

November 15, 2019

Via Hand Delivery & Electronic Mail

Adam Renfandt
Analyst, Public Utilities Division
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Denbury Green Pipeline-North Dakota, LLC
Denbury Green Pipeline-Montana, LLC
Cedar Hills South Unit Lateral Pipeline Project
Case No. PU-19-294
Bowman & Slope Counties

Dear Mr. Renfandt:

In response to your October 21, 2019 letter, please find the following additional information, along with eight copies of each attachment referenced below, in the captioned matter:

1. **Request:** Update Appendix A map sets to show the proposed Project corridor and supplement the Application to include the following GIS layers:

Response: The Natural Resources Survey Corridor Maps in Appendix A show the proposed Project corridor which is shaded in pink. Denbury is evaluating the GIS data and will supplement the previously filed GIS data where necessary.

2. **Request:** Provide any agency correspondence that has been received since the filing.

Response: See Attachment 1.

3. **Request:** 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.

Response: See Attachment 2.

4. **Request:** Page 70 and 71 of the application discusses prairie dog colonies. Provide the names of the species that occupy the colonies.

Response: Pipeline maps in Appendix A show 2 prairie dog colonies (PD01 and PD02), but the NR Report does not discuss these colonies. According to the ND Fish and Game Department website, these colonies would consist of black-tailed prairie dogs (*Cynomys ludovicianus*).

5. **Request:** 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.

Response:

- a. According to the NDGF's Species of Conservation Priority, the only Level I species along the pipeline route is the Greater Sage Grouse (*Centrocercus urophasianus*), which is present in far southwestern North Dakota. The preferred habitat is sagebrush, particularly big sagebrush, while silver sagebrush and rabbitbrush is utilized to a lesser extent, with riparian and upland meadows, irrigated and non-irrigated croplands, and pastureland habitats also used, especially for broodrearing. Potential Sage Grouse habitat is present along the pipeline route and Section 4, No. 10 of the Natural Resources Report makes the following recommendations:
 - i. To minimize impacts to the greater sage-grouse and their habitats, there should be no surface use within 2-miles of active leks or documented nest sites during the breeding and nesting season (March 1 to June 15).
 - ii. Areas of sagebrush disturbed during construction should be reclaimed with 10% cover of sagebrush plugs or seedlings.
 - iii. During the operations phase of the pipeline, maintenance activities should be restricted in sage-grouse breeding or nesting complexes between March 1 and June 15 during the hours of 8:00 pm to 8:00 am.

The Natural Resources Report lists the Gray Wolf (*Canis lupus*), the Northern Long-Eared Bat (*Myotis septentrionalis*), and the Whooping Crane (*Grus Americana*) as the only threatened or endangered species that are potentially present in the project area. Further, no threatened or endangered species or critical habitats were observed during the field surveys.

- b. No unique or rare plant species were identified.

6. **Request:** 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.

Response: These plans are required by PHMSA to be prepared prior to the start of operations. Denbury has prepared both plans that govern other pipeline operations and systems, and these plans will be used for the CHSU CO₂ Lateral Pipeline once it becomes operational. Copies of both plans are attached (Attachments 3 & 4).

7. **Request:** 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?

Response: Additional investigation of 32BO00245 was conducted and the results of that assessment and SHPO's concurrence of "No Significant Sites Affected" and Not Eligible for listing on the National Register of Historic Places was submitted to the PSC on November 12, 2019.

8. **Request:** 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).

Response: No block valves. The only surface facilities will be Denbury's existing Miller Production Tank Battery.

9. **Request:** 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.

Response: Suitable winter habitat (hibernacula) includes large caves and mines and, as presented at <https://www.fws.gov/midwest/angered/mammals/nleb/nhisites.html>, no known hibernacula are located in North Dakota. Suitable winter habitat does not occur in the pipeline ROW, while nearby trees, including the Green Ash, and rocky outcrops can serve as suitable summer day roosts, but suitable habitat in the project area is minimal.

10. **Request:** 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?

Response: The "cursory" threatened and endangered field surveys refers to potential pipeline routes that were considered but later ruled out for one reason or another. The field survey findings presented in the Natural Resources Report is complete and additional surveys are not required to make them more complete.

11. **Request:** Provide a table showing the status of the issuance of each required permit, and the timeline to obtain each.

Response: See revised table (Attachment 5).

12. **Request:** 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.

Response: See Attachment 6.

13. **Request:** 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

Response:

- a. The Emergency Response Plan (Attachment 3) includes and constitutes the emergency procedures plan.
- b. Denbury Green Pipeline – Montana, LLC and Denbury Green Pipeline – North Dakota, LLC have not had any spills.
- c. Generally described in the Environmental Mitigation Plan and illustrated in Appendix A as the Pipeline Schematics. The pipeline alignment sheets (Attachment 7) provides additional information for construction of the pipeline.
- d. The Erosion Control Plan is generally discussed in the Environmental Mitigation Plan (Appendix C), with more detail to be included in the Stormwater Pollution Prevention Plan.
- e. The Stormwater Pollution Prevention Plan will be prepared and included as part of the request for quotes package to be sent to potential contractors for bidding purposes.

- f. Migratory birds and suitable nesting habitat were observed throughout the survey area. In order to avoid unauthorized take of migratory birds and active nests, SWCA recommends conducting construction outside of the migratory bird breeding season as practicable. If construction occurs during the bird breeding season (February 1–July 15), SWCA recommends to either mow, maintain, or completely remove vegetation within the project construction area outside the migratory bird nesting season; conduct migratory bird nesting surveys 5 days prior to construction; or prepare a habitat mitigation plan for approval by the USFWS which, once approved, would allow for clearing active nests and habitat during any time of year. If active nests (i.e., nests with eggs or young) are identified, the USFWS should be notified.
 - g. Spill prevention and control requirements and procedures are included in the Stormwater Pollution Prevention Plan, the Environmental Mitigation Plan (Appendix C), and the Emergency Response Plan (Attachment 3).
 - h. Revegetation of disturbed areas is addressed in the Environmental Mitigation Plan (Appendix C) and the Stormwater Pollution Prevention Plan. Additionally, Denbury has developed specific Ecozone Reclamation Plans for the CHSU Lateral Pipeline (Attachment 8).
 - i. Denbury has developed a Noxious Weed Management Plan (Attachment 9) for the CCA Pipeline in Montana that the CHSU Lateral Pipeline will connect to. This plan will be revised to reflect the conditions in Slope and Bowman Counties by March 2020. In addition, the Natural Resources Report identifies state- and county-listed noxious weeds and indicates that noxious weeds were not observed during the field surveys.
 - j. Dust control procedures are discussed in the Environmental Mitigation Plan (Appendix C) and in the Stormwater Pollution Prevention Plan.
 - k. The Stormwater Pollution Prevention Plan requires training on stormwater management and best management practices at least annually, or when new personnel join the project, or if the results of routine inspections indicate the need for refresher or in-depth training.
 - l. Denbury contracted with Duraroot Environmental Consulting to conduct topsoil, vegetation, and aerial surveys of the CHSU Lateral Pipeline route. Topsoil depth measurements and visual classifications were made every 750 feet along the centerline of the pipeline route, while two topsoil samples per mile were collected and analyzed for chemical and physical parameters that may negatively impact reclamation efforts. A Topsoil Depth Table (Attachment 10) summarizes the topsoil depths and locations and was used in the preparation of a Topsoil Mapbook and an Interpolated Topsoil shapefile.
14. **Request:** File with the Commission a table showing Denbury's leak and spill history for the most recent 10 years.

Response: Denbury Green Pipeline – Montana, LLC and Denbury Green Pipeline – North Dakota, LLC have not had any spills.

In response to your November 14, 2019 email, Denbury does not currently have plans for any other PSC jurisdictional development in the area. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Wade C. Mann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wade C. Mann

WCM/lh

cc: Mitch Armstrong (via email)
Rusty Shaw (via email)
Forrest Hudson (via email)
Jim Dawson (via email)