

May 23, 2022

**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  
Siting Application  
Case No. PU-20-381**

Dear Mr. Kahl:

NuStar Pipeline Operating Partnership L.P. (“NuStar”) is currently constructing the North System Pipeline Relocation Project (“Project”) in Cass County, North Dakota. The Project involves relocating a portion of NuStar’s existing North System Pipeline to accommodate construction of the Fargo-Moorhead Diversion Channel (“Diversion Channel”).

At the request of North Dakota Public Service Commission (“Commission”) Staff, NuStar is providing this letter to inform the Commission of a design change to the horizontal directional drill (“HDD”) in the area where the Diversion Channel will be constructed. To address engineering requests from the Fargo-Moorhead Diversion Authority (“Diversion Authority”), the HDD has been extended by approximately 400 feet in length to address anticipated soil rebound impacts where the Diversion Channel will be excavated over the pipeline, and soil settlement concerns where soil fill will be installed for the proposed levees being constructed by the Diversion Authority. The pipeline alignment (and the Project Route and Corridor) have not changed. A copy of the new HDD plan and profile is enclosed.

In addition, in accordance with Provision No. 3 of the Certification Relating to Order Provisions incorporated into the Commission’s January 6, 2021 Findings of Fact, Conclusions of Law and Order issuing a Certificate of Corridor Compatibility and Route Permit for the Project, NuStar submits two (2) copies of the following permits:

65 PU-20-381 Filed 05/23/2022 Pages: 10  
Information re design change to HDD and enclosed Permits  
NuStar Pipeline Operating Partnership L.P.  
Mollie Smith, Fredrikson&Byron, P.A.

Attorneys & Advisors  
Main 612.492.7000  
Fax 612.492.7077

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402-1425

USA / China / Mexico  
Minnesota, Iowa, North Dakota  
fredlaw.com

Mr. Steven Kahl  
May 23, 2022  
Page 2

- Mapleton Township Building Permit and Zoning Certificate Renewal, dated April 20, 2022;
- Mapleton Township General Floodplain Development Permit, dated April 20, 2022;
- Mapleton Township Site Approval Permit No. 2022-1A (renewal of Permit No. 2021-1A), dated April 20, 2022; and
- Mapleton Township Site Approval Permit No. 2022-1B (renewal of Permit No. 2021-1B), dated April 20, 2022.

Electronic copies of this letter and the enclosures were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/76124028  
Enclosures

cc: Victor Schock (*via e-mail, w/ encl.*)  
Adam Renfandt (*via e-mail, w/ encl.*)  
Andrew Unbehaun (*via e-mail, w/ encl.*)  
Chris Jimenez (*via e-mail, w/ encl.*)  
Matt McGee (*via e-mail, w/ encl.*)

# MAPLETON TOWNSHIP BUILDING PERMIT AND ZONING CERTIFICATE

DATE: 4/20/22

PERMIT # 2022-1  
RENEWAL FOR 2020-1  
BUILDER

APPLICANT INFORMATION

NAME: NUSTAR PIPELINE OPERATING PARTNERSHIP LP  
ADDRESS: 19003 IH-10 WEST  
CITY: SAN ANTONIO, TX 78257  
PHONE: 316-721-7078

NAME:  
ADDRESS:  
CITY:  
PHONE:

LEGAL DESCRIPTION OF PROPERTY  
Sections 9,10,11 TWP 139 N, Range 50 W

ELECTRICAL

NAME:  
ADDRESS:  
CITY: ZIP  
PHONE:

REASON FOR PERMIT

|                        |     |         |
|------------------------|-----|---------|
| NEW CONSTRUCTION:      |     |         |
| RESIDENTIAL STRUCTURE: | FEE |         |
| OUTBUILDING            | FEE |         |
| RELOCATION OF PIPELINE | FEE | \$1,000 |
| DETACHED GARAGE        |     |         |
| STORAGE                |     |         |
| OTHER                  |     |         |
| REMODELING             | FEE |         |
| MOVING                 |     |         |
| HOUSE                  | FEE |         |
| OTHER                  | FEE |         |

PLUMBING:  
NAME:  
ADDRESS:  
CITY: ZIP  
PHONE:

PERMIT FEE \$1,000  
INSPECTION FEE  
TOTAL \$1,000  
CHECK #

BUILDING INFORMATION

|   |     |
|---|-----|
| IS BUILDING LOCATION IN FLOODPLAIN AREA | YES |
| IS BASEMENT BEING ALLOWED               | NO  |
| ELEVATION AT BUILDING LOCATION          | N/A |
| FLOOD PROOF ELEVATION REQUIRED          | N/A |
| TYPE OF BUILDING                        |     |
| DIMENSIONS                              |     |
| TYPE OF USE                             |     |

ESTIMATED COST OF PROJECT

PERMIT EXPIRES 12 MONTHS FROM DATE IS ISSUED. IF PROJECT IS NOT COMPLETED IN 12 MONTHS, AN EXTENSION MUST BE REQUESTED. MAXIMUM EXTENSION IS 12 MONTHS IF MORE THAN 12 MONTHS EXTENSION THAN A NEW PERMIT MUST BE PURCHASED

**THIS RENEWAL GOOD UNTIL 8-31-2023**

- This permit is issued to ensure the necessary Zoning Ordinances are followed. This includes ensuring that the lot is at the required elevation where applicable and that the structure meets certain flood proofing requirements. No statement or guarantee is made regarding the soundness of the structure or the real estate being built upon.
- This permit is hereby granted upon the condition that the person to whom it is granted, and his agents, employees and workmen, in all the work done in, around and upon building, or any part thereof shall conform in all respects to the ordinances of Mapleton Township regarding the construction, alteration, maintenance, repair, removal, and occupancy of buildings in the township. The occupancy for which this permit is being issued shall not be changed without the approval of the Board of Supervisors of Mapleton Township and then only upon the issuance of a new permit.

Robert L. Staloch 4/20/2022

Zoning Administrator

Date

R. Heath Reisinger 4/25/2022

Owner or Authorized Agent

Date

R. Heath Reisinger  
Executive Director of Real Estate  
NuStar Pipeline Operating Partnership L.P.  
By and through its general partner, NuStar Pipeline Company

Issue Date: 4-20-2022

Expiration Date: 8-31-2023

**MAPLETON TOWNSHIP  
GENERAL FLOODPLAIN  
DEVELOPMENT PERMIT  
Bob Staloch  
Floodplain Administrator  
701-371-2457**

Permit # 2022-1 RELOCATION  
RENEWAL FOR 2020-1

*\*Permit becomes void if there are  
changes to the effective Flood  
Insurance Rate Maps\**

A local **Floodplain Development Permit** is the mechanism by which Mapleton Township evaluates all impacts of a proposed activity located in adopted and regulated floodplains. This is critical to ensure an individual project does not unnecessarily increase flood risk to life and property. All activities regardless of scope, size, or location, must be in compliance with the Mapleton Township's Floodplain Damage Prevention Ordinance and be approved under a local floodplain development permit prior to the work commencing. Any entity, person, or company, or organization undertaking "**development**" within a designated floodplain, including the Mapleton Township itself, such as road and public works departments, etc., must obtain a floodplain development permit prior to work commencing. Failure to do so is a direct violation of local requirements and may affect the community's standing with the Federal Emergency Management Agency and the National Flood Insurance Program.

"**Development**" is defined in Title 44 of the Code of Federal Regulations part 59.1 as: *Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations or storage of equipment or materials.* Other human activities considered "development" includes but is not limited to: alterations of a structure through additions, demolition and remodeling, fences, retaining wall, moving/placement of remanufactured or mobile homes, campgrounds, storage of equipment, vehicles or materials (storage yards, salvage yards), stream restoration, placement of rip-rap and other erosion measures, gravel road placement/replacement, milling/paving asphalt, bridge construction/replacement, culvert construction/replacement, and certain maintenance activities.

While considered "**development**" and subject to Mapleton Township's Floodplain Damage Prevention Ordinance and floodplain development permit, certain activities may be reoccurring and have no impact to flood risk. These activities may be documented through this General Floodplain Development Permit.

A General Floodplain Development Permit allows Mapleton Township's staff responsible for floodplain management to:

- Ensure activities general in nature comply with requirements of the local Floodplain Damage Prevention Ordinance
- Track and document all activities located in adopted and regulated floodplains
- Continue to meet requirements of participation in the National Flood Insurance Program

**1. General Provision of the Floodplain Development Permit Terms:**

- a. In order to help streamline community development and demonstrate compliance with the locally adopted Floodplain Damage Prevention Ordinance, a General Floodplain Development Permit may be issued for the following categories of work:
  - i. Annually for work that does not alter the flood risk, for which the community and floodplain administrator deems the activity is of low risk and is normal/commonplace within the community. An example of this type of activity is routine channel maintenance that does not alter geometry or maintenance grading of gravel roads.
  - ii. A General Floodplain Development Permit may be used for activities involving the repair or replacement of in-kind structures such as culverts or gravel road washout during recovery.
- b. The development requires written notification to be submitted to the designated Floodplain Administrator prior to commencement of any work that is to occur within the identified and/or regulated Special Flood Hazard Area or floodplain for any and all work covered under this General Floodplain Development Permit. Such notification shall include but not limited to:
  - i. Date for when the activity will occur.
  - ii. Project name or identification description.
  - iii. Entity or department completing the development.
  - iv. Description of work to be completed.

Issue Date: 4-20-2022

Expiration Date: 8-31-2023

**MAPLETON TOWNSHIP  
GENERAL FLOODPLAIN  
DEVELOPMENT PERMIT  
Bob Staloch  
Floodplain Administrator  
701-371-2457**

Permit # 2022-1 RELOCATION  
RENEWAL FOR 2020-1

*\*Permit becomes void if there are  
changes to the effective Flood  
Insurance Rate Maps\**

- v. Location of the development.
- vi. Identification of Special Flood Hazard Area zone.
- vii. Verification of development is not located within a Regulatory Floodway.
- c. Records of the required notification must be kept by the local Floodplain Administrator in perpetuity.
- d. Any development, regardless if the activity, located in a Regulatory Floodway must obtain a project specific Individual Floodplain Development Permit and cannot be covered under this General Floodplain Development Permit.
- e. Any development for an existing or proposed building must obtain an Individual Floodplain Development Permit and cannot be included in this General Floodplain Development Permit.
- f. The Floodplain Administrator may deny any project type or category from this General Floodplain Development Permit and require an Individual Floodplain Development Permit.

**2. Conditions Applicable to Developments Authorized Under this General Floodplain Development Permit**

- a. It is the applicant's responsibility to comply with the requirements of Section 404 of the Clean Water Act and Sections 7 and 9 of the Endangered Species Act of 1973, or with any other applicable federal, state, or local laws, criteria, or regulations.
- b. All required local, state, and federal permits must be obtained prior to beginning work.
- c. Permanent and temporary placement or storage of materials may not occur in the regulatory Floodway without the issuance of an Individual Floodplain Permit.
- d. Construction equipment, material, and waste should be located outside the regulatory floodplain when not in use.
- e. Does not alter or change flood carrying capacity of water course or manmade or natural protective barriers.
- f. Does not increase flood damage and/or exposure to flood hazards.
- g. Maintenance must not lower the normal channel invert elevation.
- h. Utilities installed in accordance with the General Floodplain Development Permit (such as underground utilities) that are below the Base Flood Elevation must be designed such that flood waters cannot enter the utility components.
- i. In the event of a change to the scope of work or modification to the development that is covered under this General Floodplain Development Permit, notification must be sent to the Floodplain Administrator and be approved prior to the continuation of the work. If the changes to the scope or work or modifications to the development are determined to no longer qualify the development for use of the General Floodplain Development Permit, said development must ceased until an Individual Floodplain Development Permit is obtained.
- j. The usage of a General Floodplain Development Permit is meant to satisfy the permitting requirements outline within the locally adopted Floodplain Damage Prevent Ordinance. As such, other agencies and programs including but not limited to grant and disaster programs may have additional requirements which may include the issuance of an Individual Floodplain Development Permit. For this reason, it is the applicant's responsibility to ensure those other requirements are met.
- k. Does not trigger any requirement found in the local floodplain management regulation.

Print Name and Title of Community Official: Bob Staloch, Floodplain Administrator

Signature of Community Official:  Date: 4-20-2022

Mapleton TOWNSHIP

Permit No. 2022-1A  
Renewal of 2021-1A

**PERMIT**

Building(\_\_\_\_); Zoning Change(\_\_\_\_); Conditional Use(\_\_\_\_); Site Approval(X)

This permit is issued to:

Name of applicant: NuStar Pipeline Operating Partnership L.P.

Mailing Address: 19003 IH-10 West  
San Antonio, TX 78257

Phone Numbers: work \_\_\_\_\_; home \_\_\_\_\_; cell \_\_\_\_\_

If applicant is a business or organization; Title of authorized agent: \_\_\_\_\_

Subject Property is located in: South 1/2 (quarter) of Section 9

Subject Property address: \_\_\_\_\_

For the purpose of: relocation of pipeline thru right of way  
for 166th Avenue Southeast

Applicant has (X) or has not (\_\_\_\_) met all the requirements of Mapleton

Township Zoning Regulations.

Applicant is required to meet these conditions: This renewal of original  
permit 2021-1A is good until 8-31-2022

And to insure that all construction and uses will conform to Mapleton Township and State building codes and ordinances.

Mapleton Township reserves the right to enter subject property to gather information pertinent to this permit and to ensure compliance with any conditions.

4, 20, 2022

Date

Robert L. Staloch, Zoning Administrator

Permit 2022-1A

**EASEMENT EXHIBIT**

-FOR-



Bearings and distances shown are based on NAD 83, North Dakota State Plane Coordinate System, South Zone. To convert distances to ground distances, multiply by a combined scale factor of 1.000102961.

I hereby certify that this plan or report was prepared under my supervision and that I am a duly licensed Land Surveyor under the laws of the State of North Dakota.

Date: November 14, 2020

Eric A. Roaser  
North Dakota License No. 05-0780



**NuStar**  
PIPELINE OPERATING PARTNERSHIP, L.P.

SHEET 1 OF 1

EFP PROJECT NO. 39039



S.W. CORNER OF THE S.E. 1/4 OF SEC. 9, TWP. 139 N., RGE. 50 W., CASS COUNTY, ND (FOUND 5/8" REBAR)

REFER TO EXHIBIT "B" FOR THE DESCRIPTIONS THAT ACCOMPANY THIS DRAWING

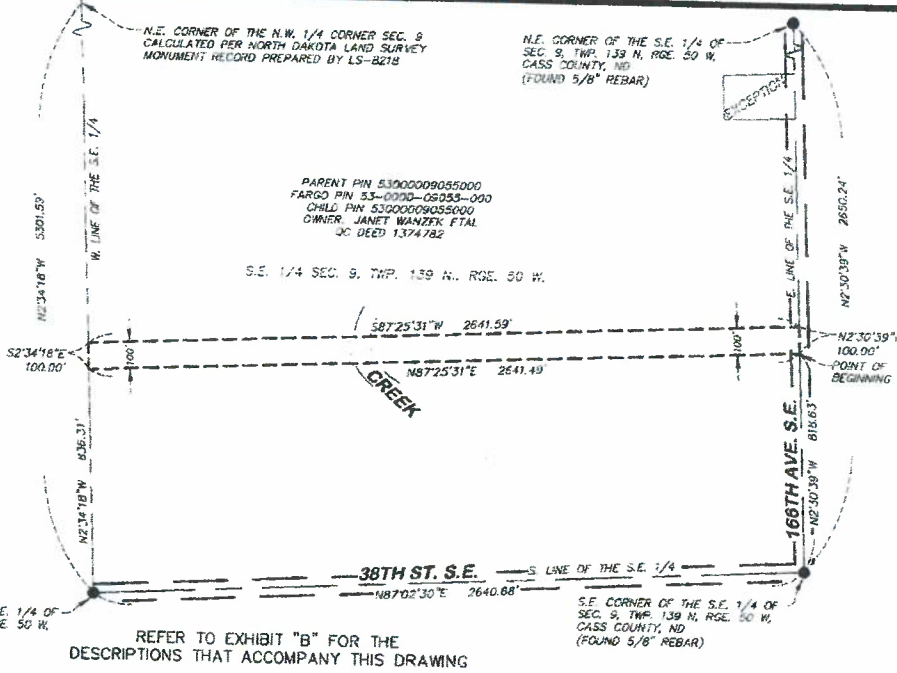
S.E. CORNER OF THE S.E. 1/4 OF SEC. 9, TWP. 139 N., RGE. 50 W., CASS COUNTY, ND (FOUND 5/8" REBAR)

N.E. CORNER OF THE N.W. 1/4 CORNER SEC. 9 CALCULATED PER NORTH DAKOTA LAND SURVEY MONUMENT RECORD PREPARED BY LS-8218

N.E. CORNER OF THE S.E. 1/4 OF SEC. 9, TWP. 139 N., RGE. 50 W., CASS COUNTY, ND (FOUND 5/8" REBAR)

PARENT PIN 53000009055000  
FARGO PIN 53-0000-05053-000  
CHILD PIN 53000009055000  
OWNER: JANET WANZEL; FTAL  
30 DEED 1374782

S.E. 1/4 SEC. 9, TWP. 139 N., RGE. 50 W.



**LEGEND**

- FOUND 5/8" REBAR MONUMENT

**SUMMARY**

EASEMENT AREA  
264,106 sq. ft. / 6.063 acres

EXHIBIT "C"  
MAPLETON DIVERSION 10-INCH PIPELINE  
PARENT PIN 53000009055000  
SECTION 9,  
TOWNSHIP 139 N, RANGE 50 W  
CASS COUNTY, NORTH DAKOTA

**EFP**  
1229 Tyler Street NE, Suite 100  
Fargo, ND 58103  
PHONE: (701) 466-3300  
FAX: (701) 466-3383  
WWW.EFP-ND.COM

EFP FILE NO. 1256

Mapleton TOWNSHIP

Permit No. 2022-1B  
Renewal of 2021-1B

**PERMIT**

Building(\_\_\_\_); Zoning Change(\_\_\_\_); Conditional Use(\_\_\_\_); Site Approval()

This permit is issued to:

Name of applicant: Mustar Pipeline Operating Partnership L.P.

Mailing Address: 19003 IH-10 West  
San Antonio, TX 78257

Phone Numbers: work \_\_\_\_\_; home \_\_\_\_\_; cell \_\_\_\_\_

If applicant is a business or organization; Title of authorized agent: \_\_\_\_\_

Subject Property is located in: South 1/2 (quarter) of Section 10

Subject Property address: \_\_\_\_\_

For the purpose of: relocation of: pipeline thru right of way  
of 38<sup>th</sup> Street W

Applicant has () or has not (\_\_\_\_) met all the requirements of Mapleton Township Zoning Regulations.

Applicant is required to meet these conditions: This renewal of original  
permit 2021-1B is good until 8-31-2022

And to insure that all construction and uses will conform to Mapleton Township and State building codes and ordinances.

Mapleton Township reserves the right to enter subject property to gather information pertinent to this permit and to ensure compliance with any conditions.

4 / 20 / 2022  
Date

Robert L Stalock, Zoning Administrator

Pemnt 2022-1B

