



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

October 21, 2019

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Wade C. Mann
Crowley Fleck PLLP
100 West Broadway, Suite 250
Bismarck, ND 58502-2798

RE: Case No. PU-19-294
Denbury Green Pipeline - North Dakota, L.L.C. & Denbury Green Pipeline
- Montana, L.L.C.
12-inch Cedar Hills Pipeline Pjct - Slope & Bowman
Siting Application

The Public Service Commission Staff is reviewing Denbury's application. Staff requests Denbury supplement the application as soon as possible with the following:

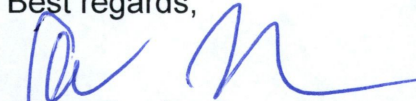
1. Update Appendix A map sets to show the proposed Project corridor and supplement the Application to include the following GIS layers:
 - a. Include all GIS layers to all maps provided, including:
 - i. Mileposts
 - ii. Upland Data Points
 - iii. Wetland Data Points
 - iv. Improved Access Roads
 - v. Survey Areas
 - vi. Wetland Boundaries
 - vii. Woody Vegetation
 - viii. Soil Boundaries
 - ix. Section Boundaries (PLSS)
 - x. Township/Range Boundaries (PLSS)
 - xi. County Boundaries
 - xii. State Boundaries
 - xiii. Photo Point – Paleontological
 - xiv. ROW Disturbance Areas
 - xv. Survey Area – Cultural
 - xvi. Pedestrian Survey
 - xvii. Visual Review

- xviii. Aerial Photo Review
 - xix. Unimproved Access Roads
 - xx. USGS 24k Map Sheet
 - xxi. Surface Ownership for BLM, Private, and USFS lands
 - xxii. CCA EOR Field Boundary
 - xxiii. Analysis Area – Paleontological
 - xxiv. Private or Unknown landownership
 - xxv. Other GIS layers not filed with the Commission on Figure 2 of the Paleontological Survey Report
 - xxvi. Proposed Project corridor
2. Provide any agency correspondence that has been received since the filing.
 3. An agency letter from the North Dakota Geological Survey and the North Dakota Department of Environmental Quality needs to be sent. File both the letters sent and responses received with the Commission.
 4. Page 70 and 71 of the application discusses prairie dog colonies. Provide the names of the species that occupy the colonies.
 5. Exclusion area includes “areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.”
 - a. The North Dakota Game and Fish’s “Species of Conservation Priority” identifies animal species that are unique or rare to North Dakota (copy attached). If yes, the areas in the corridor and the buffer zones to protect the integrity of the areas must be identified on the map sets and discussed in the application.
 - b. The North Dakota Parks and Recreation Department’s “ND Natural Heritage Inventory” identifies plant species that are unique or rare to North Dakota. If yes, the areas in the corridor and the buffer zones to protect the integrity of the areas must be identified on the map sets and discussed in the application.
 6. Page 13 of the Application indicates that an Emergency Response Plan and a Pipeline Integrity Management Plan is under development. File the completed plans with the Commission.
 7. Page 15 of the Application indicates that site 32BO00245 is located in the right-of-way, and that SHPO proposed avoidance measures. When will Denbury know when this is an exclusion or avoidance area?
 8. Will the proposed project include block valves or any aboveground facilities in North Dakota? If yes, please update your map sets to include the locations. Also, include the GIS layer(s).
 9. Provide the study that informed that “no known hibernacula” are located in North Dakota (see page 18 of the Application). Northern long-eared bats are listed as present in Bowman and Slope Counties. Did Denbury survey for them? Describe Denbury’s plans to stop construction during certain seasons that are related to either their habitat or presence.

10. Page 1 of the Natural Resources and Wetland Delineation Report indicates that SWCA conducted several "cursory" surveys and an assessment. What makes them cursory in nature? What would make them more complete?
11. Provide a table showing the status of the issuance of each required permit, and the timeline to obtain each.
12. With respect to the effects on public health and welfare, describe the difficulty of detecting leaks that are unique to a CO2 pipeline, the time it takes to detect a CO2 leak, the amount of components leaked, and the effect on public health and welfare of each component. Provide all studies Denbury or outside entities have conducted that have provided such information for either a catastrophic failure or a leak.
13. File with the Commission the project control documents listed below. Include the project control documents that may have informed the Environmental Mitigation Plan provided in Appendix B of the application. For those not complete, provide the status, completion date(s), and the outstanding issue(s) that prevent completion.
 - a. Emergency procedures plan
 - b. 10-year spill history report
 - c. Construction plan
 - d. Erosion control plan
 - e. Storm water pollution prevention plan
 - f. 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
 - g. Spill prevention and control plan
 - h. Revegetation plan
 - i. Weed management plan, and all county specific weed management plan(s)
 - j. Dust control plan
 - k. Environmental training plan
 - l. Baseline soil analysis used for determining topsoil depth along the Project route
14. File with the Commission a table showing Denbury's leak and spill history for the most recent 10 years.

If you have any questions, please contact me at (701) 328-4153

Best regards,



Adam Renfandt
Analyst, Public Utilities Division

c: Mitch Armstrong

[My Account](#) | [Login](#) | [Cart](#)

Species of Conservation Priority

North Dakota's [Wildlife Action Plan](#) focuses on species that are considered Species of Conservation Priority. Information relating to the distribution, abundance, habitat requirements, threats, management goals and monitoring techniques for each of these species is included in the Wildlife Action Plan. They are categorized into three levels according to their conservation need:

Level I: These are species which are in decline and receive little or no monetary support or conservation efforts. North Dakota Game and Fish Department has a clear obligation to use SWG funding to implement conservation actions that directly benefit these species.

Level I species are those having a:

- high level of conservation priority because of declining status either here or across their range
- or -
- high rate of occurrence in North Dakota constituting the core of the species breeding range (i.e. “responsibility” species) but are at-risk range wide

Level II: North Dakota Game and Fish Department will use SWG funding to implement conservation actions to benefit these species if SWG funding for Level I species is sufficient or conservation needs have been met.

Level II species are those having a:

- moderate level of conservation priority
- or -
- high level of conservation priority but a substantial level of non-SWG funding is available to them

Level III: These are North Dakota’s species having a moderate level of conservation priority but are believed to be peripheral or non-breeding in North Dakota.

Note that federally threatened and endangered species are assigned a level II category because other non-SWG funding is available, such as the Cooperative Endangered Species Conservation Fund. The important message to remember is regardless of level assignment, all species on the list are of concern for various reasons and there is an urgency to sustain them on the North Dakota landscape.

Currently there are 36 Level I species, 44 Level II species, and 35 Level III species.

Level I

- Horned Grebe (*Podiceps auritus*)
- American Bittern (*Botaurus lentiginosus*)
- Swainson's Hawk (*Buteo swainsoni*)
- Ferruginous Hawk (*Buteo regalis*)
- Greater Sage Grouse (*Centrocercus urophasianus*)
- Yellow Rail (*Coturnicops noveboracensis*)
- Long-billed Curlew (*Numenius americanus*)
- Marbled Godwit (*Limosa fedoa*)
- Wilson's Phalarope (*Phalaropus tricolor*)
- Franklin's Gull (*Leucophaeus pipixcan*)
- Black Tern (*Chlidonias niger*)
- Black-billed Cuckoo (*Coccyzus erythrophthalmus*)
- Red-headed Woodpecker (*Melanerpes erythrocephalus*)
- Sprague's Pipit (*Anthus spragueii*)

- Grasshopper Sparrow (*Ammodramus savannarum*)
- Baird's Sparrow (*Ammodramus bairdii*)
- Nelson's Sparrow (*Ammodramus nelsoni*)
- Lark Bunting (*Calamospiza melanocorys*)
- Chestnut-collared Longspur (*Calcarius ornatus*)
- Canadian Toad (*Anaxyrus hemiophrys*)
- Plains Spadefoot (*Spea bombifrons*)
- Smooth Green Snake (*Opheodrys vernalis*)
- Plains Hog-nosed Snake (*Heterodon nasicus*)
- Townsend's Big-eared Bat (*Corynorhinus townsendii*)
- Big Brown Bat (*Eptesicus fuscus*)
- Little Brown Bat (*Myotis lucifugus*)
- Northern Long-eared Bat (*Myotis septentrionalis*)
- Black-tailed Prairie Dog (*Cynomys ludovicianus*)
- Sturgeon Chub (*Marcrhybopsis gelida*)
- Sicklefin Chub (*Marcrhybopsis meeki*)
- Northern Pearl Dace (*Margariscus nachtriebi*)
- Blue Sucker (*Cycleptus elongatus*)
- Creek Heelsplitter (*Lasmigona compressa*)
- Pink Papershell (*Potamilus ohioensis*)
- Monarch Butterfly (*Danaus plexippus*)
- Regal Fritillary (*Speyeria idalia*)

Level II

- American White Pelican (*Pelecanus erythrorhynchos*)
- Northern Pintail (*Anas acuta*)
- Canvasback (*Aythya valisineria*)
- Lesser Scaup (*Aythya affinis*)
- Northern Harrier (*Circus cyaneus*)
- Golden Eagle (*Aquila chrysaetos*)
- Bald Eagle (*Haliaeetus leucocephalus*)
- American Kestrel (*Falco sparverius*)
- Prairie Falcon (*Falco mexicanus*)
- Sharp-tailed Grouse (*Tympanuchus phasianellus*)
- Greater Prairie Chicken (*Tympanuchus cupido*)
- Piping Plover (*Charadrius melodus*)
- American Avocet (*Recurvirostra americana*)
- Willet (*Tringa semipalmatus*)
- Upland Sandpiper (*Bartramia longicauda*)
- Least Tern (Interior) (*Sterna antillarum athalassos*)
- Short-eared Owl (*Asio flammeus*)
- Burrowing Owl (*Athene cunicularia*)
- Loggerhead Shrike (*Lanius ludovicianus*)

- Dickcissel (*Spiza americana*)
- Le Conte's Sparrow (*Ammodramus leconteii*)
- Bobolink (*Dolichonyx oryzivorus*)
- Western Meadowlark (*Sturnella neglecta*)
- Snapping Turtle (*Chelydra serpentina*)
- Short-horned Lizard (*Phrynosoma hernandesi*)
- Pygmy Shrew (*Sorex hoyi*)
- Richardson's Ground Squirrel (*Urocitellus richardsonii*)
- Swift Fox (*Vulpes velox*)
- River Otter (*Lontra canadensis*)
- American Marten (*Martes americana*)
- Black-footed Ferret (*Mustella nigripes*)
- Paddlefish (*Polyodon spathula*)
- Pallid Sturgeon (*Scaphirhynchus albus*)
- Burbot (*Lota lota*)
- Northern Redbelly Dace (*Chrosomus eos*)
- Silver Chub (*Marchybopsis storeriana*)
- Flathead Chub (*Platygobio gracilis*)
- Trout-perch (*Percopsis omiscomaycus*)
- Threeridge (*Amblema plicata*)
- Wabash Pigtoe (*Fusconaia flava*)
- Black Sandshell (*Ligumia recta*)
- Pink Heelsplitter (*Potamilus alatus*)
- Dakota Skipper (*Hesperia dacotae*)
- Poweshiek Skipperling (*Oarisma poweshiek*)

Level III

- Whooping Crane (*Grus americana*)
- Red Knot (Rufa) (*Calidris canutus rufa*)
- Peregrine Falcon (*Falco peregrinus*)
- Brewer's Sparrow (*Spizella breweri*)
- McCown's Longspur (*Calcarius mccownii*)
- Smooth Softshell (*Apalone mutica*)
- Spiny Softshell (*Apalone spinifera*)
- False Map Turtle (*Graptemys pseudogeographica*)
- Sagebrush Lizard (*Sceloporus graciosus*)
- Northern Prairie Skink (*Plestiodon septentrionalis*)
- Arctic Shrew (*Sorex arcticus*)
- Merriam's Shrew (*Sorex merriami*)
- Western Small-footed Bat (*Myotis ciliolabrum*)
- Long-eared Bat (*Myotis evotis*)
- Long-legged Bat (*Myotis volans*)
- Hispid Pocket Mouse (*Chaetodipus hispidus*)

- Plains Pocket Mouse (*Perognathus flavescens*)
 - Sagebrush Vole (*Lemmiscus curtatus*)
 - Eastern Spotted Skunk (*Spilogale putorius*)
 - Gray Fox (*Urocyon cinereoargenteus*)
 - Chestnut Lamprey (*Ichthyomyzon castaneus*)
 - Silver Lamprey (*Ichthyomyzon unicuspis*)
 - Largescale Stoneroller (*Campostoma oligolepis*)
 - Hornyhead Chub (*Nocomis biguttatus*)
 - Pugnose Shiner (*Notropis anogenus*)
 - Blacknose Shiner (*Notropis heterolepis*)
 - Carmine Shiner (*Notropis percobromis*)
 - Finescale Dace (*Phoxinus neogaeus*)
 - Yellow Bullhead (*Ameiurus natalis*)
 - Logperch (*Percina caprodes*)
 - River Darter (*Percina shumardi*)
 - Mapleleaf (*Quadrula quadrula*)
 - Fragile Papershell (*Leptodea fragilis*)
 - Deertoe (*Truncilla truncata*)
 - Creeper (*Strophitus undulatus*)
-
-



NORTH DAKOTA

GAME AND FISH DEPARTMENT

100 N. Bismarck Expressway, Bismarck, ND 58501-5095

Phone: 701-328-6300

Email: ndgf@nd.gov

Report All Poachers: 800-472-2121 (24/7)

(If you are calling from an out-of-state area code use 701-328-9921)

[Civil Rights](#) | [Privacy](#) | [Security](#) | [Disclaimer](#)

PDF documents require the [free Adobe Acrobat Reader](#)

Copyright 2016. All rights reserved, the state of North Dakota.