

**APPENDIX E**  
**AGENCY CORRESPONDENCE**



Sound Science. Creative Solutions.

Bismarck Office  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, North Dakota 58501  
701.258.6622  
701.258.5957  
[www.swca.com](http://www.swca.com)

May 27, 2020

{Name}  
{Agency}  
{Street}  
{City, State, Zip}

Re: NuStar North System Pipeline Relocation Project  
Cass County, North Dakota

Dear {Name}:

NuStar Pipeline Operating Partnership L.P. (NuStar) is proposing the North System Pipeline Relocation project (Project) that will consist of a 10-inch diameter, approximately 2.21-mile-long welded steel pipeline that will relocate the portion of NuStar's existing North System Pipeline that will be impacted by construction of the Fargo-Moorhead Diversion Channel in Cass County, North Dakota. As shown on the enclosed Project Location Map, the pipeline relocation route will go directly south from its starting point for approximately 2,750 feet then turn east and go for approximately 8,945 feet to its endpoint. The entire segment that will be taken out of service by the relocation pipeline will be completely purged clean of any petroleum products, capped, and abandoned in place, except for the segment directly impacted by construction of the Diversion Channel and Drain 14. The Project analysis area is a one-mile wide corridor centered on the pipeline centerline that encompasses the following legal locations in North Dakota:

- Cass County – Sections 9, 10, and 11, Township 139 North, Range 50 West

The Project is scheduled to begin construction in the fall of 2020.

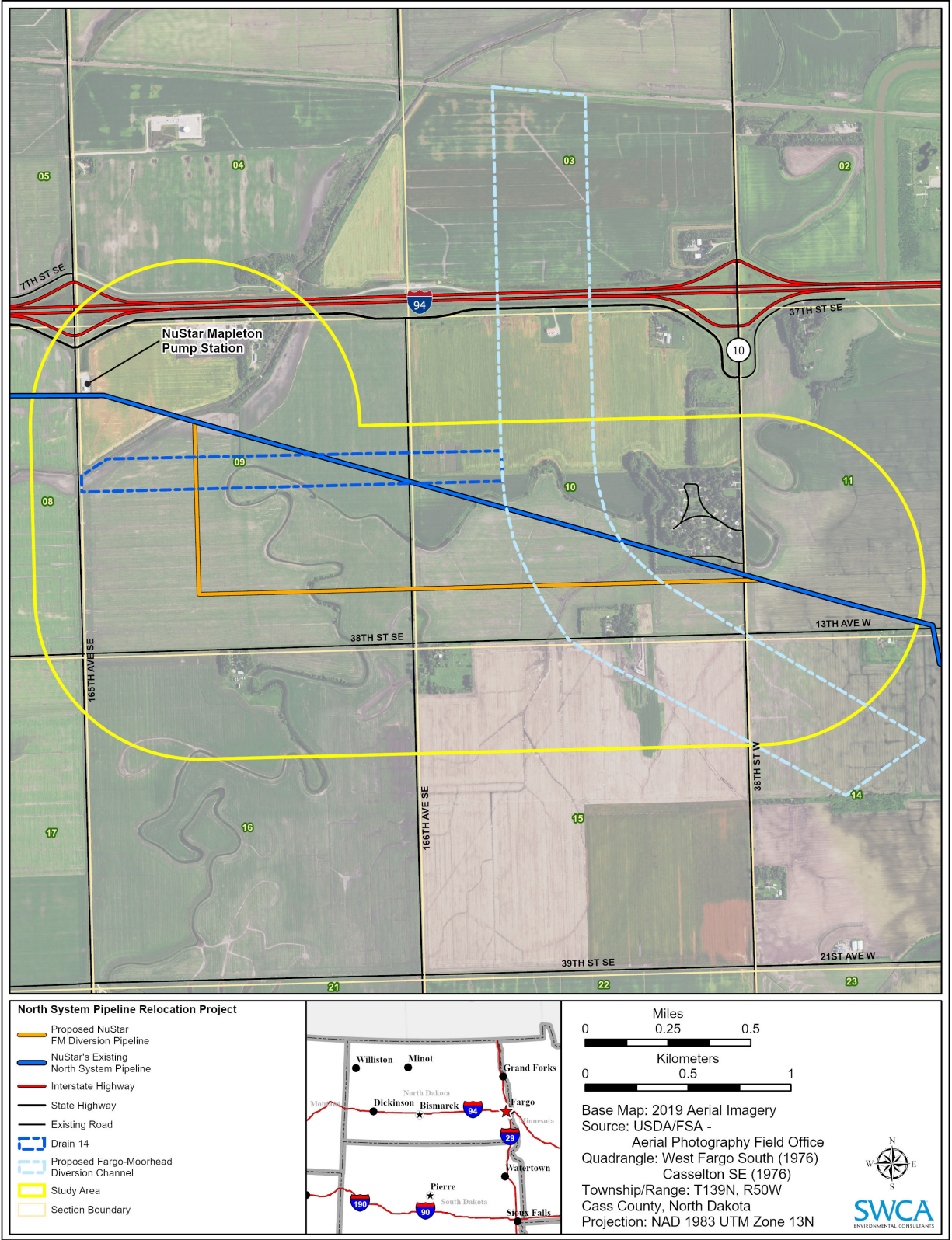
SWCA Environmental Consultants is notifying the {Agency} of the proposed Project and offering the opportunity for comments. Information received from the {Agency} will be used in a North Dakota Public Service Commission application being prepared for the Project. Please send your replies and/or requests for additional project information to:

James W. Dawson, Senior Project Manager  
SWCA Environmental Consultants  
116 North 4th Street, Suite 200  
Bismarck, North Dakota 58501 (701) 258-6622  
[jdawson@swca.com](mailto:jdawson@swca.com)

Sincerely,

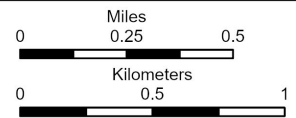
A handwritten signature in blue ink that reads "James W. Dawson". The signature is written in a cursive style with a long, sweeping underline.

James W. Dawson  
Enclosure: Project Location Map



**North System Pipeline Relocation Project**

- Proposed NuStar FM Diversion Pipeline
- NuStar's Existing North System Pipeline
- Interstate Highway
- State Highway
- Existing Road
- - - Drain 14
- - - Proposed Fargo-Moorhead Diversion Channel
- Study Area
- Section Boundary



Base Map: 2019 Aerial Imagery  
 Source: USDA/FSA - Aerial Photography Field Office  
 Quadrangle: West Fargo South (1976)  
 Casselton SE (1976)  
 Township/Range: T139N, R50W  
 Cass County, North Dakota  
 Projection: NAD 1983 UTM Zone 13N



**Proposed North System Pipeline Relocation Project Location Map**

**CONSULTATION LETTER AGENCIES**

<b>Name</b>	<b>Agency</b>	<b>Street</b>	<b>CITY, STATE ZIP</b>	<b>STATE</b>	<b>ZIP</b>
Kyle C. Wanner	North Dakota Aeronautics Commission	PO Box 5020	Bismarck	ND	58502
Wayne Stenehjelm	Attorney General	600 East Boulevard Avenue, Dept 125	Bismarck	ND	58505
Doug Goehring	North Dakota Department of Agriculture	600 E. Boulevard Avenue, Dept 602	Bismarck	ND	58505
David Glatt	North Dakota Department of Environmental Quality	918 Divide Avenue, 4th Floor	Bismarck	ND	58501
Maggie D. Anderson	North Dakota Department of Human Services	600 East Boulevard Avenue, Dept 325	Bismarck	ND	58505-0250
Michelle Kommer	North Dakota Department of Labor	600 East Boulevard Avenue, Dept 406	Bismarck	ND	58505-0340
Wayne Sick	North Dakota Department of Career and Technical Education	600 East Boulevard Avenue, Dept. 270	Bismarck	ND	58505-0610
Shawn Kessel	North Dakota Department of Commerce	1600 E. Century Ave., Suite 2	Bismarck	ND	58503
Gerry Fisher	North Dakota Energy Infrastructure and Impact Office	1707 North 9th Street	Bismarck	ND	58506-5523
Terry Steinwand	North Dakota Game & Fish Department	100 N. Bismarck Expressway	Bismarck	ND	58501
Lynn Helms	NDIC Oil and Gas Division	600 East Boulevard Avenue, Dept 405	Bismarck	ND	58505-0840
Doug Burgum	State Capitol 14th Floor	600 East Boulevard Avenue, Dept 405	Bismarck	ND	58505-0840
Tom Sorel	North Dakota Department of Transportation	608 East Boulevard Avenue	Bismarck	ND	58505-0700
Claudia J. Berg	State Historical Society of North Dakota	612 East Boulevard Avenue	Bismarck	ND	58505-0830
Scott Davis	North Dakota Indian Affairs Commission	600 East Boulevard Avenue	Bismarck	ND	58505-0300
Michelle Kommer	Job Service North Dakota	PO Box 5507	Bismarck	ND	58506-5507
Jodi A. Smith	North Dakota State Trust Lands Department	1707 North 9th Street	Bismarck	ND	58506-5523
Melissa Baker	North Dakota Parks and Recreation Department	1600 East Century Avenue, Suite 3	Bismarck	ND	58503
Barton Schott	North Dakota State Soil Conservation Committee	2718 Gateway Avenue, Suite 104	Bismarck	ND	58503
Garland Erbele	North Dakota State Water Commission	900 East Boulevard Avenue	Bismarck	ND	58505
Sandi Tabor	North Dakota Transmission Authority	600 E Boulevard Ave. Dept. 405	Bismarck	ND	58505-0840
Justin Kringstad	North Dakota Pipeline Authority	600 E. Boulevard Ave. Dept. 405	Bismarck	ND	58505-0840
Chief Missile Engineer	U.S. Department of Defense, Minot AFB	320 Peacekeeper PL	Minot AFB	ND	58705
Al Sapa	U.S. Fish and Wildlife Service	3425 Miriam Avenue	Bismarck	ND	58501
U.S. Army Corps of Engineers	U.S. Army Corps of Engineers, North Dakota Regulatory Office	1513 South 12th Street	Bismarck	ND	58504
Laurie Suttmeier	U.S Federal Aviation Administration	2301 University Drive	Bismarck	ND	58504
Nick Chevance	U.S. National Park Service	601 Riverfront Drive	Omaha	NE	68102
Kelly McPhillips	U.S. Bureau of Reclamation, Great Plains Region	P.O. Box 1017	Bismarck	ND	58502
Senator Gary A. Lee	North Dakota Legislature	P.O. Box 3	Casselton	ND	58012-0003
Representative Michael Howe	North Dakota Legislature	1011 Westport Parkway	West Fargo	ND	58078-8291
Representative Brandy Pyle	North Dakota Legislature	P.O. Box 337	Casselton	ND	58012-0337
Chad M. Peterson	Cass County Board of County Commissioners	Cass County Courthouse, 211 9th Street S	Fargo	ND	58103
John Rutten	Mapleton Township Board of Supervisors	Cass County Courthouse, 211 9th Street S	Fargo	ND	58103
Bob Staloch	Mapleton Township Zoning Administrator	Cass County Courthouse, 211 9th Street S	Fargo	ND	58103
Dan Jacobson	Cass County Joint Water Resource District	1201 Main Ave. W.	West Fargo	ND	58078
Bernie Dardis	West Fargo City Commission	800 Fourth Ave. E., Suite 1	West Fargo	ND	58078
Tom McDougall	West Fargo Planning and Zoning Commission	800 Fourth Ave. E., Suite 1	West Fargo	ND	58078



June 11, 2020

James W. Dawson  
SWCA Environmental Consultants  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, ND 58501

Re: Proposed NuStar North System Pipeline Relocation Project

The North Dakota Geological Survey appreciates the notification and opportunity to review and provide comment on the proposed pipeline project. We reviewed the alignment of the planned pipeline route and would not note any concerns with the project at this time.

I would mention that we do have recently completed LiDAR elevation data sets and maps for this project area that you may find of interest.

These are available on our website at: <https://www.dmr.nd.gov/ndgs/lidar/>

If there are any additional questions or comments, please contact us at (701) 328-8000.

Sincerely,

North Dakota Geological Survey:

*Fred Anderson*

Fred Anderson

Geologist

[fjanderson@nd.gov](mailto:fjanderson@nd.gov)



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[www.swca.com](http://www.swca.com)

July 13, 2020

Mr. Fred Anderson  
North Dakota Geological Survey  
600 E Boulevard Avenue, Department 405  
Bismarck, North Dakota 58505-0840  
Submitted via email: [fjanderson@nd.gov](mailto:fjanderson@nd.gov)

**Re: NuStar North System Pipeline Relocation Project**

Dear Mr. Anderson:

On behalf of NuStar Pipeline Operating Partnership, LP, thank you for your letter of June 11, 2020, regarding the North Dakota Geological Survey's review of the proposed alignment for the referenced project and noting no concerns about the proposed route.

I will review the recently completed LiDAR elevation data sets and maps for the project area and appreciate your reference to that new data.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson".

James W. Dawson, PG, CHMM  
Senior Project Manager



June 10, 2020

James Dawson  
Senior Project Manager  
SWCA Environmental Consultants  
116 North 4th Street, Suite 200  
Bismarck, ND 58501

Re: NuStar North System Pipeline Relocation Project in Cass County

Dear Mr. Dawson:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on June 4, 2020 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Projects involving temporary dewatering or hydrostatic testing are required to have a permit to discharge. Further information on the stormwater permit and temporary dewatering and hydrostatic testing permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local stormwater management considerations are addressed.
3. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

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918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | [deq.nd.gov](http://deq.nd.gov)

Director's Office  
701-328-5150

Division of  
Air Quality  
701-328-5188

Division of  
Municipal Facilities  
701-328-5211

Division of  
Waste Management  
701-328-5166

Division of  
Water Quality  
701-328-5210

Division of Chemistry  
701-328-6140  
2635 East Main Ave  
Bismarck ND 58501

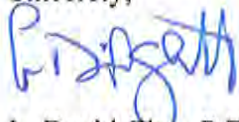
4. Projects that involve construction of pipelines should select locations that minimize the potential for impacts to human health and the environment during and after construction by avoiding, when possible, source water protection areas and sensitive surface and groundwater environments. Additionally, when possible, pipeline routes should select areas with natural barriers to both surface and ground waters. Human health and the environment should be further protected by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup. Proper surveillance and monitoring for early detection of leaks should be required.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Director  
North Dakota Department of Environmental Quality

LDG:dlp  
Attach.

## Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction or environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of soil and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be controlled to minimize silt movement, nutrient upsurges, plant dislocations, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

### **Fill Material**

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill materials. All temporary fill must be removed. Debris and solid wastes must be properly disposed or recycled. Impacted areas must be restored to near original condition.



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701.258.5957  
[www.swca.com](http://www.swca.com)

July 13, 2020

Mr. L. David Glatt  
North Dakota Department of Environmental Quality  
918 East Divide Avenue  
Bismarck, North Dakota 58501-1947  
Submitted via email: [dglatt@nd.gov](mailto:dglatt@nd.gov)

**Re: NuStar North System Pipeline Relocation Project**

Dear Mr. Glatt:

On behalf of NuStar Pipeline Operating Partnership, LP (NuStar), thank you for your letter of June 10, 2020, regarding the North Dakota Department of Environmental Quality's review of the referenced project and the conclusion that environmental impacts from construction of the project will be minor and can be controlled by the use of the proper construction methods outlined in your letter.

NuStar will utilize the horizontal directional drilling (HDD) method for crossing waters of the state (i.e., wetlands and waterbodies) and thus, adverse impacts to those waters will be avoided or minimized. NuStar will obtain a stormwater discharge permit (NDR10-0000) and develop and implement a stormwater pollution prevention plan (SWPPP) for the project that will incorporate the guidelines included in your letter as well as requirements for erosion and sediment controls, petroleum products spill prevention, equipment, and response procedures, waste management (e.g., good housekeeping), and final stabilization to mention a few. The proposed relocation pipeline route and construction methods (e.g., conventional pipe laying and HDD method) were selected to minimize potential impacts to human health and the environment during and after construction. Review of community and non-community source water protection areas and aquifer data obtained from the North Dakota GIS Hub Center indicates that the relocation pipeline route avoids those areas.

If you have any questions or additional input on the project, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson".

James W. Dawson, PG, CHMM  
Senior Project Manager





June 15, 2020

James W. Dawson  
SWCA  
116 N 4<sup>th</sup> St, Ste 200  
Bismarck, ND 58501

**ND SHPO Ref.: 20-0382, NuStar North System Pipeline Relocation Project in portions of [T139N R50W Sections 9-11] in Cass County, North Dakota**

Mr. Dawson,

We reviewed ND SHPO Ref.: 20-0382, NuStar North System Pipeline Relocation Project in portions of [T139N R50W Sections 9-11] in Cass County, North Dakota. We recommend a Class I (literature review) and Class III (pedestrian survey) of archaeological resources in the project area.

Thank you for the opportunity to review this project to date. We look forward to review of the Class I and Class III surveys for archaeological resources.

Thank you for the opportunity to review this project. If you have any questions please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or [lbmeidinger@nd.gov](mailto:lbmeidinger@nd.gov)

Sincerely,

for Claudia J. Berg  
State Historic Preservation Officer  
(North Dakota)

20-0382



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Sound Science. Creative Solutions.®

Bismarck Office  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, ND 58501  
701.258.6622  
701.258.5957  
www.swca.com

July 13, 2020

Ms. Lorna Meidinger  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830  
Submitted via email: [lbmeidinger@nd.gov](mailto:lbmeidinger@nd.gov)

**Re: ND SHPO Ref.: 20-0382, NuStar North System Pipeline Relocation Project  
in portions of [T139N R50W Sections 9-11] in Cass County, North Dakota**

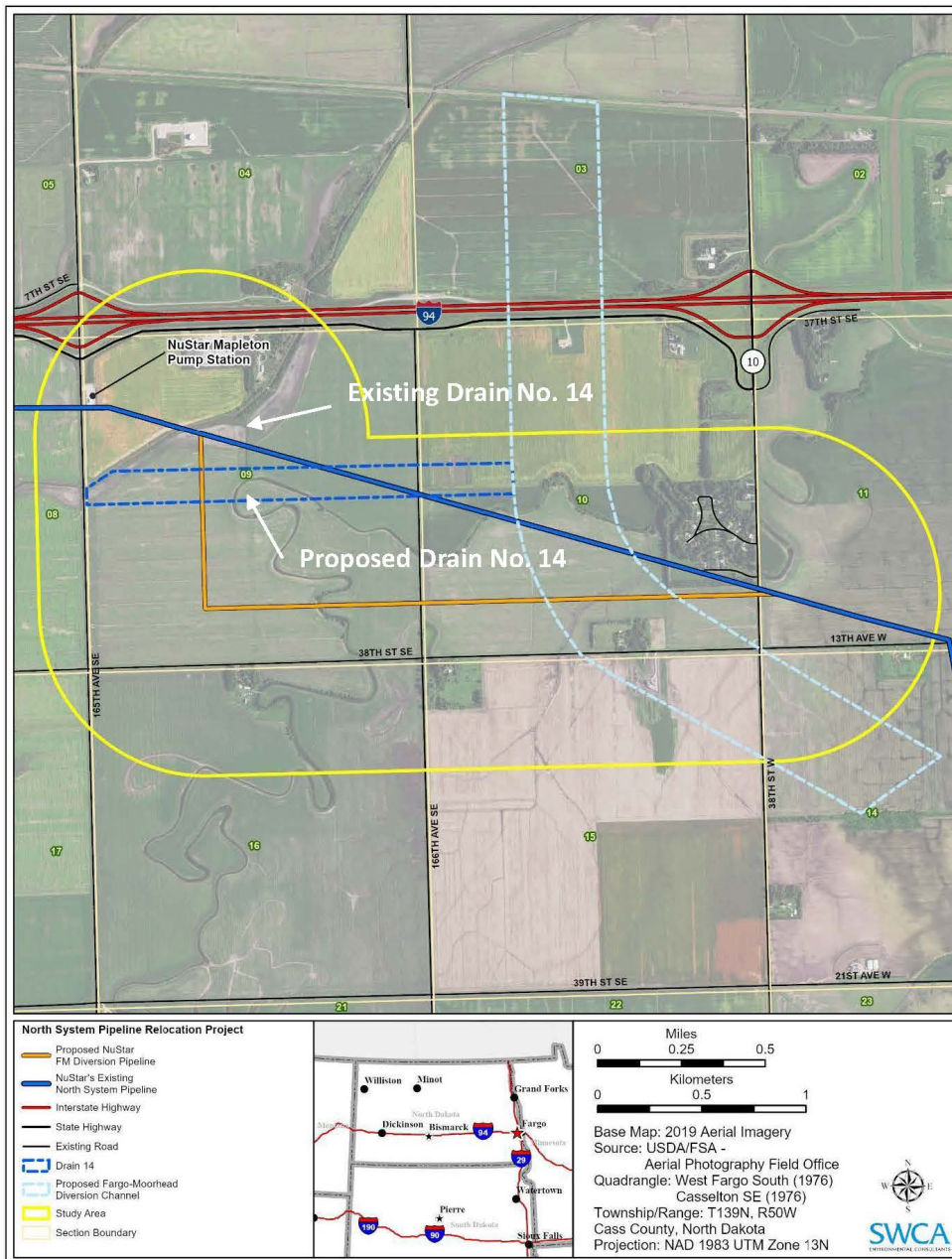
Dear Ms. Meidinger:

On behalf of NuStar Pipeline Operating Partnership, LP, thank you for the letter of June 15, 2020, regarding the State Historical Society of North Dakota's review of the referenced project. A Class I inventory and a Class III survey of archeological resources of the project area have been completed and an Unanticipated Discovery Plan (UDP) has been prepared as well. The Class I and Class III report and the UDP will be submitted to your agency for review and concurrence forthwith.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson". The signature is fluid and cursive, written in a professional style.

James W. Dawson, PG, CHMM  
Senior Project Manager



Proposed North System Pipeline Relocation Project Location Map



www.westfargond.gov

June 19, 2020

James W. Dawson, Senior Project Manager  
SWCA Environmental Consultants  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, North Dakota 58501

Re: NuStar North System Pipeline Relocation Project  
Cass County, North Dakota

Dear Mr. James Dawson:

We are writing on behalf of the City of West Fargo Planning and Zoning Commission in response to your invitation to provide comments on the referenced project highlighted in the map you provided entitled "Proposed North System Pipeline Relocation Project Location Map". The City of West Fargo Planning and Zoning Commission wishes to express its preference that the alignment of this proposed pipeline be placed along section lines or half-section lines to better accommodate future development and minimize costly or dangerous construction activities when infrastructure is extended into this area.

We thank you for you're the opportunity to comment on this project.

Respectfully,

A blue ink signature of Dustin Scott, PE, written in a cursive style.

Dustin Scott, PE  
City Engineer

A blue ink signature of Tim Solberg, AICP, written in a cursive style.

Tim Solberg, AICP  
Director of Planning and Zoning



July 14, 2020

City of West Fargo Planning and Zoning  
Mr. Tim Solberg  
Director of Planning and Zoning  
800 4th Ave. E.  
West Fargo, North Dakota 58078

RE: NuStar North System Pipeline Relocation Project  
Cass County, North Dakota

Dear Mr. Solberg,

As you know, NuStar Pipeline Operating Partnership L.P. (“NuStar”) is currently working with the Fargo Moorhead Diversion Authority (“FMDA”) to relocate a portion of NuStar’s existing NuStar North System pipeline (the “Pipeline Relocation Project” – depicted on Exhibit “A”) to accommodate the FMDA’s Diversion Project (the “FMDA Project”). As part of that process, NuStar (through its contractor, SWCA Environmental Consultants) sent a consultation letter to the City of West Fargo (“West Fargo”) on May 27, 2020. In a response letter dated June 19, 2020, West Fargo requested that NuStar consider placing the pipeline “along section lines or half-section lines to better accommodate future development and minimize costly or dangerous construction activities when infrastructure is extended into this area.” On July 13, 2020, NuStar and West Fargo had a conference call to discuss the Pipeline Relocation Project and West Fargo’s correspondence.

As a follow up to the July 13, 2020 conference call, NuStar provides the additional information below regarding NuStar’s route development analysis. The information, we think, illustrates that the proposed route is the preferred route considering all of the various stakeholders’ interests.

- Analysis of Relocating the Pipeline at its Present Location: NuStar evaluated relocating the pipeline so as to track the existing North System Pipeline. NuStar rejected this option for several reasons. First, doing so would result in the Pipeline Relocation Project crossing the FMDA Project’s diversion channel and Drain No. 14 at long angles, which would be at odds with industry regulations and best practices. The United States Army Corp of Engineers (“USACE”), the Department of Transportation Pipeline and Hazardous Materials Safety Administration (“PHMSA”), and industry best practice counsel that utility crossings in these circumstances be installed as close as possible to a 90 degree angle to minimize the size of impact area under the channel and drain. Further, due to the depth required to construct under the diversion channel and Drain No. 14 (as stipulated by the USACE), the crossings must be installed using the horizontal directional drilling (“HDD”) method. To construct the new pipeline under the drain, the channel, and 38<sup>th</sup> St. W would require two HDD installations: one approximately 5,100 feet long and another approximately 3,100 feet long. These would be very long and resource-intensive drills and thus, this option is not preferred from a construction safety or overall FMDA Project or Pipeline Relocation Project perspective.

- Analysis of Following Section Lines/Quarter Section Lines: NuStar evaluated routing the Pipeline Relocation Project along section lines or quarter section lines. Applying industry standard routing criteria, NuStar determined that such a route was not preferable for NuStar or West Fargo. First, the pipeline cannot be placed on the quarter section line, as this would place the location of the pipeline farther down Drain No. 14, which would not be allowed by the USACE. That location would be unacceptable for pipeline maintenance and safety, as it would interfere with and/or prevent necessary inspection and maintenance activities. Second, placing the pipeline in this location would require installation of approximately 5,500 feet more pipeline than will be required for NuStar's proposed route. That added length would result in additional construction and operational risks, as well as substantial additional costs, when compared with the proposed route. Further, this placement would put the pipeline within 500 feet of certain residences and, therefore, those landowners would need to provide a written waiver pursuant to North Dakota Century Code § 49-22.1-03 and North Dakota Administrative Code § 69-06-08-02(2)(e). Finally, NuStar expects that it will be able to work cooperatively with anyone looking to develop this area in the future to allow for efficient development, while at the same time ensuring the integrity of the pipeline.
- Proposed Route: The proposed pipeline relocation Project route was developed by NuStar in coordination with the USACE and FMDA stakeholders. As proposed, the pipeline relocation Project route meets the design requirements of the USACE and has been approved by the USACE; has been reviewed and approved by the FMDA and their engineers; follows the guidance of PHMSA; aligns with best industry practice; allows for future maintenance, inspection, and operation; and complies with applicable permitting and zoning requirements. In addition, it parallels both 165<sup>th</sup> Street and 13<sup>th</sup> Street, rather than diagonally crossing each. Further, given the distance from 165<sup>th</sup> Avenue SE and 38th Street Se/13th Ave W, the route should have significantly less impact on future development compared to being adjacent to the roads. NuStar will encourage future developers to coordinate with NuStar when designing projects to ensure the safety of existing infrastructure, while also promoting property development.

Per the request of West Fargo during the conference call on Monday, NuStar would be willing to make the following commitments with respect to the property outlined in red on Exhibit "A":

- NuStar would, after putting the Pipeline Relocation Project in-service, confine the existing blanket easement width for the relocation pipeline to 100 feet (assuming no unforeseen issues for underlying landowners) across this tract; and
- NuStar would abandon in-place the existing segment of the North System Pipeline from the east toe of the proposed diversion channel to the west edge of the right-of-way of 38th Street W. This would limit NuStar's right-of-way within the property outlined in red on Exhibit "A" to a single easement.

Again, we appreciate your time and the discussion on the rationale behind the chosen location for NuStar's Pipeline Relocation Project. We further appreciate the Planning Commission's review of this matter and look forward to working with West Fargo and its residents on this and future projects.

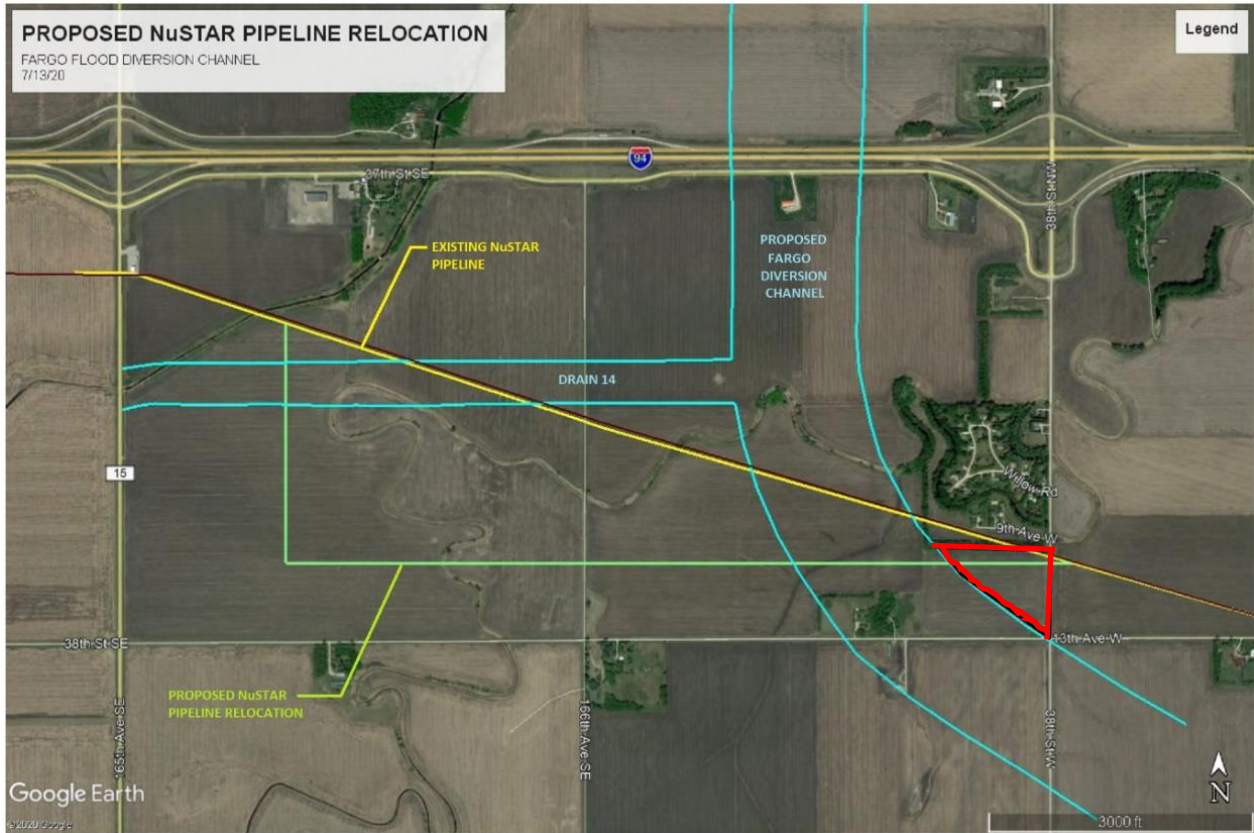
Should you have any questions, please feel free to contact me at (210) 918-2245 or [matt.mcgee@nustarenergy.com](mailto:matt.mcgee@nustarenergy.com).

Regards,

A handwritten signature in blue ink, appearing to read 'Matt McGee', with a stylized flourish at the end.

Matt McGee  
Real Estate & Survey Department  
NuStar Pipeline Operating Partnership L.P.  
19003 IH-10 West  
San Antonio, Texas 78257

# Exhibit "A"





www.westfargond.gov

July 15, 2020

James W. Dawson, Senior Project Manager  
SWCA Environmental Consultants  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, North Dakota 58501

Re: NuStar North System Pipeline Relocation Project  
Cass County, North Dakota

Dear Mr. James Dawson:

We are writing on behalf of the City of West Fargo Planning and Zoning Commission in response to invitation to provide comments on the referenced project highlighted in an attached map entitled "Proposed North System Pipeline Relocation Project Location Map". The City of West Fargo Planning and Zoning Commission had expressed its preference that alignment of pipeline be placed along section lines or half-section lines to allow for development to occur without costly or dangerous construction activities in a June 19, 2020 letter.

Subsequently, City staff met with representatives of the project and later received a letter from said representatives on July 14, 2020 and presented that letter to the Planning Commission at their July 14, 2020 regularly scheduled meeting. Acting upon the wishes of the City of West Fargo Planning and Zoning Commission we wish to respectfully accept the additional information provided and withdraw our previous comment for preference in the alignment of the pipeline.

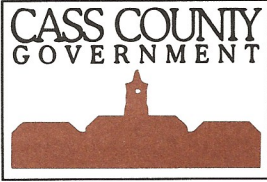
Respectfully,

A blue ink signature of Dustin Scott, PE, City Engineer.

Dustin Scott, PE  
City Engineer

A blue ink signature of Tim Solberg, AICP, Director of Planning and Zoning.

Tim Solberg, AICP  
Director of Planning and Zoning



SENT VIA EMAIL

Maple River  
Water Resource  
District

June 29, 2020

Rodger Olson  
Chairman  
Leonard, North Dakota

Gerald Melvin  
Manager  
Buffalo, North Dakota

Chad Miller  
Manager  
Buffalo, North Dakota

James W. Dawson  
Senior Project Manager  
SWCA Environmental Consultants  
116 North 4th Street, Suite 200  
Bismarck, ND 56501

Dear James:

RE: NuStar North System Pipeline Relocation Project  
Sections 9, 10 and 11 in Mapleton Township  
Cass County Drain No. 14

Thank you for your letter to the Cass County Joint Water Resource District dated May 27, 2020. Our understanding is the Diversion Authority is negotiating a *Memorandum of Understanding* with you regarding the relocation of your infrastructure to accommodate the Metro Flood Diversion Project. Please continue those negotiations.

In addition, any impacts to Cass County Drain No. 14 as a result of your relocation will require NuStar to obtain a *Utility Permit* from the Maple River Water Resource District, the entity that owns and operates Drain 14. Please contact the Maple River Water Resource District's engineer, Kurt Lysne, Moore Engineering, Inc., at 701-282-4692 to discuss impacts to Drain 14 and the necessary *Utility Permit*.

Thank you.

Carol Harbeke Lewis  
Secretary-Treasurer

Sincerely,

1201 Main Avenue West  
West Fargo, ND 58078-1301

MAPLE RIVER WATER RESOURCE DISTRICT

701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[www.casscountynđ.gov](http://www.casscountynđ.gov)

Carol Harbeke Lewis  
Secretary-Treasurer



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116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, ND 58501  
701.258.6622  
701.258.5957  
[www.swca.com](http://www.swca.com)

July 13, 2020

Ms. Carol Harbeke Lewis  
Maple River Water Resource District  
1201 Main Avenue West  
West Fargo, North Dakota 58078-1301  
Submitted via email: [wrd@casscountynnd.gov](mailto:wrd@casscountynnd.gov)

**Re: NuStar North System Pipeline Relocation Project**

Dear Ms. Harbeke Lewis:

On behalf of NuStar Pipeline Operating Partnership, LP, thank you for your letter of June 29, 2020, regarding the Maple River Water Resource District's review of the proposed alignment for the referenced project. With respect to potential impacts to Cass County Drain No. 14, the proposed relocation route starts at a point approximately 250 southeast of the existing Drain No. 14 and heads due south for approximately 480 feet at which point it will cross the proposed location of the new Drain No. 14. This crossing will be constructed using the horizontal directional drilling (HDD) method and has been designed to provide a minimum of 15 feet of separation between the bottom of the new Drain No. 14 and the pipeline.

As requested in your letter, I have contacted Mr. Kurt Lysne, Maple River Water Resource District engineer, for clarification on whether a Utility Permit will be required for the crossing of the new Drain No. 14 location, considering that the drain has not been constructed yet. If said Utility Permit will be required, NuStar will obtain said permit prior to the start of project construction.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson".

James W. Dawson, PG, CHMM  
Senior Project Manager



June 30, 2020

James Dawson  
SWCA Environmental Consultants  
Bismarck Office  
116 N 4<sup>th</sup> Street, STE 200  
Bismarck, ND 58501

Dear Mr. Dawson:

This is in response to your request for a review of the environmental impacts associated with the NuStar North System Pipeline Relocation Project located in Cass County, ND.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- There are floodplains identified and/or mapped where this proposed project is to take place. Areas are designated to be in Zone A. North Dakota has no formal 'permitting' authority as a state entity in NFIP identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the local Floodplain Administrator.

- The Office of the State Engineer (OSE) Engineering and Permitting Section reviewed the project route and determined that the project route traverses over or through surface water resources. The OSE requests to be notified regarding the proposed project's impacts, if any, to water resources such as watercourses (i.e. streams or rivers), agricultural drains, and wetlands (i.e. ponds, sloughs, lakes, or any series thereof) as any alterations, modifications, improvements, or impacts to those water resources may require a drainage permit(s) or a construction permit(s) from the OSE.

In addition, the project appears to intercept Cass County Drain No. 14 and a diversion located in the N ½ of Section 9, T139N, R50W, Cass County, permitted under Construction Permit No. 2151 (see attached). The OSE requests to be notified of any alterations, modifications, or improvements to these structures as drainage and (or) construction permit(s) may be required. Please contact the OSE Engineering and Permitting Section at 701-328-4288 if you have any questions.

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer if you have any questions at (701) 328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov).

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or [stevebest@nd.gov](mailto:stevebest@nd.gov).

Sincerely,



Steven Best  
Planner III

SB:dm/1570

**State of North Dakota**  
**Permit to Construct or Modify**

Permit No. **2151**

This permit authorizes the permittee to construct or modify a structure, pursuant to Section 61-16.1-38 NDCC.

Name of Permittee:       **Leo Wanzek**  
                                      **PO Box 1157**  
                                      **Fargo, ND 58107-0000**

Structure Type:           **Diversion Ditch**  
Purpose:                   **Flood Control**

Location and Waterway on which Project will be constructed:

Location:               **SE1/4, SW1/4, Sec. 09 Township 139 North, Range 050 West,**  
                                      **Cass County**  
Stream:                 **unnamed**  
Basin:                  **Maple River**

Design Data:

a.	Length of Ditch	<b>1060</b>	Feet
b.	Bottom Width	<b>6</b>	Feet
c.	Side Slopes	<b>3</b>	:1
d.	Maximum Cut	<b>5</b>	Feet
e.	Gradient	<b>0</b>	foot/foot

Location Map: **See Attachment A**

**Construction must be completed within two years of approval date.**

This permit can be extended by the State Engineer. The permittee must request an extension in writing.

**State of North Dakota**  
**Permit to Construct or Modify**

Permit No. 2151

Page 2

**Conditions**

- 1 At the discretion of the State Engineer, in accordance with the exercise of any of his duties, the project is subject to modification at the expense of the owner.
- 2 That by granting this permit no liability for damages caused by improper design, construction, operation, or maintenance, or failure in materials, or workmanship is assumed by or transferred to the State Engineer, the State Water Commission, the County Water Resource District, or their employees, agents, or assigns.
- 3 Access to the project for the purpose of inspection shall not be denied to either the County Water Resource District or State Water Commission staff.
- 4 Prior to repair, modification, or construction, all topsoil, vegetation, and other unsuitable material, which may include sod, riprap, and loose, soft or spongy soil must be removed from all areas to be repaired or modified.
- 5 Fill material must not be frozen, and shall be free of sod, brush, or other organic material and rock larger than 3-inch in diameter. Fill material shall be of a non-permeable type soil and be able to maintain the constructed permeability. Top soil shall not be allowed as fill, but may be used for vegetative cover.
- 6 A sustainable vegetative cover must be reestablished as soon as possible upon completion of construction. No trees, shrubs, or other woody vegetation shall be allowed in the channel and side slopes.
- 7 Construction of this project does not grant a water right.
- 8 By constructing this structure, the permittee acknowledges responsibility for its safety and maintenance. This maintenance will include correction of slumping or erosion problems, removal of all woody vegetation and maintenance of vegetative cover.
- 9 If prior to or during construction, items of substantial archeological value are discovered or a deposit of such items are disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified to the discovery and construction will not resume until the State Engineer gives written permission.

**State of North Dakota**  
**Permit to Construct or Modify**

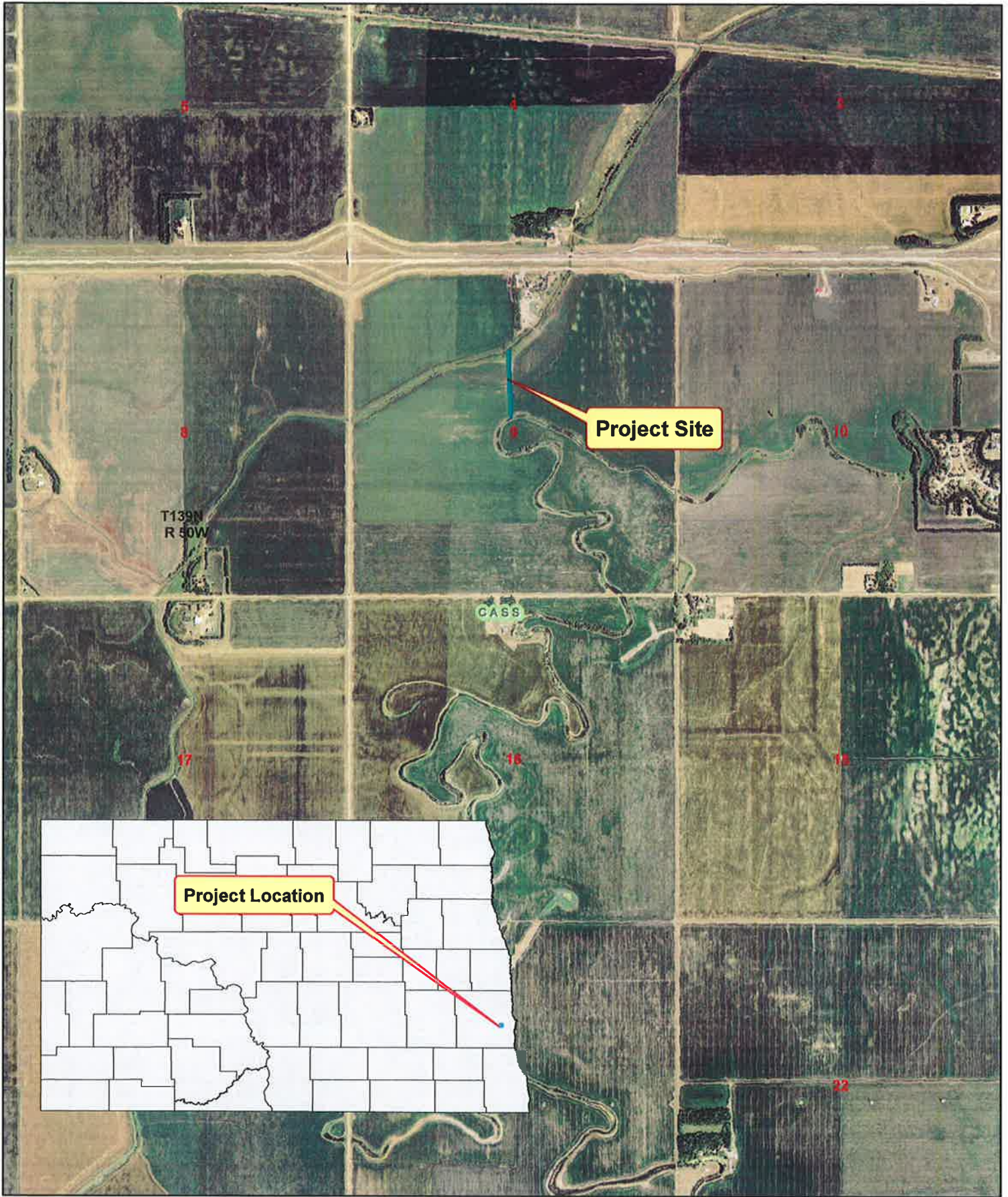
Permit No. 2151  
Page 3

- 10 The applicant or sponsor (Mapleton Township) shall consult with and follow the directions of the Maple River Water Resource District in the installation of a gated culvert as discussed in the December 1, 2006 and January 5, 2007 meeting of the District. A written description and an aerial photo map with the culvert location and direction of water flow indicated shall be returned by the applicant or sponsor to the State Engineer as part of the permit record.



Dale L. Frink  
State Engineer

Date: August 31, 2009



**Leo Wanzek**  
**T139N, R50W Section 9**

**Cass Co.**  
**Permit No. 2151**



# interoffice MEMORANDUM

---

**To:** JP John Paczkowski, Chief, Regulatory Section  
TS Todd Sando, Director Water Development Division, Assistant State Engineer  
B Dale Frink, State Engineer

**From:** JL Jim Lindseth, Water Resources Engineer

**Subject:** Application to Construct or Modify Other Water Facility #2151

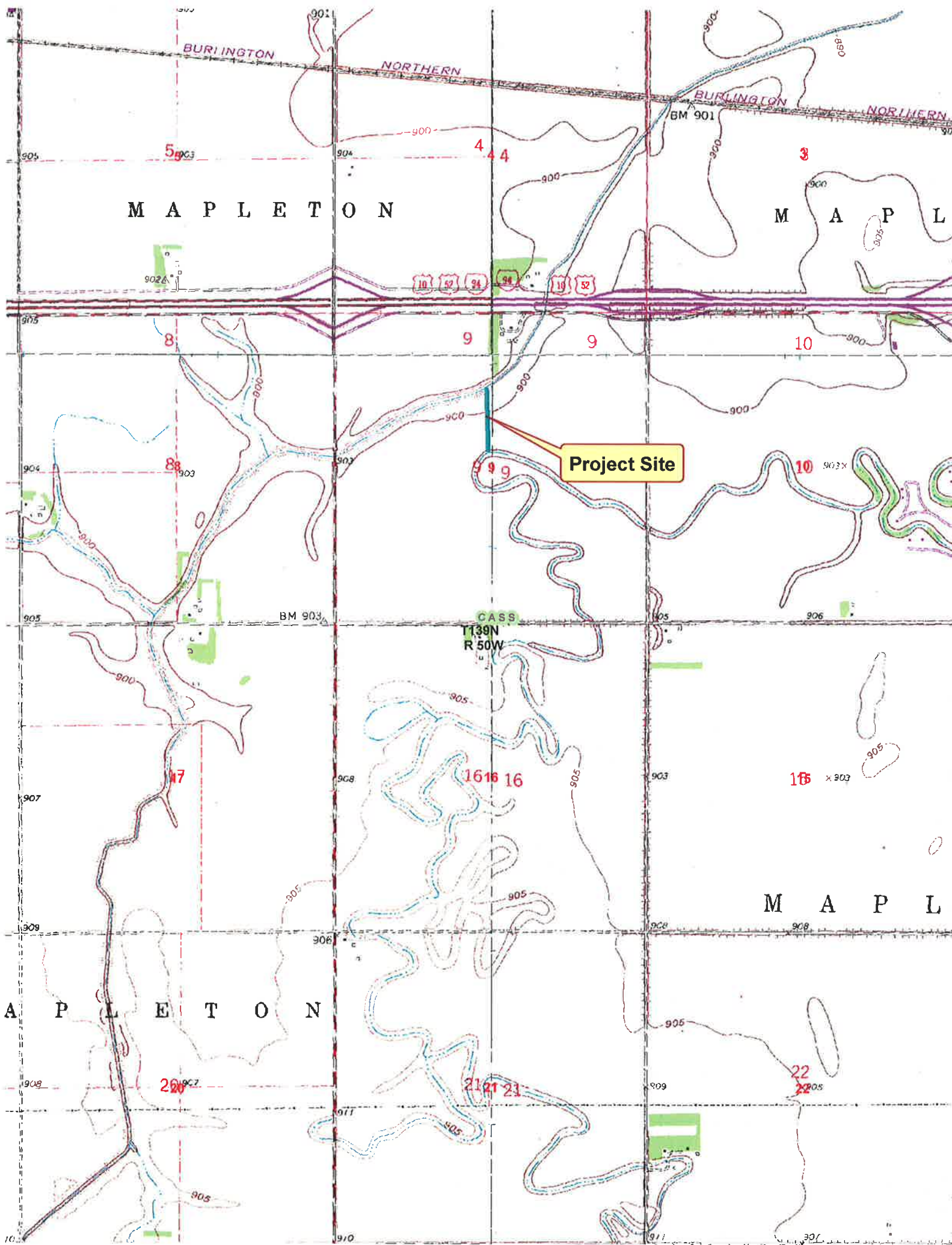
**Date:** August 27, 2009

The above application was received from Leo Wanzek, landowner and John Rutten, Chairman, Mapleton Township Board, the project sponsor. The application is for the cleaning and reconstruction of an existing diversion ditch between a tributary of the Maple River and Cass County Drain #14. Originally the applicants applied to do the work under drain permit #3146. Following with past practices I determined that it was a diversion and not a drain, requested that the drain application be withdrawn and they apply for a diversion permit. The age of this permit application is due to the applicants losing the application before it was filed with this office and a copy eventually being accepted as an original. The after the fact request for a permit developed after a drainage complaint by Willow Creek Association over the existing ditch and potential flooding problem to the Associations property. Willow Creek is a housing subdivision one and a half miles east of the ditch in Section 10, Mapleton Township. It is located on the inside bend of a meander in tributary of the Maple River. To try to satisfy the complaint when this project was viewed by the District as a drain their minutes indicated they were going to attach conditions for placing gated culvert in the channel, as I understand for field access, and the operation of the gate as a condition. Since the District is not the approving authority under diversion construction permits I have included a condition that the applicant or sponsor is to consult with the District to satisfy this concern. In part, based on that condition, the complaint was withdrawn without prejudice provided a culvert with a flap gate is installed through the highest point of the ridge the ditch cut through.

Legal description the east edge of the NW¼ along the SE corner of the quarter Section 9, Tier 139 North and Range 50 West, Mapleton Township, in Cass County.

The application indicates the diversion will be 1,060 feet long with a 6-foot bottom width and 3:1 side slopes. The maximum cut is expected to be 5 feet with a 2-foot drop over the length of the diversion ditch.

I do not feel that there is significant hazard to life and property created by the cleaning and reconstruction of an existing diversion ditch. I recommend final approval of Application No. 2151 subject to its conditions.



BURLINGTON

NORTHERN

BURLINGTON

NORTHERN

MAPLETON

MAPLETON

Project Site

CASS  
T 139N  
R 50W

MAPLETON

MAPLETON

New  
Diversion



# APPLICATION/NOTIFICATION TO CONSTRUCT OR MODIFY A DAM, DIKE, RING DIKE OR OTHER WATER RESOURCE FACILITY

Office of the State Engineer  
900 East Boulevard -- Bismarck, ND 58505-0850  
SFN 51695 (11/03)



I, the undersigned, do hereby submit the following information to the Office of the State Engineer for determination and use as a filing of information required under North Dakota Century Code §61-04-02 or as an application to construct or modify a facility under North Dakota Century Code §61-16.1-38.

(SWC USE ONLY) No. 2151

## A. GENERAL INFORMATION:

(1) This Application/Notification must include a map from an actual survey, aerial photo or topographic map. The size of the map shall be 8½ by 11 inches. The map shall have a north arrow and approximate scale. If, in the opinion of the State Engineer, the map does not contain information to properly evaluate the project, it will be returned.

(2) The proposed facility is a:

- Dam (Complete Sections A, C & F)
- Pond, Lagoon, or Dugout (Complete Sections A, B & F)
- Dike (Complete Sections A, D & F)
- Diversion Ditch (Complete Sections A, B & F)
- Ring Dike (Complete Sections A, D & F)
- Other (Complete Sections A, B & F)
- Wetland Restoration (Complete Sections A, C, E & F)

(3) Is this Application/Notification for modification of an existing structure?  Yes  No

If so, what year was existing structure constructed? early 1960's By whom? Gerald Hageson

(4) Project will be located in the Maple River Water Resource District

(5) Legal description to the nearest forty-acre tract: SE ¼ SW ¼ Section 9 Township 139 Range 50  
(Optional) Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

(6) Waterway on which project will be located: Drain # 14

(7) A tributary to: Maple River

(8) Will the project, including any area inundated as a result of the project, be located entirely on land owned by the applicant?

Yes  No If any portion of the project will be constructed on land not owned in fee title by the applicant, written authorization to construct the project must be obtained from the landowner of record and a copy of the authorization provided to this office. If the project will impound water on land not owned in fee title by the applicant, a flowage easement must be obtained by the applicant and a copy of the easement provided to this office. If any portion of the project will be constructed within the right-of-way of a section line, roadway, or railroad, or if the project will impound water within the right-of-way of a section line, roadway, or railroad, written authorization to do so must be obtained from the appropriate authority and a copy provided to this office.

(9) Project sponsor (Water Resource District/City/US Fish & Wildlife Service, etc.) if applicable \_\_\_\_\_

(10) Contractor, if known Dirt Works

(11) Anticipated construction start date November 2006 Completion date November 6 2006

(12) Who will be responsible for the operation and maintenance of this project? Landowner / tenant

## B. POND, LAGOON, DUGOUT, DIVERSION DITCH, OR OTHER WATER RESOURCE FACILITY:

(1) Design Data:

a. Pond, Lagoon, or Dugout (complete below and diagram next page for each pond or cell, photocopy if necessary)

b. Diversion Ditch

1. Surface area: top of structure \_\_\_\_\_ acres

1. Length 1060 feet

service level \_\_\_\_\_ acres

2. Bottom width 6 feet

2. Storage: top of structure \_\_\_\_\_ acre-feet

3. Side slopes 3:1 feet

service level \_\_\_\_\_ acre-feet

4. Maximum cut 5 feet

3. Maximum depth of water \_\_\_\_\_ feet

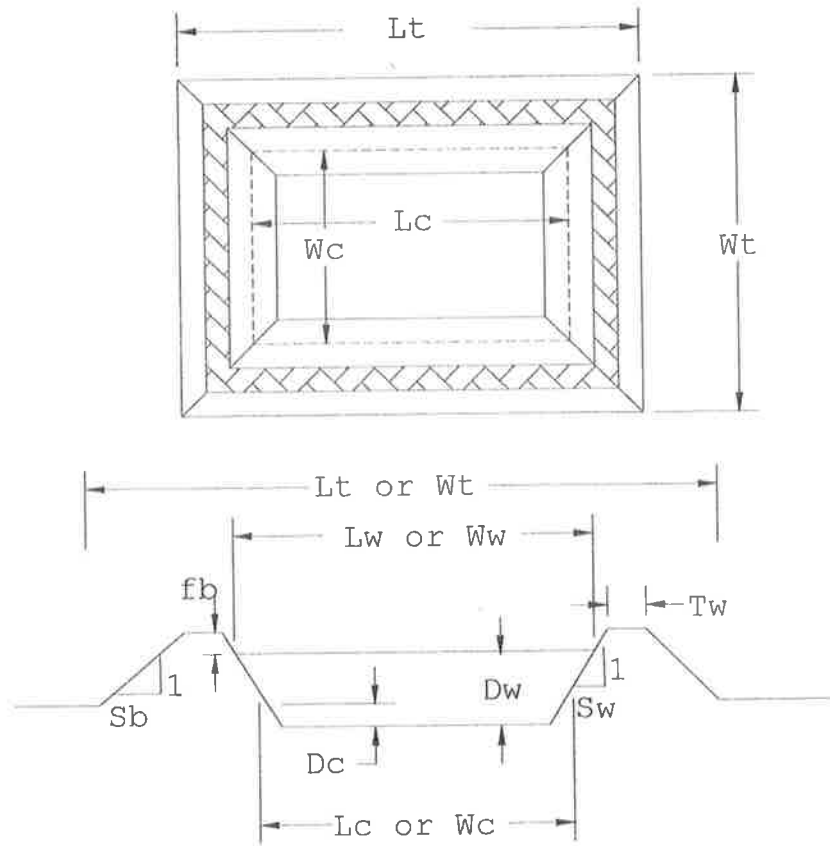
5. Gradient \_\_\_\_\_ foot/foot

4. Maximum embankment height \_\_\_\_\_ feet

Drops 2 feet the length of ditch

(2) Description of project, if not a Pond, Lagoon, Dugout, or Diversion Ditch: \_\_\_\_\_

**B. OTHER WATER RESOURCE FACILITY (continued):**



DESCRIPTION	ABBREVIATION	DIMENSION (feet)
Total length of pond (includes banks)	Lt	
Total width of pond (includes banks)	Wt	
Length of water surface at full service level	Lw	
Width of water surface at full service level	Ww	
Length of cut into the soil surface	Lc	
Width of cut into the soil surface	Wc	
Depth of cut into soil surface	Dc	
Depth of water in the pond at the full service level	Dw	
Freeboard (the distance between the full service level and the top of the structure that is used to manage wave action, usually 2-3 feet)	fb	
Top width of embankment surrounding the pond	Tw	
Outside bank sideslope ratio (usually 4:1, which is 4 horizontal feet for every 1 foot of rise)	Sb	
Inside bank sideslope ratio (will vary between 4:1 and 6:1, depending on the soil type)	Sw	

**C. DAMS**

(1) Drainage area above dam \_\_\_\_\_ square miles or \_\_\_\_\_ acres

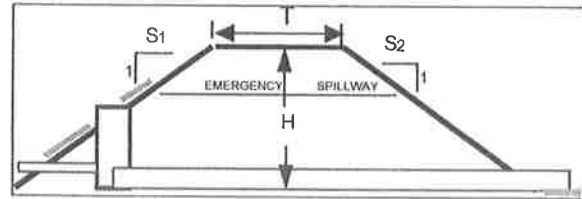
(2) Purpose: \_\_\_\_\_

(3) Geometric description of dam:

a. Maximum height (H) \_\_\_\_\_ feet, elevation \_\_\_\_\_ feet msl

b. Top width (T) \_\_\_\_\_ feet

c. Side slopes: upstream (S1) \_\_\_\_\_:1  
downstream (S2) \_\_\_\_\_:1



d. Type of embankment protection \_\_\_\_\_

e. Emergency spillway: type \_\_\_\_\_

If earthen: width \_\_\_\_\_ ft, side slopes \_\_\_\_\_:1, level section length \_\_\_\_\_ ft

Dimensions if other than earthen \_\_\_\_\_

f. Principal spillway:

Outlet pipe: type \_\_\_\_\_ diameter \_\_\_\_\_ length \_\_\_\_\_ ft

Riser: type \_\_\_\_\_ diameter \_\_\_\_\_

Control gate: type \_\_\_\_\_ dimensions \_\_\_\_\_

g. Drawdown Pipe: type \_\_\_\_\_ diameter \_\_\_\_\_

(4) Distance to nearest downstream occupied dwelling(s) \_\_\_\_\_

	ELEVATION (feet) Indicate datum: <input type="checkbox"/> local <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88	RESERVOIR SURFACE AREA (acres)	RESERVOIR CAPACITY (acre-feet)
Top of Dam			
Emergency Spillway			
Principal Spillway			
Drawdown Pipe			
Streambed at Dam			

**D. DIKE**

(1) Is this application/notification for the construction of a ring dike?  Yes  No

If so, will the ring dike tie into existing?  dike  roadway  high ground  other \_\_\_\_\_

(2) Purpose: \_\_\_\_\_

(3) Area of land to be protected by dike \_\_\_\_\_ acres

(4) Description of Dike:

a. Dike length \_\_\_\_\_ feet

b. Dike design:

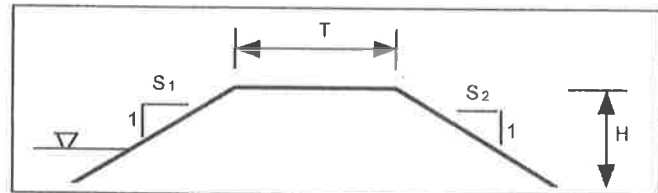
1. Top width (T) \_\_\_\_\_ feet

2. Side slopes: interior (S1) \_\_\_\_\_:1  
exterior (S2) \_\_\_\_\_:1

3. Maximum height (H) \_\_\_\_\_ feet, elevation \_\_\_\_\_ feet msl

Minimum height (H) \_\_\_\_\_ feet, elevation \_\_\_\_\_ feet msl

4. Embankment erosion protection: \_\_\_\_\_



(5) Will the dike flood or adversely affect adjacent, upstream or downstream land?  Yes  No

If yes, attach flowage easements. Easements must include a description of provisions, and names and signatures of grantors.

**E. WETLAND RESTORATION**

- (1) The proposed wetlands are:  Temporary  Permanent
- (2) Drainage area above dam \_\_\_\_\_ square miles or \_\_\_\_\_ acres
- (3) Is this project mitigation for another project?  Yes  No  
If yes, please describe: \_\_\_\_\_
- (4) Describe the proposed operation plan for the wetland: \_\_\_\_\_

	OVERFLOW ELEVATION (feet) Indicate datum: <input type="checkbox"/> local <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88	CAPACITY (acre-feet)	SURFACE AREA (acres)
Existing			
Natural			
Proposed			
Top of Structure			

**F. ADDITIONAL INFORMATION, AFFIDAVIT OF DESIGN ENGINEER, AND SIGNATURE**

(1) Additional information and comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(2) A complete set of plans and specifications prepared by a professional engineer registered in the State of North Dakota must be submitted with and made part of this Application/Notification if the proposed structure will be capable of retaining, obstructing, or diverting more than 50 acre-feet of water, or if the structure is a medium or high hazard dam, as determined by the State Engineer, capable of retaining more than 25 acre-feet of water. Low hazard dams, as determined by the State Engineer, less than 10 feet in height are exempt from the requirement for professional engineering services. If plans and specifications are required, the following affidavit must be completed:

I, \_\_\_\_\_ (name), \_\_\_\_\_ (PE license number), a Professional Engineer registered in the State of North Dakota, designed and/or personally supervised the design of the project as described in this application and on any attached sheets, and construction will be inspected in accordance with North Dakota Administrative Code §89-08-03-01. Date: \_\_\_\_\_

(3) The filing of this Application/Notification in no way relieves the applicant or landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Land Owner (Print): Leo Wanzek  
 Address: PO Box 1757

Phone: 701 282 6171

Signature: Leo Wanzek Date: 7/18/07

Sponsoring Agency: Mapleton Twp Board  
 Address: 16522 41st st SE  
Mapleton ND 58059  
 Phone: 701 - 282 - 4676

Signature: John Rutten (chairman) Date: 7/18/07

52



37th St SE



DRAIN #16

DIVERSION DITCH →

SEC 9  
7139 250

166th Ave SE

Image © 2009 DigitalGlobe

© 2009 Tele Atlas

© 2007 Google™

Pointer 46°52'23.05" N 96°59'55.55" W elev 274 m

Streaming 100%

Eye alt 1.50 km

↑  
Trib - WABE RIVER

DIVERSION DITCH  
CONST P. # 2151



# State of North Dakota

## Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850  
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>

September 28, 2009

Leo Wanzek  
PO Box 1157  
Fargo, ND 58107-0000

Dear Leo Wanzek:

Enclosed is Construction Permit # 2151 issued pursuant to Section 61.16.1-38 NDCC. The application has been reviewed by the Maple River Water Resource District and the State Engineer. This permit is issued subject to all conditions listed. It is suggested that you file this permit with the County register of deeds in which the works are located.

If you have any questions regarding Construction Permit # 2151, please feel free to contact Jim Lindseth at (701) 328-2752.

Sincerely,

Ed Gall  
Regulatory Section

Enclosure

cc: Maple River WRD

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**Leo Wanzek**

Feb. 1, 1928-April 16, 2008

POSTED: April 18, 2008 [Save](#) | [Print](#) | [Email](#) | [Read comments](#) | [Post a comment](#)

Leo A. Wanzek, age 80, of Fargo, ND, died in his home surrounded by his wife and family on Wednesday, April 16, 2008.

Leo was born February 1, 1928, to Vincent and Agnes Wanzek of Windsor, ND, the third out of ten children. His childhood was spent on the farm just southwest of Windsor. There he farmed and the North Dakota Prairie built his spirit and character. He attended school at St. John's Academy. He received his Civil Engineering degree from NDSU in 1951 and was an ROTC officer in the Air Force.

In 1951 he began dating Janet Lucille Whitmer of Medina, ND. On one occasion when meeting for a date, they had agreed to meet at a specific time and place, while Janet was staying at a farm south of Medina to teach school. The roads had become impassible due to drifting snow so Janet road a horse to the meeting place where Leo was promptly waiting. They enjoyed the local weekend dances of the era and the song "Blue Moon" was played at their first dance together.

Leo was married to Janet on December 27, 1952, in St. Mary's Catholic Church of Medina, ND. Leo was sent to Korea to serve as a Lieutenant with the Air Force in the Korean War and was in charge of building U.S. air bases and runways during the war.

Leo worked for a local highway/heavy construction company before starting his own business with Janet in 1971. Upon founding Wanzek Construction, Inc., Leo's first project was for the U.S. Army Corps of Engineers, building the visitor center at Lake Ashtabula on the east side of the reservoir above the Baldhill Dam just north of Valley City. The building was made of split-face fieldstone which Wanzek's crews split onsite. The visitor's center is still in use today. Leo was a true construction man. He enjoyed the projects, the challenges and had a deep empathy and respect for all people. Leo was President of the company until most recently becoming Chairman of the Board. He enjoyed the fact that his son Jon joined him in the firm and they were able to work together as a father and son team building a business of which they were proud.

Wanzek Construction continued to grow over the years and Leo enjoyed the everyday challenges that the business presented to him. Leo constructed many notable projects in the area and across the Midwest including more than 100 bridges, flood control projects, water treatment plants, dams, reservoirs, pump and lift stations, Wal-Mart stores, swimming pools, sugar plants, ethanol plants and wind farms. Today the firm he founded employs more than 800 people and is building projects in more than 14 states. Wanzek Construction was also recently added to the ENR 400 list as one of the 400 largest construction companies in America. Think of Leo when you drive over a bridge.

Leo was a member of St. Mary's Cathedral, Fargo. Leo was active with the Holy Cross South Cemetery committee - he designed, built and donated the gate at the entrance. Leo was past President of the North Dakota Chapter of the Associated General Contractors of America.

Leo loved his family, figuring and estimating construction bids, visiting jobsites, hunting ducks and geese, skiing with his family, playing with his grandchildren and planting his garden.

Leo is survived by: his wife, Janet; their three children: Juliet (Neal) Everist, Sioux City, IA, Jantze (Dennis) Haley, Minneapolis, MN, Jon (Lori) Wanzek, Fargo, ND. Leo is also survived by his nine grandchildren: Anna, Janelle, Erich, Heidi, Maria, Jack and Grace (Jon and Lori), Nik Larsen (Jantze) and Daniel Everist (Juliet); three brothers: Ronald Wanzek, Jamestown, ND, Marvin (Donna) Wanzek, Windsor, ND, Richard (Alice) Wanzek, Jamestown, ND; two sisters: Virginia Weckman, Shakopee, MN, and Dorothy Flynn, Moorhead, MN.

Leo was preceded in death by his parents: Vincent and Agnes Wanzek; brothers: Vincent Wanzek,

**Article Photos**



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**FUNERAL**

Jerome Wanzek, Casimir Wanzek; sister: Isabel Maddock; and his grandson, Thomas Wanzek.

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Leo's strong Catholic faith has been a witness to many. He always would say "Thanks be to the Lord" when arriving home safely or enjoying any blessing with his family – such as their presence or a beautiful sunset. Leo's suffering with illness in his last days was in his faith in Christ. His strength, faith, courage and his spirit during his illness was an inspiration to many.

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Visitation: Today, April 18, 2008, from 5 to 7 p.m. at St. Mary's Cathedral, Fargo, and one hour prior to the Funeral Mass in the church on Saturday, April 19.

Prayer Service: Today at 7 p.m. at St. Mary's Cathedral.

Funeral Mass: Saturday at 11 a.m. at St. Mary's Cathedral.

Interment: Holy Cross South Cemetery, Fargo.

Arrangements entrusted to Boulger Funeral Home, Fargo. Online guestbook at ([www.boulgerfuneralhome.com](http://www.boulgerfuneralhome.com)).

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The Minot Daily News  
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Minot, North Dakota 58703  
(701) 857-1900

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**Subject: Application to divert water in Section 9 of Mapleton Township**

**Date:** Wednesday, July 23, 2008 3:33 PM

**From:** Lewis, Carol <Lewisc@casscountynd.gov>

**To:** Jim Lindseth <jlindseth@state.nd.us>

**Conversation:** Application to divert water in Section 9 of Mapleton Township

Jim,

I sent you a letter regarding the above referenced matter on July 10, 2008. Barry Johnson asked that I provide you with a little more clarification as to where the culvert and flap gate is located that I referred to in that letter.

There is a natural ridge northwest of the Willow Creek development and the ditch that was constructed (for which the permit is for) cut through that ridge. At the request of Willow Creek, dirt was placed across the ditch where it intersects with the ridge and a culvert and flap gate was installed through it. That is the culvert and flap gate that Willow Creek wants to be sure remains in place and is properly maintained.

If you have any questions or need further clarification as to where the pipe and flap gate is, please feel free to contact us. Thanks.

Carol

Carol Harbeke Lewis  
Secretary-Treasurer  
Cass County Water Resource Districts  
1201 Main Avenue West  
West Fargo, ND 58078-1301  
Phone: 701-298-2381  
Fax: 701-298-2397  
[Lewisc@co.cass.nd.us](mailto:Lewisc@co.cass.nd.us) <mailto:Lewisc@co.cass.nd.us>  
[www.casscountygov.com](http://www.casscountygov.com) <http://www.casscountygov.com>



July 10, 2008

Maple River  
Water Resource  
District

Rodger Olson  
Chairman  
Leonard, North Dakota

Wesley Beilke  
Manager  
Buffalo, North Dakota

Jurgen Suhr  
Manager  
Page, North Dakota

Jim Lindseth  
Water Resource Engineer  
Office of the State Engineer  
900 East Boulevard Avenue  
Bismarck, ND 58505-0850

Dear Jim:

RE: Application to divert water in Section 9 of Mapleton Township

Enclosed please find a copy of the above referenced application for Leo Wanzek (deceased) and the Mapleton Township Board. As discussed and set out in your e-mail of June 24, 2007, the original application has been lost or misplaced and you would accept this copy in order to proceed with the matter.

The Maple River Water Resource District Board reviewed the application at their July 2, 2008, meeting and moved to recommend approval, provided the culvert and flap gate located west of the Willow Creek development remains in place and is properly maintained to prevent Drain #14 breakout water from reaching the development. The Board also approves the use of Drain #14 as the outlet for the diversion channel.

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

Sincerely,

MAPLE RIVER WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

Enclosures

cc: John Rutten  
Barry Johnson

Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrд@co.cass.nd.us](mailto:wrд@co.cass.nd.us)  
[www.casscountygov.com](http://www.casscountygov.com)



**Lindseth, Jim C.**

---

**From:** Spies, Jewel [Jewel.Spies@co.cass.nd.us]  
**Sent:** Thursday, April 26, 2007 9:15 AM  
**To:** Lindseth, Jim C.  
**Subject:** RE: Land Ownership Question

Good Morning Jim

I have been out of the office for a few days. But, here is the information we have. Recorded on 4/03/06 Doc #1167220 is a Trustees deed from Cliff & Gladys Moe Family Trust to Leo A & Janet L Wanzek for all of section 9 with several exceptions. If you subscribe to the NDRIN network, you can view this document there.

Jewel A Spies  
Recorder  
Cass County  
211 9th ST S  
Fargo ND 58103  
701-241-5625

-----Original Message-----

**From:** Lindseth, Jim C. [mailto:jlindseth@nd.gov]  
**Posted At:** Tuesday, April 17, 2007 2:02 PM  
**Posted To:** Recorders E-mail  
**Conversation:** Land Ownership Question  
**Subject:** Land Ownership Question  
**Importance:** High

To Cass County Recorder

I have received a permit application in which the application indicates the landowner to be Leo Wanzek and our county atlas indicates the owner is Clifford and Gladys Moe. The location is Mapleton Township, T139-R50, Section 9. Can you confirm who the landowner of record is for that section? Thank You for your time.

Jim Lindseth

Water Resource Engineer

State Water Commission/State Engineers Office

Permit #2151



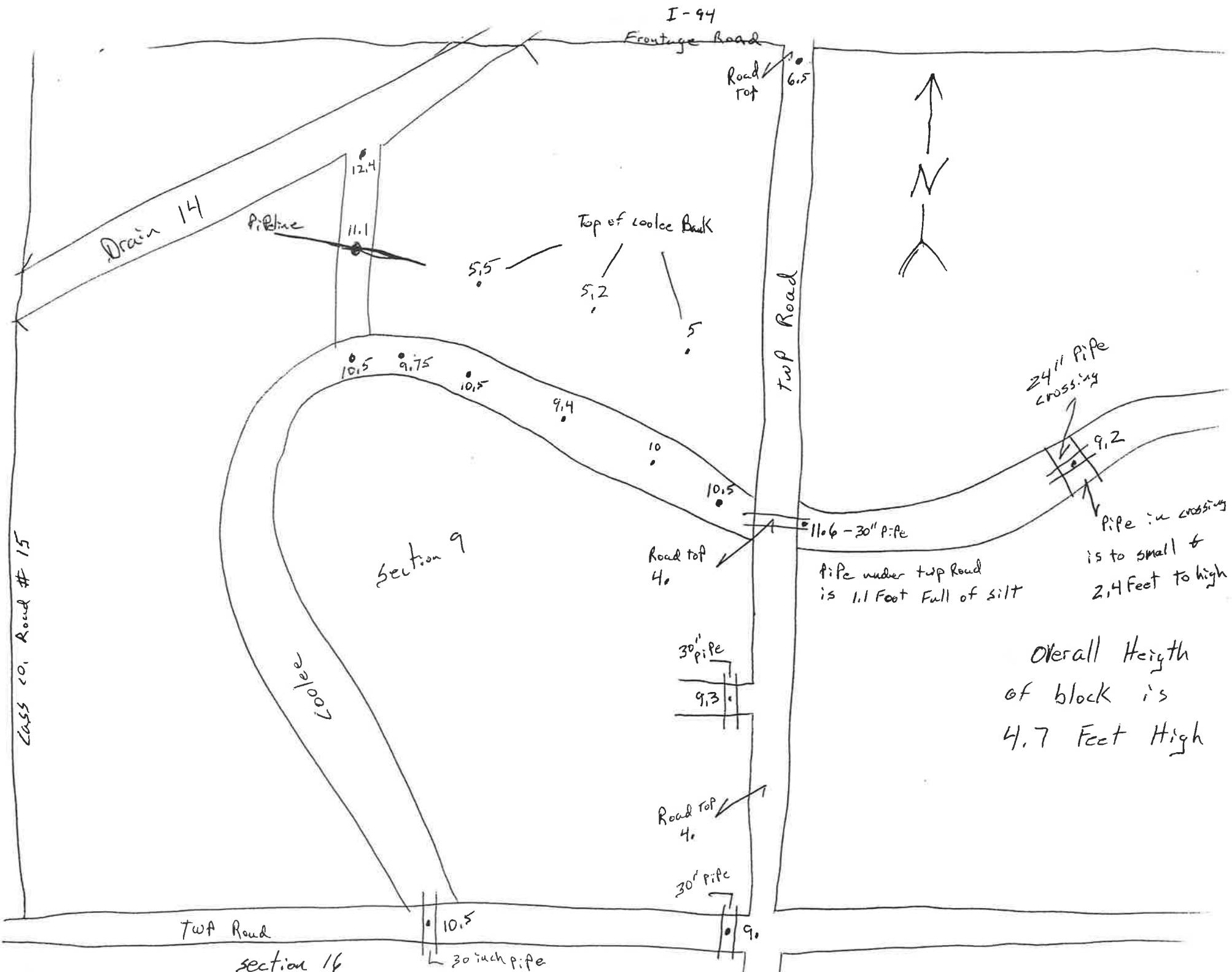
CASS COUNTY  
GOVERNMENT



Jim,  
Johnutton asked that I  
send this to you regarding  
Permit #2151.  
Thanks.  
Cowl  
Condition #10

875 1750 Feet  
30TH ST SE

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

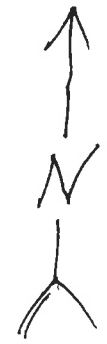


I-94

Frontage Road

Road Top

6.5



Drain 14

Pipeline

12.4

11.1

Top of Coolce Bank

5.5

5.2

5

Twp Road

24" Pipe crossing

9.2

Pipe in crossing is too small & 2.4 Feet too high

11.6 - 30" Pipe

Pipe under twp road is 1.1 Foot Full of silt

Overall Height of block is 4.7 Feet High

Class 10, Road # 15

Coolce

Section 9

Road Top 4.0

30" Pipe

9.3

Road Top 4.0

30" Pipe

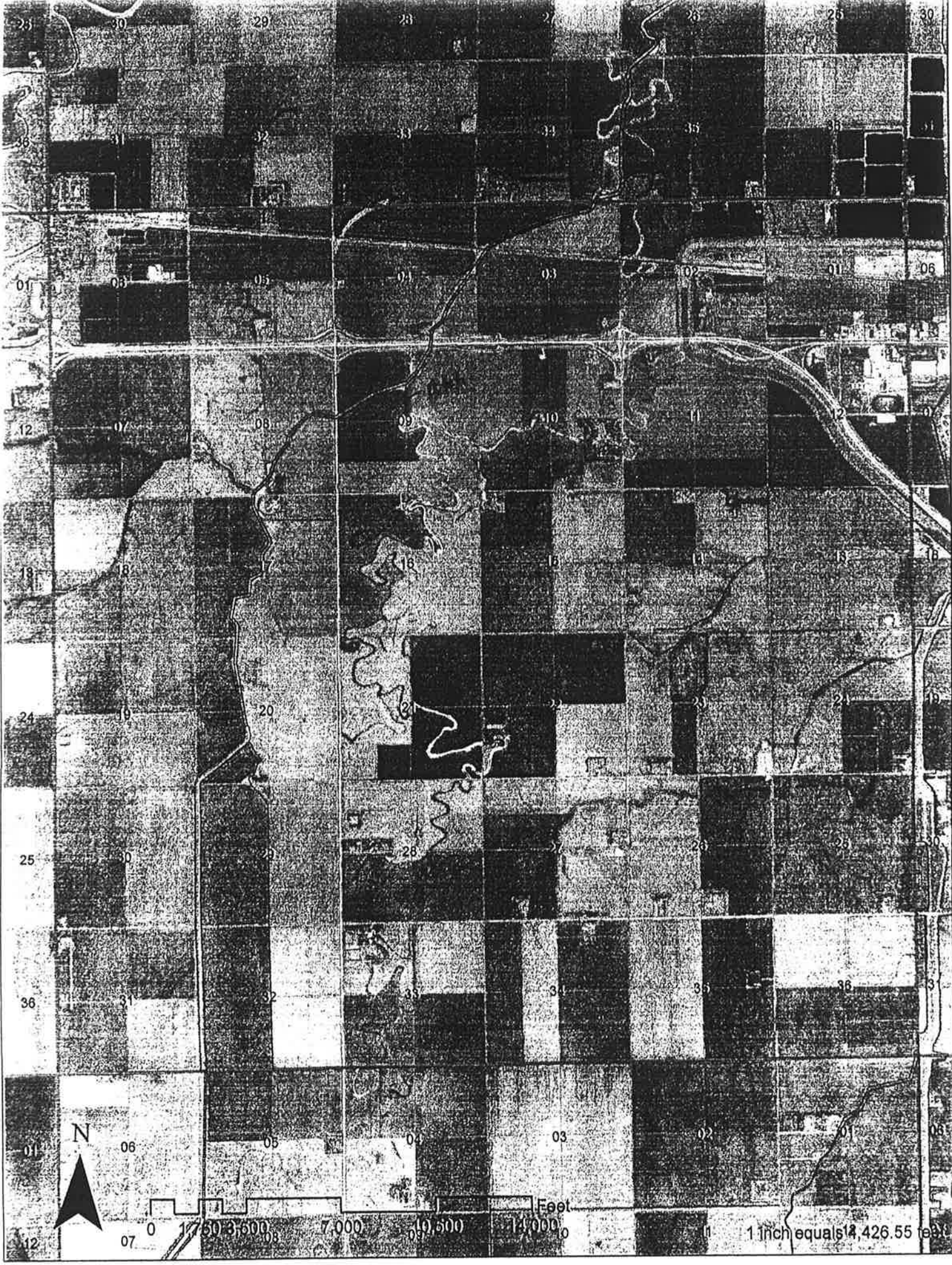
9.0

Twp Road

Section 16

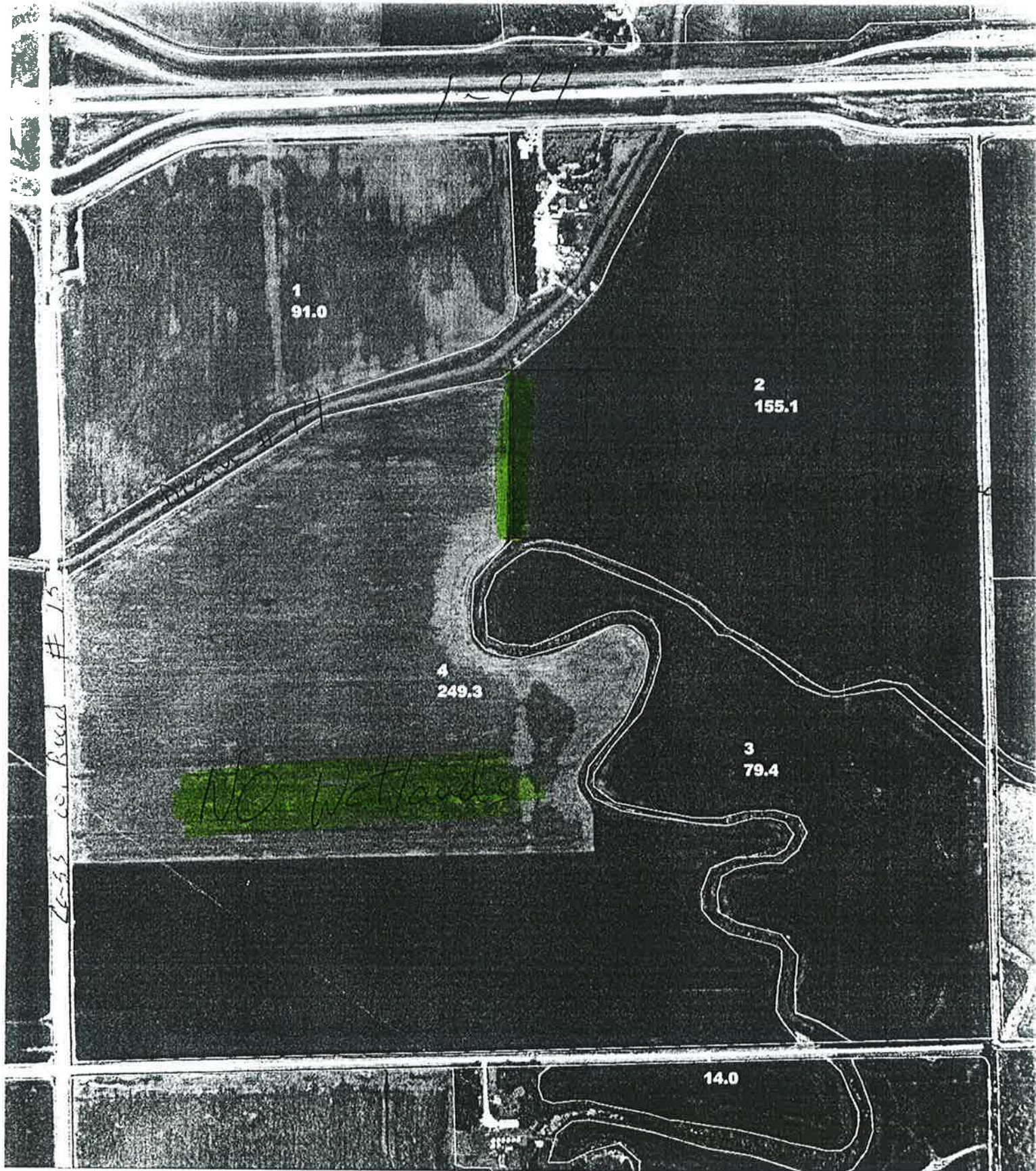
10.5

30 inch pipe



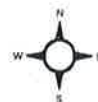
0 3,500 7,000 10,500 14,000 Feet

1 inch equals 14,426.55 feet

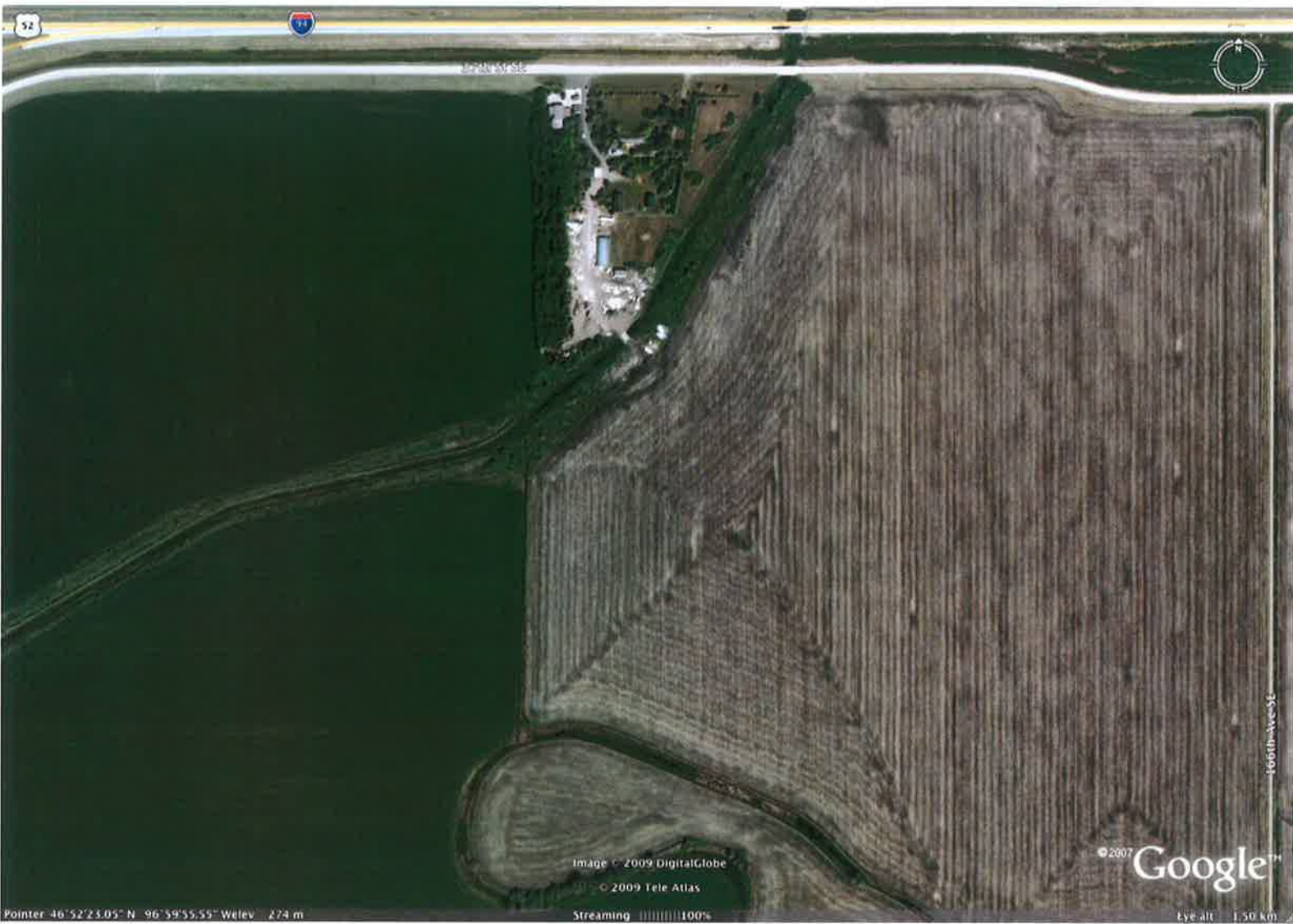


1:8820  
1 inch = 735 feet

9 - 139 - 50  
Cass County, North Dakota



Map Created Thursday, May 25, 2006



Pointer 46°52'24.05" N 96°59'55.55" W elev. 274 m

Image © 2009 DigitalGlobe

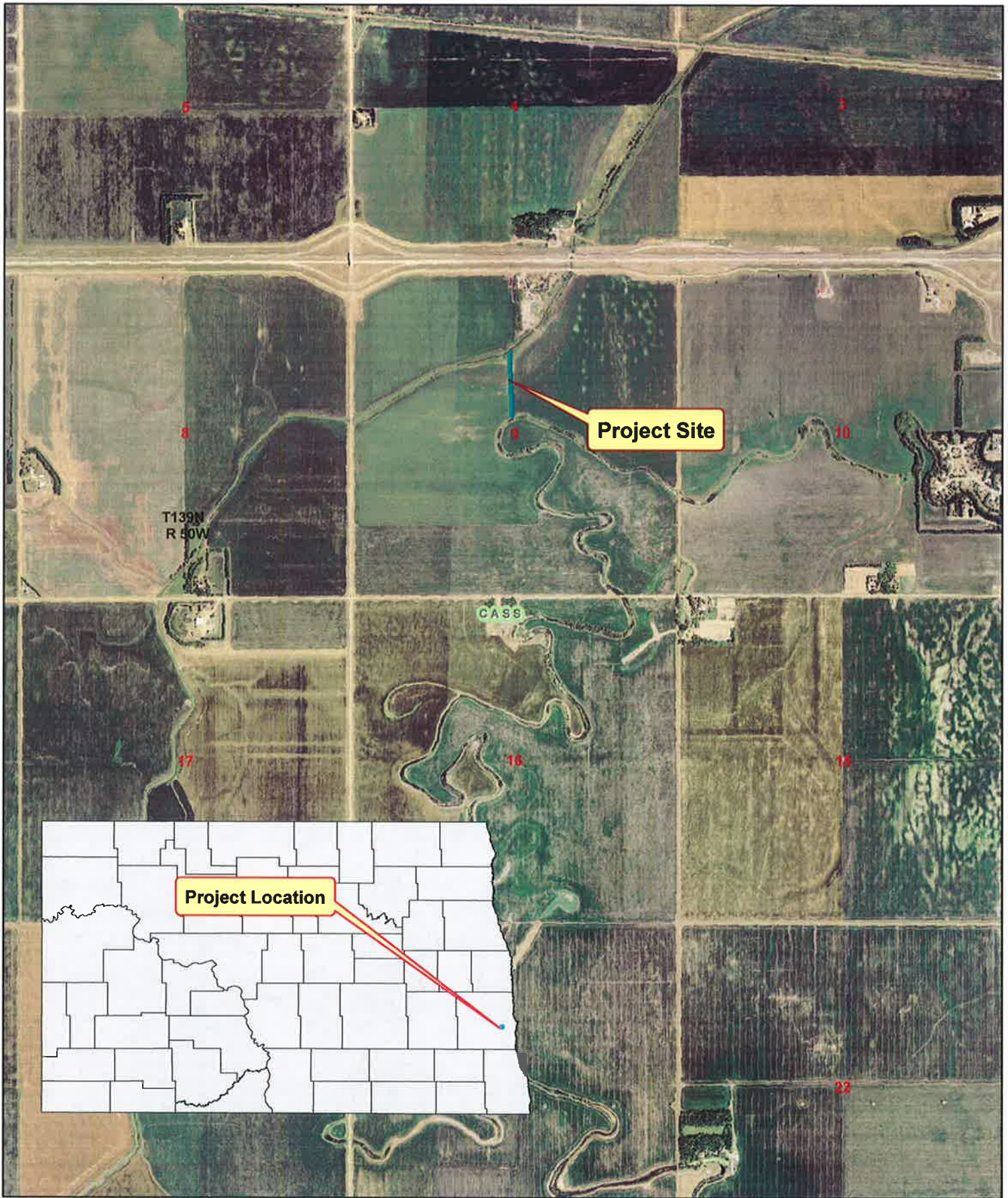
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Streaming 100%

© 2007 Google™

Eye alt 1.50 km

160th Avenue SE



**Leo Wanzek**  
**T139N, R50W Section 9**

**Cass Co.**  
**Permit No. 2151**





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701.258.5957  
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July 13, 2020

Mr. Steven Best  
North Dakota State Water Commission  
900 East Boulevard Avenue  
Bismarck, North Dakota 58505  
Submitted via email: [stevebest@nd.gov](mailto:stevebest@nd.gov)

**Re: NuStar North System Pipeline Relocation Project**

Dear Mr. Best:

On behalf of NuStar Pipeline Operating Partnership, LP (NuStar), thank you for the State Water Commission's (SWC) letter of June 30, 2020, regarding review of environmental impacts associated with the referenced project. With respect to the SWC's review comments, the following information is provided:

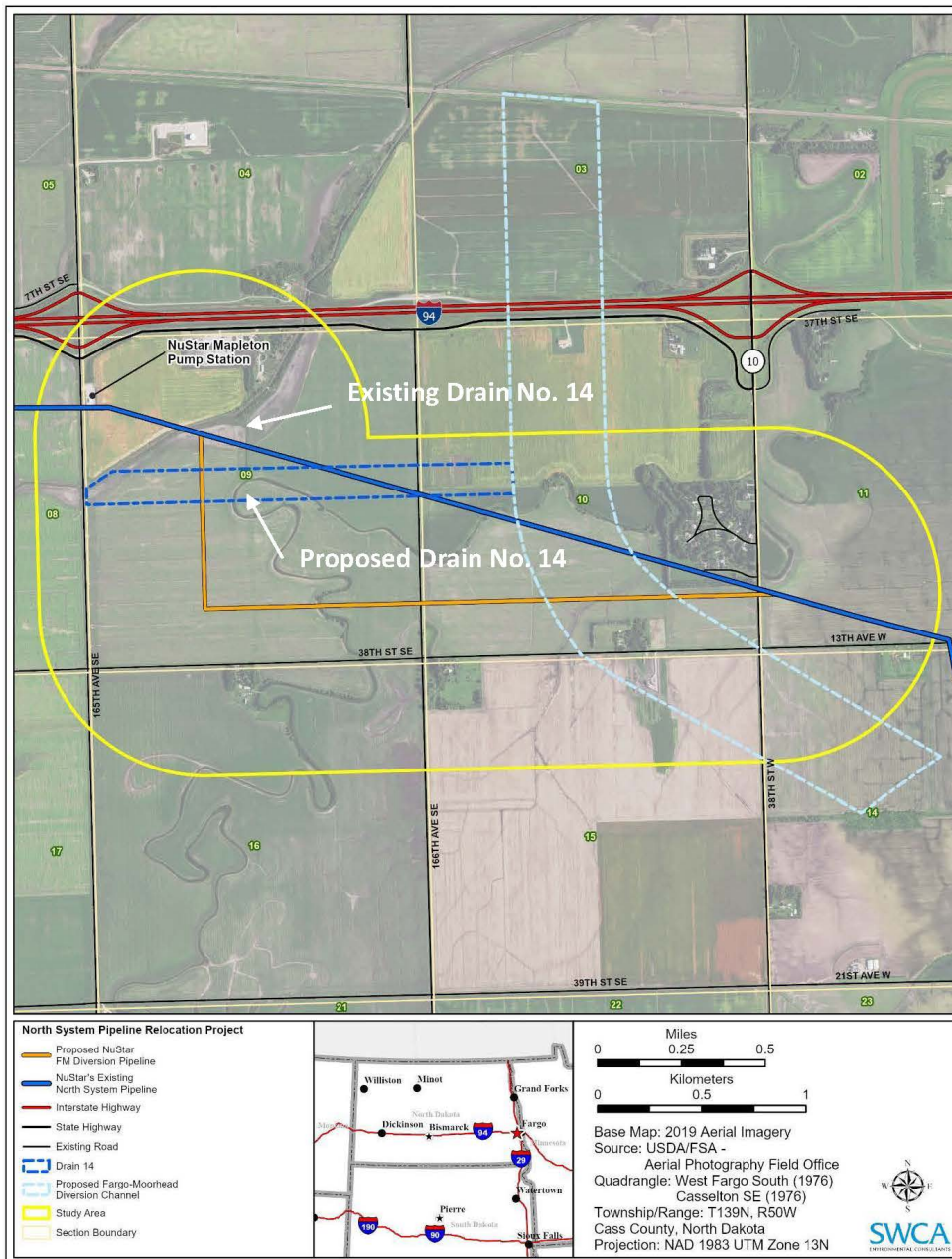
- **Floodplains** – portions of the proposed pipeline route traverse Floodplain Zone A, while the majority is in Zone F (Area of Minimal Flood Hazard). The relocated pipeline will be underground and there will not be any surface appurtenances associated with it. The Cass County Floodplain Administrator has been contacted to determine if a Floodplain Development Permit will be required for the project.
- **Surface Water Resources** – the proposed pipeline route encounters two Palustrine Emergent (PEM) wetlands that total approximately 0.427 acre in size. The larger of the two wetlands is associated with the unnamed tributary to the Sheyenne River in Section 9, T139N, R50W, while the smaller wetland is the western roadside ditch along 166th Avenue SE. NuStar is proposing to install the pipeline underneath the wetland areas using the horizontal directional drilling (HDD) method and thus, there should be no impacts to surface water resources from the pipeline construction.
- **Cass County Drain No. 14** – the existing North System Pipeline does pass underneath the existing Drain No. 14, but the proposed relocation pipeline route will start about 250 feet southeast of that location and will head due south for approximately 480 feet at which point it will cross the proposed location of the new Drain No. 14 (see enclosed map). This crossing will be constructed using the horizontal directional drilling (HDD) method and has been designed to provide a minimum of 15 feet of separation between the bottom of the new drain and the pipeline. Thus, we do not anticipate any alteration, modification, or improvement to either the existing or future drains.
- **Surface Water or Groundwater Diversions** – there is the potential that shallow groundwater dewatering will be required to facilitate pipeline construction. Said construction dewatering would be permitted under the NDPDES General Permit for Temporary Discharges (NDG07000), issued by the North Dakota Department of Environmental Quality. If the construction dewatering discharge is returned to a nearby surface water location (e.g., unnamed tributary to the Sheyenne River), I question if a temporary appropriation permit would be required, but will contact the Water Appropriations Division of the OSE for clarification.

Thank you for the SWC's comments regarding the subject project. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "James W. Dawson".

James W. Dawson, PG, CHMM  
Senior Project Manager



Proposed North System Pipeline Relocation Project Location Map