

September 24, 2020

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: NuStar Pipeline Operating Partnership L.P.
10" North System Pipeline Relocation – Cass County
Case No. PU-20-381**

Dear Mr. Kahl:

In response to the Commission Staff's September 1, 2020 letter requesting information, enclosed for filing are five copies of NuStar Pipeline Operating Partnership L.P.'s responses, referenced attachments, and this letter. A flash drive containing requested GIS data is also enclosed.

An electronic copy of the responses is being filed with the Commission today via e-mail. If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/71053659

Enclosures

cc: Adam Renfandt (via e-mail, w/encl.)
Dale Smith (via e-mail, w/encl.)
Matt McGee (via e-mail, w/encl.)

**NuStar Pipeline Operating Partnership L.P.
10" North System Pipeline Relocation – Cass County: Case No. PU-20-381
Response for Information from September 1, 2020 PSC Letter**

Item	Request for Information	Response	Attachment
1	<p>Email addresses, preferably, or mailing addresses for the following people who reside within any part of the study corridor:</p> <ul style="list-style-type: none"> a. An officer of each township with retained zoning authority b. The chief executive office of each city, and c. The chairman of the board of county commissioners and the county auditor of each county 	<ul style="list-style-type: none"> a. Mapleton Township: John Rutten, Chairman, Mapleton Township Board of Supervisors, 16522 41st St SE, Mapleton, ND 58059; e-mail: ruttenfarm@hotmail.com b. City of West Fargo: Mayor Bernie Dardis, City of West Fargo, 800 Fourth Ave E, Suite 1, West Fargo, ND 58078; e-mail: bernie.dardis@westfargond.gov c. Cass County: Chad M. Peterson, Chairman, Cass County Board of Commissioners, Cass County Courthouse, 211 9th Street S, Fargo, ND 58103; e-mail: petersonc@casscountynd.gov; and Michael Montplaisir, Cass County Auditor, 211 9th Street S, Fargo, ND 58103; e-mail: montplaisirm@casscountynd.gov. 	
2	An updated map suitable for publication	See updated publication map.	Publication Map (previously provided)
3	The percentage of the pipeline length that is co-located with existing utility and pipeline corridors	The Project involves the relocation of a short segment of the existing North System Pipeline. Approximately 50 feet at each end of the relocated segment will be adjacent to	

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		the existing North System Pipeline to facilitate tie-in to the existing line. Thus, approximately 100 feet of the Project is co-located with the existing North System Pipeline corridor.	
4	Clarification on whether any third-party inspectors will be on site during construction	NuStar plans to have one NuStar in-house construction inspector and one third-party construction inspector on site during Project construction.	
5	Section 17.4.5 of the application indicates that a portion of the refined petroleum products will be used in ND. What type(s) of refined petroleum product(s) will be transported to ND? Provide the location and name of the facility that will receive the product(s). How much product(s) is destined for ND?	The existing North System Pipeline transports refined petroleum products (e.g., gasoline, diesel fuel, and jet fuel) from the Tesoro Refinery in Mandan, North Dakota, to NuStar terminals in Jamestown, North Dakota, and Moorhead, Minnesota, and on to points further east, and will continue to transport the same products when the Project is completed. From the Moorhead Terminal, the refined petroleum products are distributed by customers (e.g., retail outlets and contract end-users) in North Dakota and Minnesota. In total, the North System Pipeline is capable of transporting 72,000 barrels per day ("bpd") of refined petroleum product from the Tesoro Refinery to the Moorhead Terminal. For the timeframe of July 1, 2019 through July 1, 2020, the Moorhead Terminal racked/loaded out about 6,255,256 barrels or approximately 17.1 bpd. During the same timeframe,	

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		deliveries out of the Moorhead Terminal to points within North Dakota were about 3,919,624 barrels, which was approximately 63 percent of the total barrels loaded at the Moorhead Terminal.	
6	Clarification on whether the company is aware of any present or future natural resource development in the area. If yes, describe your understanding of any developments and their locations relative to the proposed pipeline.	NuStar is not aware of any present or future natural resource development in the area.	
7	Final copies of the Engineering Drawings in Appendix A of the application and a description of the changes from the preliminary version	The Project design depicted on the Engineering Drawings provided in Appendix A has not changed at this time.	
8	10-year spill history	No spills have occurred on NuStar's North Dakota system within the last 10 years.	
9	Baseline soil analysis used for determining topsoil depth along the project route	The Natural Resources Conservation Service Soil Survey for the area of the relocated pipeline segment identifies five soil associations. Topsoil depths in those soil associations range from 0 to 24 inches, but average 8.4 to 15.2 inches. Additionally, NuStar plans to obtain information on topsoil depth from the landowners, who currently farm the land. NuStar will comply with the Commission's requirement to remove and segregate topsoil to a depth of 12" or the depth of cultivation, whichever is greater.	

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10	<p>Copies of the following project control documents:</p> <ul style="list-style-type: none"> a. Stormwater Pollution Prevention Plan b. Pipeline Integrity Management Plan c. Emergency Response Plan d. Erosion Control Plan e. Revegetation Plan f. Weed Management Plan, and any county specific weed management plan g. Construction Plan h. Dust Control Plan 	<p>Response:</p> <ul style="list-style-type: none"> a. The Stormwater Pollution Prevention Plan (“SWPPP”) is currently being prepared and will be provided once finalized. b. A copy of NuStar’s Integrity Management Plan (“IMP”) will be provided. c. A copy of NuStar’s Emergency Response Plan (“ERP”) will be provided. d. NuStar’s erosion control plan is outlined in the Environmental Mitigation Plan (“EMP”) (see Consolidated Application, Appendix B (Section 4.0)) and will also be addressed in the SWPPP. e. NuStar’s revegetation plan is outlined in the EMP (see Consolidated Application, Appendix B (Sections 6.10 and 7.3.2)) and will also be addressed in the SWPPP. f. NuStar’s weed management plan is outlined in the EMP (see Consolidated Application, Appendix B (Section 2.6)), and will be addressed in the SWPPP. Additionally, a Weed Management Plan form for Cass County is attached, which will be completed by NuStar’s contractor prior to construction. g. NuStar’s construction plan is outlined in the EMP (including the Frac-out Contingency Plan) (see Consolidated Application, Appendix B) and in Section 11.0 of the Consolidated Application. 	<ul style="list-style-type: none"> • NuStar Pipeline IMP Manual (to be provided separately) • NuStar Pipeline ERP (to be provided separately) • Cass County Weed Management Plan Form

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		h. NuStar's dust control plan is outlined in the EMP (see Consolidated Application, Appendix B (Section 2.5)) and will also be addressed in the SWPPP.	
11	A table listing all permits required for the project and the status of each permit application	Please see <i>Table 1. Potential Permits/Approvals</i> on pages 20-21 of the Consolidated Application.	
12	Clarification whether NuStar reached out to local emergency responders to inform them about emergency response procedures and whether NuStar will conduct tabletop exercises with them	NuStar is a member of the North Dakota Public Awareness ("NDPA") program, which conducts annual emergency response exercises with local emergency responders. NuStar participates in these exercises annually in each of the North Dakota communities in which NuStar is located.	
13	The following GIS layers: a. Interstate Highway b. State Highway c. Existing Road d. Drain 14 e. Proposed Fargo-Moorhead Diversion Channel f. Study Area g. Section Boundary h. Wetland Data Point i. Upland Data Point j. NHD Flowline k. Woody Vegetation l. All Horizontal Direction Drill Bore Pads in Township 139N, Range 050W	Please see GIS data on flash drive.	GIS Data (on flash drive)

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14	NuStar provided comments in its July 14, 2020 letter to the City of West Fargo regarding confining the blanket easement width for the relocation pipeline to 100 feet within the property outlined in red on Exhibit A to the letter. Does the City of West Fargo own the land outlined in red of Exhibit A to the letter, and what kind of issue(s) with underlying landowner(s) have been identified regarding confining the easement width in that area? How is NuStar addressing such issue(s)?	The property outlined in red is not owned by the City of West Fargo (it is owned by private individuals). No issues with underlying landowners have been identified regarding easement confinement, and no issues are anticipated (the reference to issues with underlying landowners was an inadvertent misstatement).	
15	A .5-mile line-of-sight survey for raptors nests was conducted along the project route. Would an aerial survey better inform the presence or absence of raptor nests? If yes, is NuStar committed to such a survey? If no, why is a line-of-sight the preferred method?	Few trees are located along the Project Route, and the shrubs within the Route (5 peach-leaf willows) are too small to accommodate raptor nesting. Additionally, the area along the route is farmed (which discourages raptor nesting) and relatively flat, so raptor nests would be readily visible from the ground. Based on these factors, the line-of-sight method is appropriate for a raptor nest survey, and conducting an aerial survey would not better inform the presence or absence of raptor nests area.	

WEED MANAGEMENT PLAN



Weed Control Office
 1201 Main Avenue West
 West Fargo, ND 58078
www.casscountynd.gov
 Phone: 701-298-2388
 Fax: 701-298-2396

Please Print or Type **Instructions:** Complete all questions and submit to the County Weed Officer. Any questions regarding specific site issues for controlling weeds may be addressed to the County Weed Officer or County Extension Agent at 701-241-5700.

Development Name	
Owner	
Address	
Contact Person	
Phone	
Development Site Location/Address (Section-Township-Range)	
Planned Weed Control Measure (check all that apply)	<input type="checkbox"/> Mowing <input type="checkbox"/> Tillage <input type="checkbox"/> Herbicide Spray <input type="checkbox"/> Other (describe)
Contractor Assigned Control Duties	
Contractor Name	
Contractor Phone	

 Applicant Signature

 Date

By signing above, the Applicant agrees to perform all work in accordance with the Cass County Weed Management Plan Ordinance and the North Dakota Noxious Weed Law, NDCC 4.1-47.

Weed Control. All landowners or operators of the land are required to control noxious weeds as per North Dakota Century Code chapter 4.1-47-02, "Each person shall do all things necessary and proper to control the spread of noxious weeds". All subdivision applications which involve grading, intensive vegetation clearing, excavation, and/or stockpiling of soil, clay fill, aggregate materials, or any such material stockpiles that will harbor and promote noxious and invasive weed growth shall provide a weed management plan. The following measures are effective in controlling the spread of noxious and invasive weeds:

1. Mowing weed growth prior to flowering;
2. Cultivating or burying plant material to kill weeds prior to flowering; or
3. Spraying appropriate herbicides prior to flowering, preferably when plants are small.

The following best management practices can be employed to make weed control measures easier to achieve:

1. Contour all stockpile materials so that weed control equipment can traverse and perform weed control measure of choice.
2. Monitor all areas of construction for weed growth including, i.e. equipment staging, roadways and other areas where topsoil is disturbed. Conduct appropriate control measures in a timely manner.
3. Monitor all undisturbed sites for weed growth, i.e. former cropland, pasture fields, wetlands, etc. Conduct appropriate control measures in a timely manner.
4. Monitor areas reseeded into permanent grass vegetation or trees for weed growth on a yearly basis. Conduct appropriate control measures in a timely manner.
5. Source all surface applied aggregate products from inspected and approved aggregate mining or stockpile operations that provide a Certificate of Compliance stating that noxious and invasive weeds are controlled.

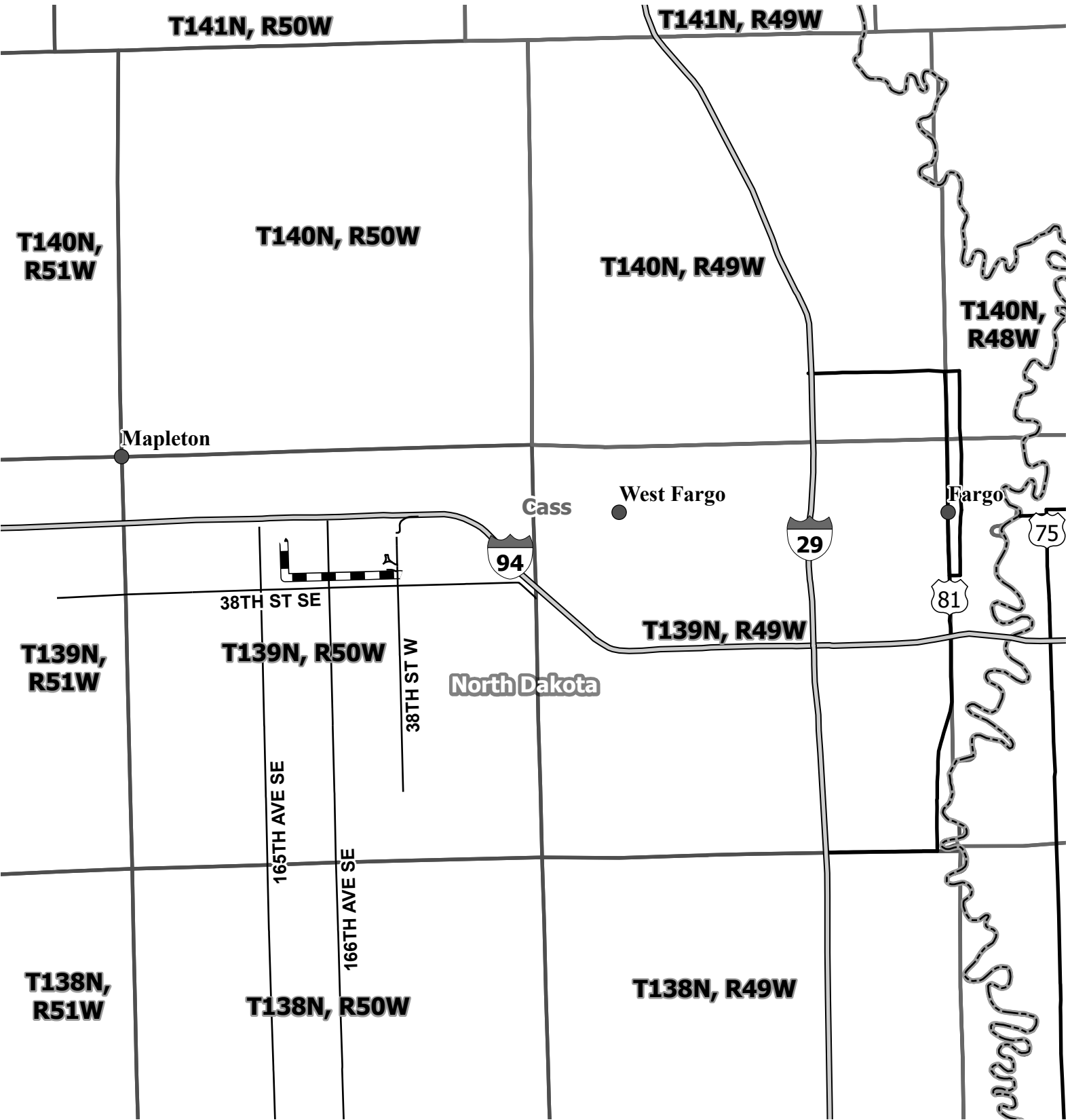
Civil penalty: Failure to control noxious weeds on any area of the construction site, the landowner is subject to a civil penalty in an amount not to exceed eighty dollars per day for each day of violation, subject to a maximum penalty of four thousand dollars per year. Penalties imposed are a lien against the property of the landowner (N.D.C.C. 4.1-47-31).

Noxious weeds in North Dakota as listed in N.D.C.C. 7-06-01

Weeds declared noxious shall be confined to weeds that are difficult to control, easily spread, and injurious to public health, crops, livestock, land, or other property. The following weeds have been declared noxious within the state of North Dakota Century Code per chapter 4.1-47

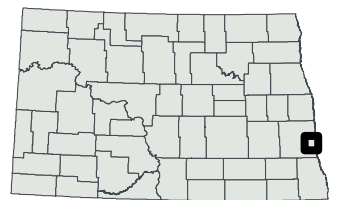
1. Absinth wormwood (*Artemisia absinthium* L.)
2. Canada thistle (*Cirsium arvense* (L.) Scop.)
3. Dalmatian toadflax (*Linaria genistifolia* spp. *damatica*)
4. Diffuse knapweed (*Centaurea diffusa* Lam.)
5. Houndstongue (*Cynoglossum officianale* L.)
6. Leafy spurge (*Euphorbia esula* L.)
7. Musk thistle (*Carduus nutans* L.)
8. Palmer amaranth (*Amaranthus palmeri*)
9. Purple loosestrife (*Lythrum salicaria* L., *Lythrum virgatum* L. and all cultivars)
10. Russian knapweed (*Centaurea repens* L.)
11. Saltcedar (*Tamarisk* spp.)
12. Spotted knapweed (*Centaurea maculosa* Lam.)
13. Yellow toadflax (*Linaria vulgaris*)

Educational Resources can be located at www.casscountynd.gov/county/Boards/Weed A Guide to North Dakota Noxious and Troublesome Weeds, Dr. Rodney G. Lym.



**NORTH SYSTEM PIPELINE
RELOCATION PROJECT
Project Location Map**

- City
- ▬ North System Pipeline Relocation Project
- ▬ Interstate Highway
- ▬ U.S. Highway
- ▬ Secondary Road
- ▭ Township/Range Boundary
- ▭ State Boundary



North Dakota

