these sites will be provided to NDPSC staff upon request.

Keitu conducted a desktop database search using a one-mile-wide Study Area for all other Exclusion or Avoidance Criteria outlined in the North Dakota Administrative Code along the Project Route. Items reviewed included federal and state parks, protected and sensitive plants and animals, and civil and social structures such as recreational areas, rural homes, and farmsteads.

No additional environmental impacts will occur as a result of the Amended Project.

## 5.1 Wetland and Waterbody Inventory

Belle Fourche, through its consultants, conducted a desktop survey using aerial photographs, USGS topographic maps, and the United States Fish & Wildlife Service (USFWS) National Wetland Inventory identifying wetlands along the pipeline route.

The Amended Project crosses four streams according to the USFWS National Wetland Inventory that was last modified October 8, 2019. The table below describes the wetlands found via the National Wetland Inventory within the Amended Project Corridor.

The table below describes the location of the streams within the Amended Project Corridor.

<b>Table 5.1 Streams</b>		
<b>Classification</b>	<b>Stream Name</b>	<b>Length (Feet)</b>
PEM1C	Duck Creek	214
R4SBC	Tributary to Duck Creek	402
R4SBC	Tributary to Heart River	227
R2UBF	Heart River	238

Conversion of the Amended Project will not result in the permanent drainage or filling of wetlands or waterbodies. Belle Fourche will horizontally directionally drill any future wetlands or waterbodies in the Amended Project Corridor if any maintenance is needed.

## 5.2 Vegetation Inventory

Botany surveys were performed along the 4-mile pipeline route in Stark County during in May 2017. Two surveyors conducted a thorough inspection of private land (starting south and proceeding north along the route), which consisted of cropland, rangeland, and pastureland.

The Amended Project Corridor crosses predominantly agricultural land, which is discussed in detail in section 6.18.1. Crested wheatgrass and smooth brome were primarily found in abundance throughout the majority of the route. Other grasses that were commonly identified were: blue grama (*Bouteloua gracilis*), side oats grama (*Bouteloua curtipendula*), little bluestem (*Schizachyrium scoparium*), prairie junegrass (*Koeleria macrantha*), and needle and thread grass (*Hesperostipa comata*). Other vegetation often found established in the Project area include alfalfa (*Medicago sativa*), cudweed sagewort (*Artemisia ludoviciana*), fringed sagewort (*Artemisia frigida*), curlycup gumweed (*Grindelia squarrosa*), kochia (*Kochia scoparia*), purple prairie clover (*Dalea purpurea*), prairie coneflower (*Ratibida columnifera*), prairie rose (*Rosa arkansana*), prickly pear cactus (*Opuntia humifusa*), rubber rabbitbrush (*Ericameria nauseosa*), silver leaf scurfpea (*Pediomelum argophyllum*), skeletonweed (*Chondrilla juncea*), wild licorice (*Glycyrrhiza lepidota*), yarrow (*Achillea millefolium*), silver buffaloberry (*Shepherdia argentea*), chokecherry (*Prunus virginiana*), cottonwood (*Populus deltoides*), and western snowberry (*Symphoricarpos occidentalis*).

Noxious weeds that were identified on the survey was absinth wormwood (*Artemisia absinthium*), Canada thistle (*Cirsium arvense*), and leafy spurge (*Euphorbia esula*). Canada thistle, absinth wormwood, and leafy spurge were found in small populations spread throughout rangeland and pastures.

Keitu conducted field surveys within a 200-foot-wide Survey Area in June 2017, to identify presence of wildlife and habitat assessment that covered threatened and endangered species, a tree, sapling, and shrub enumeration survey, and a noxious weed survey were also conducted by Keitu.

There were no sensitive, threatened, or endangered plant species detected in the 200-foot-wide Survey Area.

## 5.3 Wildlife Inventory

Investigations were conducted on potential impacts the Original Project could inflict upon wildlife and plant species, which included the Amended Project Corridor. Prior to field surveys, information was gathered from a variety of sources to compile the existing conditions of plant and wildlife within the proposed route. These sources included GIS database review, literature, and personal communications with the North Dakota Game & Fish (NDGF), the USFWS, and the North Dakota Parks and Recreational Department (NDPRD). Prior to field surveys, Keitu review in-house GIS data that includes information updated annually from the United States Forest Service (USFS), USFWS, NDGF, and United States Army Corps of Engineers (USACE) on known locations of sensitive species. Field surveys were conducted on foot and via all-terrain vehicle for the 200-foot-wide Survey Area and 1-mile wide Study Area. Field data was collected with a Trimble GEOXH 6000 GPS.

Common terrestrial wildlife identified in the Project area include ring-necked pheasant (*Phasianus colchicus*), various songbirds, migratory waterfowl, and deer.

The North Dakota raptor species of concern detailed by the NDPRD, Natural Heritage Inventory (NHI) with potential to be located in Stark, Billings, and Dunn Counties include the following: bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), Swainson's hawk (*Buteo swainsoni*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), turkey vulture (*Cathartes aura*), American peregrine falcon (*Falco peregrinus anatum*), and the burrowing owl (*Athene cunicularia*).

No federally-listed endangered, threatened, candidate, or state-listed Species of Concern was identified in the one-mile wildlife Survey Area during field surveys.

Findings are electronically presented as ESRI ArcGIS software compatible data files in Exhibit E.

#### 5.4 Federally Protected Species Review

Information included in the Original Application remains applicable.

##### 5.4.1 Migratory Bird Treaty Act

Information included in the Original Application remains applicable.

##### 5.4.2 Bald and Golden Eagle Protection Act

Information included in the Original Application remains applicable.

#### 5.5 Tree/Shrub Inventory

Information included in the Original Application remains applicable.

#### 5.6 Noxious Weed Inventory

North Dakota law (North Dakota Century Code § 4.1-47-02) requires every person to do all things necessary and proper to control the spread of noxious weeds and makes it illegal for any person to distribute, sell, or offer for sale within this state a noxious weed. Noxious weeds listed under North Dakota state law are shown in Table 5.6.1.

Species	Habitat	Impact
Absinth Wormwood	Generally found on dry soils in pastures, cropland, farmsteads, shelterbelts, roadsides, fence rows and waster areas. Infestation occurs on over-grazed or disturbed areas.	Reported to contaminate the milk produced by cattle. Species inhibits growth in desirable forage.
Dalmatian Toadflax	Most competitive in drought prone areas. Often found in soils varying from coarse gravels to sandy loams. Establishes on rangelands, pastures, disturbed areas, and roadsides.	Unpalatable to livestock and will flourish over native species. No record of occurrence in the county.

<b>Table 5.6.1 State Noxious Weeds</b>		
<b>Species</b>	<b>Habitat</b>	<b>Impact</b>
Field Bindweed	Species is drought tolerant and tends to invade cultivated fields, pastures, roadsides, and waste areas.	Extremely difficult to control. The extensive root system and twine-like growth disrupts harvesting operations and replaces desirable vegetation.
Leafy Spurge	Species adapts to a variety of habitats such as river banks, floodplains, slopes, open woodlands, roadsides, and grasslands. Species commonly associates itself with invasive such as Kentucky bluegrass and smooth brome.	Contains milky latex which causes oral and digestive irritation in cattle. The plant also replaces desirable forage.
Purple Loosestrife	Establishes in wetland habitats.	Quickly displaces native wetland vegetation and has the potential to cause a severe impact on wildlife. Roots of the plant can cause obstruction of water flow in ditches and canals.
Saltcedar	Occurs in moist areas, along lakes and waterways. Often associated with cottonwoods. Alkali, saline, and drought tolerant	Displaces native vegetation by releasing salts to inhibit the growth of vegetation.
Diffused Knapweed	Occurs in excessively grazed and disturbed areas.	No known occurrences in the county.
Russian Knapweed	Occurs in poorly drained, saline, or alkaline soils. Establishes is cultivated land, alfalfa fields, pastures, waste sites, and along roadsides and ditches.	Most distributed knapweed and most difficult to control. Inhibits growth in crop plants and other desirable plant species.
Spotted Knapweed	Establishes on roadsides, construction sites, overgrazed land, and waterways. Adapts best in semi-arid areas.	Reduces livestock and wildlife forage and increases surface water runoff, soil erosion, and stream sedimentation.
Canada Thistle	Occurs in stream banks, long ditches, roadsides, cultivated fields, pastures, construction sites, and other disturbed areas.	Displaces desirable plant species and is unpalatable to livestock. Infestations decreases land value for crop production and grazing.
Musk Thistle	Occurs on pastures, rangelands, disturbed sites, grain fields, stream banks, and soils with high sand content.	Corrupt pastures and reduce grazing in the vicinity. Currently inhabits in the northeast corner of ND.
Yellow starthistle	Occurs on pastures, rangelands, grain fields, cultivated land, and roadsides.	Toxic to horses and can cause injury to livestock and wildlife when grazing upon. Reduces cropland yields. No record of occurrence in the county.
Yellow Toadflax	Yellow toadflax occurs in a wide range of habitats but is limited by wet or dark conditions. The plant is often found in well-drained, relatively coarse textured soils.	Often displaces desirable forage plants on rangeland and is generally avoided by cattle.
Information provided by the North Dakota Department of Agriculture		

Local weed boards in North Dakota may develop a list of additional weeds for enforcement within the respective county's jurisdiction. The Stark County Weed Board has designated an additional two species of invasive weeds that are not listed as noxious weeds by the North Dakota Department of Agriculture. Those species are shown in Table 5.6.2.

<b>Table 5.6.2 County Noxious Weeds</b>		
<b>Species</b>	<b>Habitat</b>	<b>Impact</b>
Black Henbane	Common in disturbed open sites in rangeland and pastures, along fence rows, roadsides, riparian areas and waste areas. Found on heavily grazed sites.	Capable of forming dense infestations, replacing desirable native species, impacting agricultural production, and reducing plant biodiversity.

Table 5.6.2 County Noxious Weeds		
Species	Habitat	Impact
Hoary Cress	Commonly grow in disturbed, alkaline soils with moderate moisture. Hay fields and rangeland meadows. Acidic soils with limited moisture. Roadsides, ditch banks, and unshaded disturbed areas.	Reduces biodiversity by displacing plants from plant communities and eventually animals that are dependant upon those plants for food and habitat.
Information provided by the Stark County Weed Board.		

Because the pipeline was originally constructed as a non-jurisdictional gathering system, a formal noxious weed inventory was not conducted prior to the original construction of the pipeline.

Noxious weeds that were identified in the 200-foot Survey Area were absinth wormwood (*Artemisia absinthium*), Canada thistle (*Cirsium arvense*), and leafy spurge (*Euphorbia esula*). Canada thistle, absinth wormwood, and leafy spurge were found in small populations spread throughout rangeland and pastures.

Belle Fourche will continue to implement mitigation requirements to avert the infestation of noxious weeds on previously reclaimed or disturbed land. Belle Fourche or the assigned contractor will implement weed treatments such as mowing prior to seed development or herbicide application to areas of noxious weed infestation prior to soil disturbing work for maintenance. Belle Fourche will use mechanical, chemical or biological management approaches, seeding, and erosion control blankets to prevent or minimize erosion, sedimentation, and the growth of the noxious weeds on applicable areas where maintenance activities occur.

During maintenance activities, Belle Fourche or their assigned contractor will clean the tracks, tires, and blades of equipment by hand (track shovel) or compressed air to remove excess soil prior to movement of equipment out of weed or soil-borne pest infested areas or utilize cleaning stations to remove vegetative materials using water under high pressure.

Belle Fourche or the assigned contractor will use mulch and straw or hay bales that are Certified Weed Free in the State of North Dakota for temporary erosion and sediment control. If seeding is needed for maintenance activities, weed-free native grass seed mixtures were used for all re-vegetation activities.

Typical agricultural herbicides, developed in consultation with county or state regulatory agencies, will be used as necessary. Herbicide types will be determined based on the weed species requiring control. Belle Fourche or the assigned contractor will apply herbicides, where required, within one week, or as deemed necessary for optimum mortality success, prior to disturbing the area by clearing, grading, trenching, or other soil disturbing work. Herbicides will be applied by applicators appropriately licensed or certified by the State of North Dakota. Belle Fourche will implement mitigation or protection measures in the use of pesticides and herbicides along the pipeline corridor to reduce potential impacts to avian and wildlife species. Belle Fourche or the assigned contractor will not use herbicides in or within 100 feet of a wetland or waterbody.

## 6 CRITERIA

Exclusion and Avoidance Area maps specific to the Amended Project that depict the one-mile Study Area are contained in Exhibit A.1 herein. These maps comprise approximately the last three pages (pages 7, 8,

& 9) of the Original Project map set depicting the one-mile Study Area previously filed as Late-Filed Exhibit 7, in Docket No. 51. The map set in Exhibit A.1 is specific to the Amended Project route and supersedes the map set located in Docket No. 51.

### **6.1 Exclusion Areas**

Information included in the Original Application remains applicable.

No Exclusion Areas are crossed by the Amended Project route or are located within the Amended Project Corridor.

### **6.2 Federal Resource Review**

Information included in the Original Application remains applicable.

### **6.3 State Resource Review**

Information included in the Original Application remains applicable.

### **6.4 County Resource Review**

Information included in the Original Application remains applicable.

### **6.5 Areas of Critical Habitat**

Information included in the Original Application remains applicable.

### **6.6 Areas Where Unique or Rare Species Would Be Irreversibly Damaged**

Information included in the Original Application remains applicable.

### **6.7 Areas within 1,200 Feet of Intercontinental Ballistic Missile Facility or 30 Feet of Direct Line of Intercontinental Ballistic Missile Launch Facility**

Information included in the Original Application remains applicable.

### **6.8 Avoidance Areas**

Avoidance Areas are areas that may not be considered in the routing of a transmission facility unless it is shown that there is no reasonable alternative under the circumstances. A buffer zone of a reasonable width to protect the area must be included. A corridor may contain Avoidance Areas as long the Avoidance Areas do not encompass more than 50 percent of the Project Corridor width at any point, unless no reasonable alternative exists. The following table identifies and discusses Avoidance Areas within the Study Area.

One Avoidance Area was identified (see Table 6.8 below). Three (3) rural residences and/or farmhouses and two (2) businesses were identified within 500 feet of the Project Route. The residences and businesses do not encompass more than fifty percent of the width of the corridor in any location.

<b>Table 6.8 Avoidance Areas</b>			
<b>Avoidance Area</b>	<b>Located within the Project Corridor</b>	<b>Crossed by Project Route</b>	<b>Description of Avoidance Area and Proposed Buffer</b>
National Historic Districts, Wildlife Areas, Wild, Scenic, or Recreational Rivers, Wildlife Refuges, Grasslands	None	None	
State Wild, Scenic or Recreational Rivers, Game Refuges, Game Management Areas, Management Areas, Forests, Forest Management Lands, Grasslands	None	None	
Historical Resources not specifically designated as Exclusion or Avoidance Areas	Yes, two sites and two isolated finds with in the Corridor	None	No impacts or new impacts will be made as a result of the conversion or maintenance. SHPO concurrence has been received.
Geologically Unstable Areas	None	None	
Within 500 Feet of a Residence, School, or Place of Business	Yes (Five (5) Residences and Businesses) with in the Corridor	Yes (Five (5) Residences and Businesses) with in the Route	Pursuant to N.D.C.C. § 49-22.1-03, Belle Fourche has obtained landowner waivers
Reservoirs and Municipal Water Supplies	None	None	
Water Sources for Organized Rural Water Districts	None	None	
Irrigated Land	None	None	
Areas of Recreational Significance Not Designated as Exclusion Areas	None	None	

### **6.9 Federal Resource Review**

Information included in the Original Application remains applicable.

### **6.10 State Resource Review**

Information included in the Original Application remains applicable.

### **6.11 Historical Resources Not Designated as Exclusion/Avoidance Areas**

No impacts or new impacts to historical resources not designated as exclusion/avoidance areas will occur from the Amended Project.

The original construction of the pipeline did not adversely affect cultural resources eligible for inclusion on the National Register Historic Places. Beaver Creek Archaeology, Inc. (BCA) of Bismarck, North Dakota was engaged to review existing site file data maintained by the State Historical Society of North Dakota, North Dakota State Historic Preservation Office (NDSHPO) to determine if any portion of the pipeline route was surveyed previously for cultural resources. Topographic maps and aerial photography were reviewed to determine the amount of pedestrian survey as advised by the SHPO State Archaeologist. Unplowed

regions, landforms such as prominent hills, terraces, and any other water related landform were surveyed. After determining the areas for inventory, the proposed corridor was inventoried by walking parallel pedestrian transects 20 meters apart across the Area of Potential Effect.

BCA performed a Class I archeological file search in August of 2017 using a one-mile-wide Study Area on the entire 4 miles of the Project route. A Class III field survey was performed on a 200-foot-wide Survey Area in September of 2017. The cultural resource location details are not presented in a publicly available document per the request of the State Historical Society of North Dakota. BCA has provided a redacted version of the cultural resource report and is found in Exhibit B. Additional details of these sites will be provided to NDPSC staff upon request.

The four miles of the Amended Project Corridor contains has 18 sites, two site leads, and 19 isolated finds within a one-mile Study Area.

Two sites and two isolated finds were previously recorded within the 200-foot-wide Survey Area. Site form updates were completed and submitted on the following: 32SK9 (an historic foundation site), 32SK795 (the Great Northern Railroad), 32SKx284 (a porcellanite flake), and 32SKx363 (a broken projectile point).

During the intensive pedestrian survey, no new cultural resources were encountered, no evidence of the isolated finds was observed, and no sign of site impact was seen on the previously recorded sites on file with the SHPO. As a result, BCA recommends a finding of No Historic Properties Affected for this project. The SHPO reviewed the Class I and Class III Inventory Reports and concurred with the "No Significant Sites Affected" determination.

A copy of BCA's report is presented in Exhibit B.

### 6.12 Geologically Unstable Areas

Information included in the Original Application remains applicable.

### 6.13 Areas within 500 Feet of a Residence, School, or Place of Business

There are three residences and two businesses within five hundred feet of the Project Route. The table below describes the location of those sites. Belle Fourche has obtained waivers from the residence and business landowners.

Table 6.13 Residences or Businesses	
Location	Landowner
T. 139N, R. 97W, Section 15	Roger and Bernadine Privatsky
T. 139N, R. 97W, Section 2	Thomas and Donna Dukart
T. 139N, R. 97W, Section 2	Terry and Cindy Taylor
T. 139N, R. 97W, Section 3	116 Block LLC
T. 139N, R. 97W, Section 2	Paul and Jodene Kessel

Belle Fourche has obtained waivers from these landowners and filed copies with the Commission. See, Case No. PU-18-405, Docket No. 47 (part 3) & 58.

The Original Application identified a sixth occupied residence with 500 feet of the Original Project (T. 140N, R. 98W, Section 1). Due to the decommissioning of the 14-mile segment of the Original Project, this residence does not fall within the Amended Project's Corridor.

#### **6.14 Reservoirs and Municipal Water Supplies**

Information included in the Original Application remains applicable.

#### **6.15 Water Sources for Organized Rural Water Districts**

Information included in the Original Application remains applicable.

#### **6.16 Irrigated Land**

Information included in the Original Application remains applicable.

#### **6.17 Areas of Recreational Significance but Not Designated Exclusion Areas**

Information included in the Original Application remains applicable.

#### **6.18 Selection Criteria**

Information included in the Original Application remains applicable.

##### ***6.18.1 Agricultural Impacts***

Information included in the Original Application remains applicable.

##### ***6.18.2 Family Farms and Ranches***

Information included in the Original Application remains applicable.

##### ***6.18.3 Land Suitable for Irrigation***

Information included in the Original Application remains applicable.

##### ***6.18.4 Surface Drainage and Groundwater Flow Patterns***

Information included in the Original Application remains applicable.

##### ***6.18.5 Sound-Sensitive Land Uses***

There are three (3) inhabited residences and two (2) business locations within 500 feet of the Pipeline Route (see Table 6.13). Construction is completed for this project therefore noise will not affect any residences or business in the area.

No noise is generated along the ROW during normal operation of the pipeline. No additional pump stations or noise increases are proposed as part of the Amended Project.

**6.18.6 Visual Effect on Adjacent Areas**

Information included in the Original Application remains applicable.

**6.18.7 Extractive and Storage Resources**

Information included in the Original Application remains applicable.

**6.18.8 Wetlands, Woodlands, and Wooded Areas**

Information included in the Original Application remains applicable.

**6.18.9 Radio and TV Reception and Other Communication or Electronic Facilities**

Information included in the Original Application remains applicable.

**6.18.10 Human Health and Safety**

Information included in the Original Application remains applicable.

**6.18.11 Animal Health and Safety**

Information included in the Original Application remains applicable.

**6.18.12 Plant Life**

Information included in the Original Application remains applicable.

**6.19 Policy Criteria**

**6.19.1 Location and Design**

Information included in the Original Application remains applicable.

**6.19.2 Training and Utilization of In-State Labor**

No training of local labor is anticipated as a direct result of the Amended Project.

**6.19.3 Economies of Construction and Operation**

Information included in the Original Application remains applicable.

**6.19.4 Use of Citizen Coordinating Committees**

Information included in the Original Application remains applicable.

#### **6.19.5 Commitment of Portion of Transmitted Product for Use In-State**

Information included in the Original Application remains applicable.

#### **6.19.6 Labor Relations**

Information included in the Original Application remains applicable.

#### **6.19.7 Coordination of Facilities**

The existing 6-inch line and associated systems are used in conjunction with other segments of the Belle Fourche pipeline network to optimize system capacity.

#### **6.19.8 Monitoring Impacts**

Information included in the Original Application remains applicable.

#### **6.19.9 Using Existing and Proposed ROWs and Corridors**

Included in the Original Application and remains applicable. The Amended Project is on an existing ROW and uses existing pipeline.

#### **6.19.10 Other Existing or Proposed Transmission Facilities**

Information included in the Original Application remains applicable.

### **7 AGENCY NOTIFICATIONS AND PERMITTING**

Agency notifications and responses are included in the Original Application and the docket for PU-18-405.

In a May 9, 2019 letter from the North Dakota Geological Survey (NDGS) (PU-18-405, Docket No. 48), the NDGS identified two areas of interest along the corridor for the Original Project. The areas identified by the NDGS are not within the corridor for the Amended Project.

In a June 5, 2017 letter from the NDPRD, there were two areas of interest within one-mile of the northern segment of the Original Project. Those two areas identified by the NDPRD are no longer within the corridor for the Amended Project.

### **8 OTHER FACTORS CONSIDEREDS**

#### **8.1 Public Health, Welfare, Natural Resources, and the Environment**

Information included in the Original Application remains applicable.

## **8.2 New Transmission Technologies and Systems Designed to Minimize Adverse Environmental Effects**

Information included in the Original Application remains applicable.

## **8.3 Beneficial Uses of Waste Energy from a Proposed Energy Conversion Facility**

Information included in the Original Application remains applicable.

## **8.4 Unavoidable Adverse Direct and Indirect Environmental Effects**

Information included in the Original Application remains applicable.

## **8.5 Corridor or Route Alternatives Developed During the Hearing that Minimize Adverse Effects**

The new Amended Project Corridor provides an established, direct route between Dickinson Station and DPR. This corridor was originally selected to avoid or minimize environmental and socioeconomic impact. Conversion of an existing gathering line to transmission line status will avoid installation/construction of a new pipeline for this same purpose. The Project Route utilizes Belle Fourche's existing ROW.

## **8.6 Irreversible and Irrecoverable Commitments of Natural Resources if Designated**

Information included in the Original Application remains applicable.

## **8.7 Direct and Indirect Economic Impacts of the Facility**

Information included in the Original Application remains applicable.

## **8.8 Existing Plans for Other Developments in the Vicinity**

Information included in the Original Application remains applicable.

## **8.9 Effect of the Proposed Route on Existing Scenic Areas, Historic Sites and Structures, and Paleontological or Archeological Sites**

Information included in the Original Application remains applicable.

## **8.10 Effect of the Proposed Route on Areas That Are Unique Because of Biological Wealth or Because They Are Habitats for Rare and Endangered Species**

Information included in the Original Application remains applicable.

## **8.11 Problems Raised by Federal, State, and Local Agencies**

Information included in the Original Application remains applicable.

**8.12 Policies and Commitments to Limit Environmental Impact**

Information included in the Original Application remains applicable.

**9 MITIGATION MEASURES**

Information included in the Original Application remains applicable.

**10 DEVELOPMENT**

**10.1 Present and Future Natural Resource Development in the Area**

Information included in the Original Application remains applicable.

## 11 QUALIFICATIONS OF PREPARERS

The qualifications of the personnel who contributed to the consolidated application are as follows:

(1) Tad True, Vice President – Belle Fourche Pipeline Company

Degree: Bachelor of Business Administration, University of Notre Dame  
Experience: 14-year experience in petroleum transportation field

(2) Robert Stamp, Commercial/Engineering Supervisor – Belle Fourche Pipeline Company

Degree: Bachelor of Mechanical Engineering, Valparaiso University  
Experience: 29-year experience in petroleum transportation field as well as regulatory affairs and compliance.  
Professional License  
Registered Professional Engineer: Wyoming

(3) Ken Dockweiler, Director – Land, Government, and Compliance - Belle Fourche Pipeline Company

Experience: 28-year experience in petroleum transportation field with 16 years focused in regulatory affairs and compliance.

(4) Kathleen Spilman, Managing Director – Keitu Engineers & Consultants, Inc.

Degrees: Bachelor of Science - Chemical Engineering, University of North Dakota Masters in Management, University of Mary  
Experience: 37-year experience in petroleum refining and fuels transportation field as well as regulatory affairs and compliance.  
Professional License  
Registered Professional Engineer: North Dakota, Montana

(5) Karine Finken, Project Manager — Keitu Engineers & Consultants, Inc.

Degree: Bachelor of Science – Natural Resource Management, University of Minnesota - Crookston  
Experience: 8-year experience in natural resource management

(6) Jaimee Antognazzi, Operations Manager - Keitu Engineers & Consultants, Inc.

Degree: Bachelor of Science – Environmental Health, Dickinson State University  
Experience: 12 years' experience in regulatory affairs and compliance.  
Professional Certification: Certified Safety Professional