

August 21, 2023

Via Electronic Mail & U.S. Mail

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

**In re: Denbury Green Pipeline-North Dakota, LLC
12-Inch Cedar Hills Pipeline Project
Slope and Bowman Counties
Case No. PU-19-294
Our File No. 025331-000058**

Dear Mr. Renfandt:

On behalf of Denbury Green Pipeline-North Dakota, LLC (“Denbury”), the following information is provided in response to your August 17, 2023 request for information (Docket No. 105) in the above-referenced matter.

Item 18 of Inspection Report: Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the pipeline, restore the area affected by the activities to as near as practicable to the condition as it existed prior to the beginning of construction.

Findings: The project area was seeded but some areas are still bare and there are areas with a significant amount of noxious weeds. Heavy infestations of grasshoppers were noted in several areas of the route, especially in the western most 1.5 miles and 0.25 miles on either side of Oilwell Road (approx. MP 14.6). Significant areas have been defoliated, contributing to the poor condition of the vegetative cover along the right-of-way.

Denbury’s Response: Denbury is performing monthly inspections on the right-of-way. We have identified and documented areas of rill erosion, ditch subsidence, noxious weeds, and areas where vegetation is not established. Denbury is committed to establishing vegetation on these areas; controlling any erosion; and establishing vegetation. We have recently completed the noxious weed herbicide treatment along the right-of-way and are

currently repairing erosion areas and re-seeding in areas with little to no vegetation germinating. Denbury's experience shows that it can take up to 5 years in this geographic area to get noxious weeds under control and establish vegetation. We are committed to meet all requirements of the PSC authorization.

Item 20 of Inspection Report: Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

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Item 21 in the Inspection Report: Company will fulfill its obligation for obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.

Findings: While conducting the as built inspection, Denbury's contracted SWPP inspector indicated they were having a hard time communicating with the Denbury to address reclamation needed actions.

Denbury's Response: After questioning the SWPPP inspector, it is believed that the finding is not stated correctly. The SWPPP inspector's job is not to conduct any reclamation activities. The SWPPP inspector is to communicate areas of deficiency and Denbury's Regulatory Compliance Team coordinates corrective actions on these deficiencies. The comment from the SWPPP inspector does not indicate the lack of Denbury's commitment to requirements under State Permits and the PSC Authorization. Denbury is committed to meet all local, state, and federal laws and requirements, including the requirements set forth in the PSC Authorization.

Item 33 in the Inspection Report: Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion

of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

Findings: Certification Point #33 was followed.

Denbury's Response: The request for information, dated August 17, 2023, states this certification point was not met. Your inspector acknowledged in his report that this certification point was met. Please reference the attached email that was sent to you on December 8, 2021. This email contained the electronic shapefiles per the State of North Dakota Public Service Commission's Certification (Case No. PU-19-294) Item 33. We also mailed you a hard copy of these files as well. Please advise if you do not have these documents as stated in your letter.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,



Wade C. Mann

WCM/lh

Enc.

cc: Rusty Shaw (via email w/enc.)

From: Chad Barnes <cbarnes@swca.com>
Sent: Wednesday, December 8, 2021 12:00 PM
To: ndpsc@nd.gov; arenfandt@nd.gov
Cc: Forrest L. Hudson; Wade Mann; Rusty Shaw; Bill Atchison; Quinn Guillory; Allan Brown
Subject: [EXT] Denbury CHSU Lateral Pipeline - As-built Shapefiles for NDPSC Case No. PU-19-294
Attachments: CCA_Sp3_Designated_Corridor.zip; CCA_Sp3_LOD.zip

Per the State of North Dakota Public Service Commission's Certification (Case No. PU-19-294) Item 33, this email serves as the electronic submittal (shapefiles) of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built. The North Dakota segment of this construction project was completed on October 26, 2021, as specified in the final monthly status report that was submitted by SWCA to the Commission via email on October 28, 2021. Also, per requirements outlined in Item 33, hard copies of the as-built mapbook are being mailed to the Commission.

Please let me know if you have any questions.

Thank you,

Chad Barnes
Senior Project Manager

SWCA Environmental Consultants
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