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September 15, 2020

Via U.S. Mail and Electronic Mail

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**In re: Corridor & Route Amendment
T155N, R89W, Sec. 29, Mountrail County
Cenex Pipeline, LLC
Case No. PU-17-097
Our File No. 020836-000001**

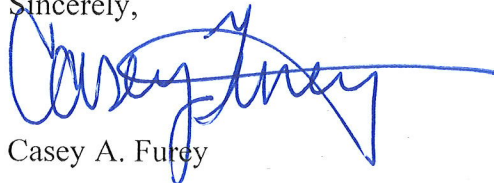
Dear Mr. Kahl:

On behalf of Cenex Pipeline, LLC ("Cenex"), the following documents are enclosed for filing in the above listed matter:

- Combined Application of Cenex Pipeline, LLC for a Waiver or Reduction of Procedures and Time Schedules and for an Amended Order, Amended Corridor Certificate and Amended Route Permit;
- Attachment No. 1 – Amendment Addendum to Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for T155N, R89W, Sec. 29, Mountrail County; and
- Certificate of Service.

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

Enc.

cc: Kari Carter (via e-mail)
Robb Schwend (via e-mail)
Patrick Fahn (via e-mail)
Brian Johnson (via e-mail)
Matt Retka (via e-mail)
Derrick Braaten (via U.S. Mail & e-mail)
Kevin Pranis (via U.S. Mail & e-mail)
Beth M. Innis (via U.S. Mail & e-mail)
Stephanie Pappa (via U.S. Mail & e-mail)
Marisa Haman (via U.S. Mail & e-mail)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline
Williams, Mountrail, Ward Counties
Siting Application**

Case No. PU-17-097

**COMBINED APPLICATION OF CENEX PIPELINE, LLC
FOR A WAIVER OR REDUCTION OF PROCEDURES AND
TIME SCHEDULES AND FOR AN AMENDED ORDER,
AMENDED CORRIDOR CERTIFICATE AND AMENDED ROUTE PERMIT**

Applicant Cenex Pipeline, LLC (“Cenex” or “Applicant”), pursuant to the Energy Conversion and Transmission Facilities Siting Act, codified at North Dakota Century Code Chapter 49-22.1 (the “Act”), hereby submits this Combined Application for a Waiver or Reduction of Procedures and Time Schedules and for an Amended Order, Amended Corridor Certificate and Amended Route Permit (“Combined Application”).

On March 2, 2017, Cenex filed with the Public Service Commission (“Commission”) a Consolidated Application for Corridor Compatibility Certificate and Route Permit (Docket No. 1) for a refined petroleum products pipeline project in Williams, Mountrail, and Ward Counties, North Dakota (the “Project”). On March 14, 2018, the Commission approved Findings of Fact, Conclusions of Law and Order issuing Certificate of Corridor Compatibility No. 202 and Route Permit No. 212 (Docket No. 100) to Cenex authorizing the construction of the Project. In July 2018, Cenex filed an Amended Application (Docket No. 110) for two route adjustments located in Williams County. On September 26, 2018, the Commission approved Order on Amended Certificate of Corridor Compatibility and Route Permit (Docket No. 135) and issued to Cenex First Amended Certificate of Corridor Compatibility No. 202 and First Amended Route Permit No. 212.

Construction activities began in June 2019 and the Project was commissioned and began operating in June 2020.

Subsequently, upon review upon of the Project's as-built data, a segment of the bore profile along the Shell Creek crossing was identified as occurring outside of the certificated 200-foot-wide corridor. Approximately 742 feet of bored pipeline occurs adjacent to and outside the corridor with the furthest offset distance being approximately 75 feet from the certificated corridor. Due to various constructability constraints and challenges experienced during construction of this segment of the Project, the bore profile was inadvertently routed outside of the corridor during horizontal directional drilling ("HDD") of this segment. Therefore, Cenex proposes to amend the Project's corridor and route location in Section 29, Township 155N, Range 89W in Mountrail County consistent with the as-built bore profile (hereinafter, the "Route Adjustment").

Cenex files this Combined Application pursuant to N.D.C.C. § 49-22.1-08, and requests that the Commission waive and/or reduce procedures and time schedules required by the Act or in the Commission's regulations set forth in Article 69-06 of the North Dakota Administrative Code, to accomplish the purposes as requested herein including, but not limited to:

1. That the Commission waive pursuant to North Dakota Century Code §§ 49-22.1-05, 49-22.1-06(4), 49-22.1-07(4) and North Dakota Administrative Code §§ 69-06-01-02(4), 69-02-04-05 and Chapter 69-06-06, those provisions of North Dakota Century Code Chapter 49-22.1 and North Dakota Administrative Code Articles 69-02 and 69-06 which require certain procedures and time schedules as set forth in said statutes and rules.
2. That the Commission issue notice of opportunity for hearing on this Combined Application and the Route Adjustment and waive any applicable hearing requirements.

The Act permits a utility to make an application to the Commission “for a waiver of any of the procedures or time schedules set forth in [the Act] or in the rules adopted pursuant to [the Act].” N.D.C.C. § 49-22.1-05 (emphasis added). Additionally, with respect to waiver requests, the Act expressly states that notice of opportunity for hearing may be issued on an application for waiver in lieu of holding a public hearing. N.D.C.C. § 49-22.1-05. Furthermore, the requested waivers are consistent with the procedure previously utilized by the Commission with respect to Cenex’s July 11, 2018 amendment filing (Docket No. 110). *See* Docket No. 117 (issuing notice of opportunity for hearing on Cenex’s prior amendment filing and waiver request).

3. That the Commission find the Route Adjustment is of such design, location, and purpose it will produce minimal adverse effects.
4. That the Commission designate and approve the Route Adjustment as identified in this Combined Application and supporting documentation and issue the appropriate amended order, amended certification and amended route permit.

The Commission’s application guidelines for waiver of procedures and time schedules require the description of the facility, the need for the facility, the cost of the facility and separate justification for each provision of the Act for which the Applicant is requesting a waiver, together with evidence that the project will produce minimal adverse effects. N.D. Admin. Code § 69-06-06. As demonstrated in this Combined Application, supporting information, and as summarized below, Applicant’s requests for waivers and/or reductions of procedures and time schedules and the issuance of an amended order, corridor certificate, and route permit are justified. The Route Adjustment is of such design, location, and purpose it will produce minimal adverse effects. The Route Adjustment is necessary to facilitate the Project’s continued operations that provide needed

pipeline capacity for the transport of refined petroleum products to the agricultural industry and other customers in North Dakota and western Minnesota.

DESCRIPTION OF PROJECT AND AMENDMENT

The approved Project consists of approximately 149.7 miles of 10-inch inside diameter refined petroleum products pipeline capable of transporting up to approximately 60,000 barrels of refined fuels per day. The Project originates in Sidney, Montana and enters the state in western Williams County, North Dakota approximately fourteen miles southwest of Williston. The Project extends easterly through Williams, Mountrail and Ward Counties and terminates at the existing CHS terminal in Minot. Additional details regarding the Project's design are set forth in the Project's Application (Docket No. 1) and are incorporated by reference herein.

The Route Adjustment is proposed to amend the Project's corridor and route to align with the as-built bore profile along the Shell Creek crossing. The Route Adjustment is identified in Attachment No. 1 hereto and is located in Mountrail County, North Dakota. As a result of various constructability constraints and challenges that occurred during HDD of the Route Adjustment, which are more specifically detailed in Attachment No. 1, a segment of the Project's as-built route deviates from the certificated route, and approximately 742 feet of bored pipeline extends outside of the certificated corridor. Cenex conducted additional environmental and cultural studies on areas within the amended corridor extending outside of the original study area. As demonstrated in Attachment No. 1, no exclusion or avoidance areas are crossed by the amended route nor are located within the amended corridor. The Route Adjustment remains consistent with the March 2018 Order provision relating to Shell Creek. Impacts to Shell Creek and the surrounding wetland were avoided via HDD and the Route Adjustment was installed at depths greater than 65 feet below bed exceeding the minimum 20-foot depth requirement referenced in the March 2018 Order

Finding of Fact No. 31. Additionally, because the Route Adjustment was installed via HDD, no surface impacts occurred outside of the certificated corridor. Furthermore, the corresponding landowner was notified of the deviation in the bore profile and does not object to the location of the pipeline segment. The landowner has verbally approved the alignment shift and Cenex is working with the landowner to amend the existing easements.

NEED

Significant hydrocarbon production in the Bakken Formation, expansions of industrial and commercial sectors, and rapid population increases triggered an increased demand for refined fuels in North Dakota and western Minnesota. The Project allows Cenex to continue to provide long-term reliable refined fuel supplies to meet the region's energy needs and the Route Adjustment supports the Project's continued operations in furtherance of this objective. There are no reasonable alternatives to the Route Adjustment. As discussed in Attachment No. 1, constraints and challenges experienced during HDD of the certificated route along Shell Creek resulted in the bore profile deviation. The Route Adjustment utilizes existing infrastructure, promotes continued Project operations to supply regional needs, minimizes economic impact, produces minimal adverse effects, and avoids additional environmental impacts that would otherwise stem from boring an alternative route and tying into the Project.

COST

The Route Adjustment does not impact the Project's original cost of approximately \$115 million.

JUSTIFICATION

The Commission's prior orders found the Project will result in minimal adverse impacts and the Route Adjustment does not impact these findings. The information provided in support of

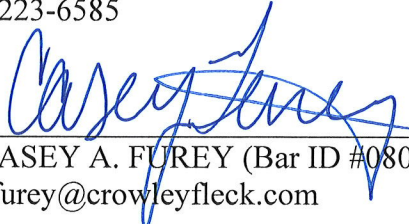
this Combined Application and the amendment demonstrates that the Route Adjustment does not materially alter the nature of the Project, its operations, nor the scope of its impacts. The environmental and cultural resource studies and reports conducted for the Project, as supplemented by the studies and reports described in Attachment No. 1, demonstrate the Route Adjustment will produce minimal adverse effects.

As a result, Applicant hereby submits that there is substantial justification set forth above for the requested waivers and/or reduction of time schedules and procedures. Applicant respectfully requests the Commission (1) grant the requested waivers and/or reduction of procedures and time schedules and issue notice of opportunity for hearing on the Route Adjustment and this Combined Application, and (2) approve an amended order issuing Cenex an amended corridor certificate and route permit for the Route Adjustment.

Dated this 15th day of September, 2020.

Respectfully submitted,

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By: 
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Addendum to: Consolidated Application for a Certificate of Corridor Compatibility & Route Permit



Cenex Pipeline, LLC. Liquid Petroleum Pipeline
WILLIAMS, MOUNTRAIL, AND WARD COUNTIES, NORTH DAKOTA

PREPARED FOR:
Cenex Pipeline, LLC.
803 Highway 212 South
Laurel, MT 59044

FOR SUBMITTAL TO:
North Dakota Public Service Commission

PREPARED BY:
KLJ
4585 Coleman St
Bismarck, ND 58503

For: T155, R89W, Sec 29



September 2020

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I. BACKGROUND AND PROJECT DESCRIPTION

A. Description of the Proposed Project

Cenex submitted a consolidated application for a Certificate of Corridor Compatibility and a Route Permit (Application) (Case No. PU-17-97, Docket No. 1) to the ND Public Service Commission (PSC) in March 2017 for the Sidney, MT to Minot, ND ten-inch refined fuels pipeline 149.7 miles of which is located in ND. The ND PSC approved Findings of Fact, Conclusions of Law and Order (Order) for the Project on March 14, 2018 (Docket No. 100) issuing Cenex Certificate of Corridor Compatibility No. 202 and Route Permit No. 212 for the Project, as subsequently amended by the PSC's September 26, 2018 Order (Docket No. 135). The Project's route was chosen to minimize the amount of construction taking place in sensitive areas, while also avoiding difficult river crossings and numerous other engineering and land-use challenges. The pipeline was needed to accommodate an increased demand for refined fuels in the region and to reduce the level of maintenance required to safely operate Cenex's pipeline system. Final construction activities were completed in June 2020 and the Project was commissioned on June 16, 2020.

In accordance with Order Finding of Fact No. 31, the Shell Creek crossing, located in Section 29, Township 155N, Range 89W in Mountrail County, was crossed via bore. However, upon review of the Project's As-Built data, a segment of the bore profile along the Shell Creek crossing occurs outside of the previously surveyed and approved 200-foot wide corridor. Approximately 742 feet of bored pipeline occurs adjacent to and outside the corridor with the furthest offset distance being approximately 75 feet from the certificated corridor. As discussed below, various constructability constraints and challenges were experienced during construction of this segment which inadvertently impacted routing outside of the corridor. As a result, Cenex proposes to amend the Project's corridor and route located in Section 29, Township 155N, Range 89W consistent with the As-Built bore profile as depicted in the **Appendix A, Maps**.

Beginning on October 24, 2019 crews utilized Horizontal Directional Drill (HDD) to establish a pilot hole for the pipeline crossing of Shell Creek located in Section 29, Township 155N, Range 89W in Mountrail County. The initial attempt at establishing a pilot hole was successful and at an adequate depth, as outlined in the PSC Order and determined by Terracon's scour analysis. However, due to gravelly soils, the hole continuously became obstructed, and the pipe string could not be pulled through. On November 15, 2019 the existing pilot was abandoned and an attempt to re-drill the pilot deeper in an effort to get below the gravel layer was made. A rock formation was encountered at the lower depth, and in combination with inclement weather conditions and scheduling considerations, operations at Shell Creek were suspended until late January 2020.

On January 21, 2020 the rig crews remobilized and began drilling operations. Multiple attempts to establish a pilot hole the pipeline could successfully be pulled through at proper depth were unsuccessful for various reasons ranging from equipment malfunctions to soil conditions. The successful attempt to establish a bore hole at required depth began on February 3, 2020 and was successfully punched out on February 4, 2020. The resultant bore profile required a length of

approximately 2,205 feet and depths in excess of 65 feet. After several reaming passes, continued 24-hour workdays, and multiple attempts to pull the bore string through despite hole obstructions due to gravelly soils, the Shell Creek bore was finally completed on February 17, 2020. Although portions of the current bore profile occur outside of the previously surveyed and approved 200-foot wide corridor, the entry and exit points for the bore were within the certificated corridor and no surface disturbances occurred outside of the certificated corridor. As previously referenced, the segment extends outside of corridor in areas ranging up to approximately 75 feet. Please refer to **Table 1, As-Built Reroute**.

Table 1, As-Built Reroute

REROUTE	LOCATION	LENGTH (FEET)		REASON	EXTENT OF REROUTE
		TOTAL	OUTSIDE CORRIDOR		
1	Sec. 29, T155N, R89W;	1699	742	After multiple attempts to HDD Shell Creek, the HDD was inadvertently routed outside corridor.	Centerline extends outside of previously approved 200-foot corridor in areas up to 75 feet.
Total		1699	742		

Alternatives to the rerouted corridor were not analyzed in detail as the bell holes for the HDD are located within the previously approved alignment and the corridor is the straightest alignment between the previously approved route. In addition, no impacts to avoidance, exclusion or other resources were identified within the new corridor. Alternative alignments most likely would have created additional ground disturbance and impacts to resources beyond those identified in the PSC Application, and additional easements and landowner negotiation may have been necessary.

II. SITE ANALYSIS

A. Introduction

The purpose of this analysis is to document any known or potential changes of impacts to avoidance and exclusion areas and additional resources that were impacted by the As-Built pipeline reroute not previously contained within the PSC application. The reroute occurred as part of an HDD of Shell Creek and therefore did not disturb surface areas outside the previously approved 200-foot wide corridor (environmental study area). Exclusion and avoidance areas have been evaluated, along with other potential environmental concerns that should be avoided, minimized, or mitigated. Information set forth in the PSC Application pertaining to North Dakota Administrative Code Section 69-06-05-01(2) and North Dakota Century Code Sections 49-22.1-06, 49-22.1-07, and 49-22.1-09 governing application contents and factors to be considered remains applicable to the As-Built reroute unless otherwise noted and is incorporated herein. Similarly, commitments to avoid, minimize or mitigate impacts to resources discussed in the PSC Application are applicable to the As-Built reroute unless specified otherwise below.

The PSC regulations include the following criteria as exclusion areas for transmission facility corridors and route criteria:

- > Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.
- > Designated or registered state: parks; historic sites; monuments; historical markers; archeological sites; and nature preserves.
- > County parks and recreation areas; municipal parks; and parks owned or administered by other governmental subdivisions.
- > Areas critical to the life stages of threatened & endangered animal or plant species.
- > Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.
- > Areas within 1,200 feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.
- > Areas within 30 feet on each side of a direct line between intercontinental ballistic missile (ICBM) launch or launch control facilities to avoid microwave interference.

The PSC regulations include the following criteria as avoidance areas for transmission facility corridors and route criteria:

- > Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.
- > Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.
- > Historical resources which are not specifically designated as exclusion or avoidance areas.
- > Areas which are geologically unstable.
- > Within five hundred feet (152.4 meters) of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.
- > Reservoirs and municipal water supplies.
- > Water sources for organized rural water districts.
- > Irrigated land. This criterion shall not apply to an underground transmission facility.
- > Areas of recreational significance which are not designated as exclusion areas.

Avoidance and exclusion areas were identified through available data via coordination with resource agencies and through state and agency Geographical Information System (GIS) data hubs. Several resource agencies provided confidential information used to identify potential avoidance and exclusion areas. The purpose of the confidentiality of certain data is to protect the integrity of sensitive areas from intentional disturbance. Due to the confidential nature of this information, specific details regarding the nature and locations of these sensitive areas have been excluded from the document. In addition to GIS digital and agency provided data, environmental staff from KLJ completed additional field inspection of the As-Built reroute environmental study area consisting of a 200-foot wide corridor centered on the pipeline on August 28, 2020, as depicted in **Appendix A**.

III. AVOIDANCE/EXCLUSION AREAS AND RESOURCE ANALYSIS

A. Demography and Economy

Communities nearest the reroute include Stanley, Palermo, and Berthold. Major employment industries within these communities include oil- and gas-related activities, agriculture, educational, health and social services, transportation and warehousing, utilities, construction, accommodation, food services, and retail trade. All three communities have limited infrastructure and public services.

Impacts

There were no impacts to demographics or the regional economy, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

B. Land Use

The reroute is located in a rural setting composed primarily of previously identified wetlands. The reroute is located on private lands and would include a 50-foot-wide permanent ROW for the pipeline. The corresponding landowner was notified of the deviation in the bore profile and does not object to the location of the pipeline segment. The landowner has verbally approved the alignment shift and Cenex is working with the landowner to amend the existing easements. For purposes of this analysis, to provide the most conservative assessment, potential temporary impacts related to the pipeline are estimated assuming the 50-foot-wide permanent ROW.

Impacts

There were no short- term adverse impacts on land use from the reroute. Construction of the reroute did not result in any temporary disturbance outside of the previously approved corridor and therefore, no permanent impacts are anticipated. It is not anticipated that the reroute would result in a trend toward modification of existing land use patterns.

C. Public Services—Electrical Services

There are no utility lines within the reroute environmental study area.

Impacts

There were no impacts to electrical services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

D. Public Services—Local Services

The reroute passes through rural portions of North Dakota, composed of wetlands surrounding Shell Creek. There are no towns or municipalities within the environmental study area. The towns nearest the reroute include Stanley, Palermo, and Berthold. Stanley provides banking, retail stores, restaurants, bars, and a community health center, however, all three communities have limited infrastructure and public services.

Impacts

There were no impacts to local services, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

E. Public Services—Roads and Traffic

There are no roadways within the reroute environmental study area.

Impacts

There were no impacts to roads and traffic, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

F. Public Services—Telephone, Radio, Antenna, Communication, and Microwave Structures

There is no telephone, radio structures, microwave structures, or wireless communication towers present within the environmental study area.

Impacts

There were no impacts to telephone, radio, antenna, communication, and microwave structures, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

G. Public Services—Water Supply

The Western Area Water Supply Authority (WAWSA) supplies water to rural areas in Mountrail County. The Western Area Water Supply Project utilizes a combination of Missouri River water treated at the Williston Regional Water Treatment Plant and groundwater treated by the R&T Water Supply Commerce Authority's Water Treatment Plant in Ray, North Dakota. Currently, the Authority provides water to 70,000 people and should provide up to 160,000 people by 2038 (WAWSA 2016).

There are no sole source aquifers¹ designated in the environmental study area or the State of North Dakota (EPA 2009); however, unconsolidated aquifers may be crossed by the reroute. Unconsolidated aquifers are located between rock formations and contain the most productive aquifers in North Dakota. The aquifers are composed of loose deposits of sand and gravel through which water readily moves. Some of these deposits are tens of square miles in area and are as much as 100 feet thick (USGS, 1983).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the environmental study area. All public water systems that have wells or intakes are participants in the Source Water Protection Program established by the Safe Drinking Water Act. Wellhead Protection

¹ EPA (2009), "defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer".

Areas are managed by the North Dakota Department of Health (NDDH) to protect groundwater-dependent public water systems, or surface water-dependent public water systems (NDDH, 2016). There are no Wellhead Protection Areas within the reroute environmental study area.

Impacts

There were no impacts to water supplies, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

H. Human Health and Safety—Hazardous Materials/Hazardous Waste

Review of US Environmental Protection Agency (EPA) hazardous materials databases (e.g. Superfund, Resource Conservation and Recovery Act [RCRA], and Toxics Release Inventory [TRI]) was conducted for Mountrail County. There are no known hazardous waste sites within the reroute environmental study area. Minor amounts of hazardous materials (i.e. used oils, cleaning agents, batteries) could be used during construction, maintenance, or operation activities associated with the Project. Hazardous waste would not be generated from construction, maintenance, or operation activities associated with the Project.

Impacts

There were no hazardous wastes encountered, or hazardous materials used during construction. Cenex, nor its contractors, stored hazardous materials, chemicals, fuels, lubricating oils, or completed concrete coating activities within 100 feet of streams or waterbodies.

I. Human Health and Safety—Security

The Project is located in Mountrail County. All access to the reroute would require permission from property owners, which would minimize public access and should reduce the need for additional security.

Impacts

There were no impacts to security, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

J. Human Health and Safety—Noise

The reroute occurs in a rural setting. Existing noise contributions in the environmental study area would be from nearby farming activities and roadway traffic. Noise levels in rural settings typically range from 25 to 40 decibels (Noise Quest 2016, IAC Acoustics 2016).

Impacts

There were no impacts associated with noise, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

K. Aesthetics (Visual)

The environmental study area lacks large-scale development and contains entirely of wetlands. Much of the landscape within the reroute environmental study area is utilized for ranching activities. There are no scenic byways, or wild and scenic rivers within the reroute environmental study area.

Impacts

There were no impacts to aesthetics, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

L. Cultural and Archaeological Resources

KLJ performed a Class III cultural resource inventory along the reroute on August 28, 2020. The survey area was approximately 200-feet in width unless it overlapped with previously surveyed area. No cultural resources were identified within the reroute during the inventory.

Impacts

No cultural resources were identified within the reroute study area during the inventory; therefore, impacts to *Eligible* or unevaluated resources are not anticipated within the reroute environmental study area. A Class III Cultural Resources Report is being prepared and will be submitted to the State Historic Preservation Office for concurrence.

M. Recreational Resources

Shell Creek and adjacent wetlands are found in the environmental study area. In addition, Shell Lake National Wildlife Refuge is located near the environmental study area, which may provide recreational opportunities such as bird watching, photography, fishing, and general recreation. Additionally, there are city parks, golf courses, and museums located in the nearby rural towns and municipalities.

There are no Wildlife Management Areas (WMAs), Wildlife Production Areas (WPAs), or National Wildlife Refuges (NWRs) located within the environmental study area.

Impacts

There were no impacts to recreational resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

N. Agriculture and Farmland

The entirety of the environmental study area consists of Shell Creek and the associated wetlands. The environmental study area is utilized for ranching. Impacts within the environmental study area to agricultural operations were analyzed and minimized to the extent practicable.

Impacts

There were no impacts to agriculture and farmland, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

O. Soils

There are two soil types within the environmental study area. Both soil types are loamy soils, which are a broad textural class of soils that contain a mixture of sand, silt, and clay particles. (Schoeneberger et. al., 2012). Much of the environmental study area consists of gently flat topography associated with Shell Creeks floodplain.

Impacts

No surface soil impacts to soils occurred as a result of construction due to HDD methods utilized within the environmental survey area of the reroute. The risk of soil contamination from a potential release of crude oil by way of a pipeline integrity emergency in the pipeline would be minimal. There were no impacts to soil resources outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Rout Permit.

P. Geologic and Groundwater Resources

The environmental study area is located primarily in an ecoregion of North Dakota known as the Northwest Glaciated Plains. This area was formed by glaciers moving across the state that became stagnant, depositing rock debris, gravel, and fine-grained sediments intermixed with large ice-chunks. When buried ice-chunks melted, wetlands were created. Due to these geologic sequences, the region in which the study area is located is commonly referred to as the prairie pothole region (Bryce et. al. 1996). Geology in this ecoregion consists primarily of glacial till and outwash surface materials layered over Tertiary sandstone and shale, or Cretaceous Pierre Shale bedrock formations (Bryce et. al. 1996). The stratum, or layer of sediment deposited millions of years ago, the pipeline was placed in consists mostly of the Coleharbor stratum (North Dakota Studies 2016). This layer was deposited by water (i.e. rivers or lakes in the region) and can be as thick as 200 feet in some areas. It is composed of sandy, silty clay with pebbles of limestone, dolomite, granite, and basalt (USGS 2016a). This layer was deposited 2.5 million years ago in the Quaternary, Pleistocene epoch (North Dakota Studies 2016).

Landslide prone areas are most commonly located along drainage features, valleys, badlands topography and regions where sediment are exposed near the surface (M.R. McDonald, Personal Communication, May 3, 2016). There are no historically identified landslide-prone areas within the environmental study area.

An aquifer is an underground layer of water contained within consolidated layers (e.g. solid rock), rock fractures or unconsolidated materials (e.g. gravel, sand, or silt) from which groundwater can be extracted (USGS 2016b). No sole source aquifers² have been identified in the environmental study area (EPA 2009).

It is common for rural residences in the area to use private wells for domestic and agricultural purposes. Per North Dakota State Water Commission (NDSWC) data, there are no industrial or private wells within the environmental study area.

² EPA (2009), "defines a sole source aquifer as one which supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer".

Impacts

There were no impacts to geologic or groundwater resources outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Route Permit.

Q. Surface Water and Floodplain Resources

The environmental study area occurs primarily in the Missouri River Basin. Shell Creek and associated wetlands occur within the environmental study area. The pipeline reroute was not mapped by the Federal Emergency Management Agency (FEMA) for floodplains (Zone D).

Impacts

There were no impacts to surface water and floodplain resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

R. Wetlands

Wetlands are defined both in the 1977 Executive Order 11990, Protection of Wetlands, and in Section 404 of the Clean Water Act of 1986, as those areas that are inundated by surface or groundwater with a frequency to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Three parameters that define a wetland, as outlined in the Federal Manual for Delineating Jurisdictional Wetlands (USACE 1987), are hydric soils, hydrophytic vegetation, and hydrology. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are important natural resources that often serve many functions, such as providing habitat for wildlife, storing floodwaters, recharging groundwater, and improving water quality through purification.

Field wetland delineations were completed by KJL to identify wetlands, so they could be avoided or impacts from construction could be minimized. One previously delineated wetland associated with Shell Creek was extended throughout the entirety of the reroute environmental study area.

Impacts

Permanent impacts to wetlands were avoided by constructing the pipeline using HDD. The pipeline was constructed with Main Line Valves (MLV)s to allow segments of the pipeline to be isolated for inspection and maintenance purposes or in the event of an emergency. During operations, SCADA system communications would be used to monitor for pipeline integrity. In addition, the pipeline would receive regular inspections along the ROW for any indications of pipeline integrity and other maintenance issues. In the unlikely event of an emergency with the pipeline during operations, short-term, adverse impacts on wetlands may occur. There were no impacts to wetlands outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility and Rout Permit.

S. Vegetation

The environmental study area consists entirely of wetlands associated with Shell Creek. The dominant species throughout the environmental study area consisted of cattails (*Typha spp.*). North Dakota has listed 11 noxious weeds: absinth wormwood, Canada thistle, diffuse knapweed, leafy spurge, musk thistle, purple loosestrife, Russian knapweed, spotted knapweed, yellow toadflax, dalmatian toadflax, and saltcedar. Cities and counties are also able to list additional noxious weeds for control within their jurisdiction. Mountrail County has designated houndstongue, and common tansy as additional noxious weed species. No noxious weeds were identified within the environmental study area for this reroute.

Impacts

There were no impacts to vegetation resources, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

T. Wildlife—Mammals

White-tailed (*Odocoileus virginianus*) and mule deer (*Odocoileus hemionus*) flourish within, and near to, the environmental study area due to the ample forage from surrounding cropland intermingled with the native rangeland. Numerous other mammals such as Eastern cottontail rabbit (*Sylvilagus floridanus*), red fox (*Vulpes vulpes*), beaver (*Castor canadensis*), muskrats (*Ondatra zibethicus*), and coyotes (*Canis latrans*) also inhabit this part of the state.

Impacts

There were no impacts to mammals, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

U. Wildlife—Avian Species

The environmental study area lies in the prairie pothole region of North Dakota and the Central Flyway of North America. As such, this area is used as resting grounds for many birds on their spring and fall migrations, as well as nesting and breeding grounds for many waterfowl species hunted as game in the region. Many other non-game bird species are fly through and inhabit this region.

Impacts

There were no impacts to avian species, outside of what was previously contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

V. Rare and Unique Natural Resources—USFWS-Listed Threatened and Endangered Species

The environmental study area has been evaluated to determine the potential for occurrences of federally listed threatened, endangered, proposed, and candidate species. In Mountrail County there are three endangered species (e.g. interior least tern [*Sterna antillarum*], pallid sturgeon [*Scaphirhynchus albus*], and whooping crane [*Grus Americana*]), and four threatened species (e.g. piping plover [*Charadrius melodusnorthern*], rufa red knot [*Calidris canutus rufa*], northern long-eared

bat [*Myotis septentrionalis*]), and Dakota skipper (*Hesperia dacotae*). There is USFWS-designated critical habitat for the piping plover within Mountrail County; however, no designated critical habitat is within the environmental study area (USFWS ECOS IPaC, 2020).

Impacts

Field surveys were conducted for the reroute and no threatened or endangered species or preferred habitat were observed within the environmental study area. In addition, designated critical habitat for the piping plover was not be impacted as part of the reroute.

W. Rare and Unique Natural Resources—Rare and Sensitive Species

Cenex has coordinated with the USFWS, NDGFD, and NDPRD to assist with identifying sensitive species and sensitive habitat that could exist within the reroute environmental study area. Field surveys were completed by KLJ staff in August 2020. No historically documented bald or golden eagle nests occur within the reroute environmental study area.

According to NDPR NHI data, no sensitive botanical or zoological species were identified within the Project route (K. Duttenhefner, Personal Communication, December 15, 2015).

Communities of Ecological Importance

Ecological communities are used to address conservation and resource management issues. They are also used to provide a systematic way to describe natural vegetation pattern and processes across the landscape. The NDPRD NHI database did not identify any significant ecological communities within an approximate three-mile radius of the environmental study area. Per the NDPRD, the information in the NHI database is not based on a comprehensive survey; therefore, there could be significant ecological communities in the area that are not represented in the database (K. Duttenhefner, Personal Communication, December 15, 2015).

Impacts

There were no impacts to sensitive species and habitat as well as communities of ecological importance outside of what was contained within the February 2017 Consolidated Application for a Certificate of Corridor Compatibility & Route Permit.

X. Avoidance/Exclusion Area and Resources Analysis Conclusions

The project was sited to avoid impacts to exclusion areas. The following table provides a summary of exclusion areas identified within the 200-foot survey corridor for the reroute.

Table 2, Summary of Exclusion Areas

EXCLUSION AREA	PRESENT WITHIN 200' SURVEY CORRIDOR	METHODS/ALTERNATIVES CONSIDERED FOR EXCLUSION AREA	PROPOSED MITIGATION
Designated or registered national: parks, memorial parks, historic sites and landmarks, natural landmarks, monuments, and wilderness areas.	None	N/A	N/A
Designated or registered state: parks, historic sites, monuments, historical markers, archaeological sites, and nature preserves.	None	N/A	N/A
County parks and recreation areas, municipal parks, and parks owned or administered by other governmental subdivisions.	None	N/A	N/A
Areas critical to life stages of threatened or endangered animal or plant species.	None	N/A	N/A
Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.	None	N/A	N/A
Areas within 1,200 feet of the geographic center of an ICBM launch or launch control facility.	None	N/A	N/A
Areas within 30 feet on either side of a direct line between ICBM launch or launch control facilities to avoid microwave interference.	None	N/A	N/A

The Project was sited to avoid impacts to avoidance areas. The following table provides a summary of avoidance areas identified within the 200-foot survey corridor for the reroute.

Table 3, Summary of Avoidance Areas

AVOIDANCE AREA	PRESENT WITHIN 200' SURVEY CORRIDOR	METHODS/ALTERNATIVES CONSIDERED FOR AVOIDANCE AREA	PROPOSED MITIGATION
Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges and grasslands.	None	N/A	N/A
Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.	None	N/A	N/A
Historical resources that are not specifically designated as exclusion or avoidance areas.	None	N/A	N/A
Areas which are geologically unstable.	None	N/A	NA
Location of route within 500 feet (152.4 meters) of a residence, school, or place of business.	None	N/A	N/A
Reservoirs and municipal water supplies.	None	N/A	N/A
Water resources for organized rural water districts.	None	N/A	N/A
Areas of recreational significance which are not designated as exclusion areas.	None	N/A	N/A

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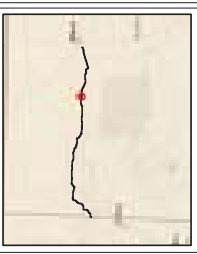
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APPENDIX A: Maps

**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Route Changes
Outside of Corridor**

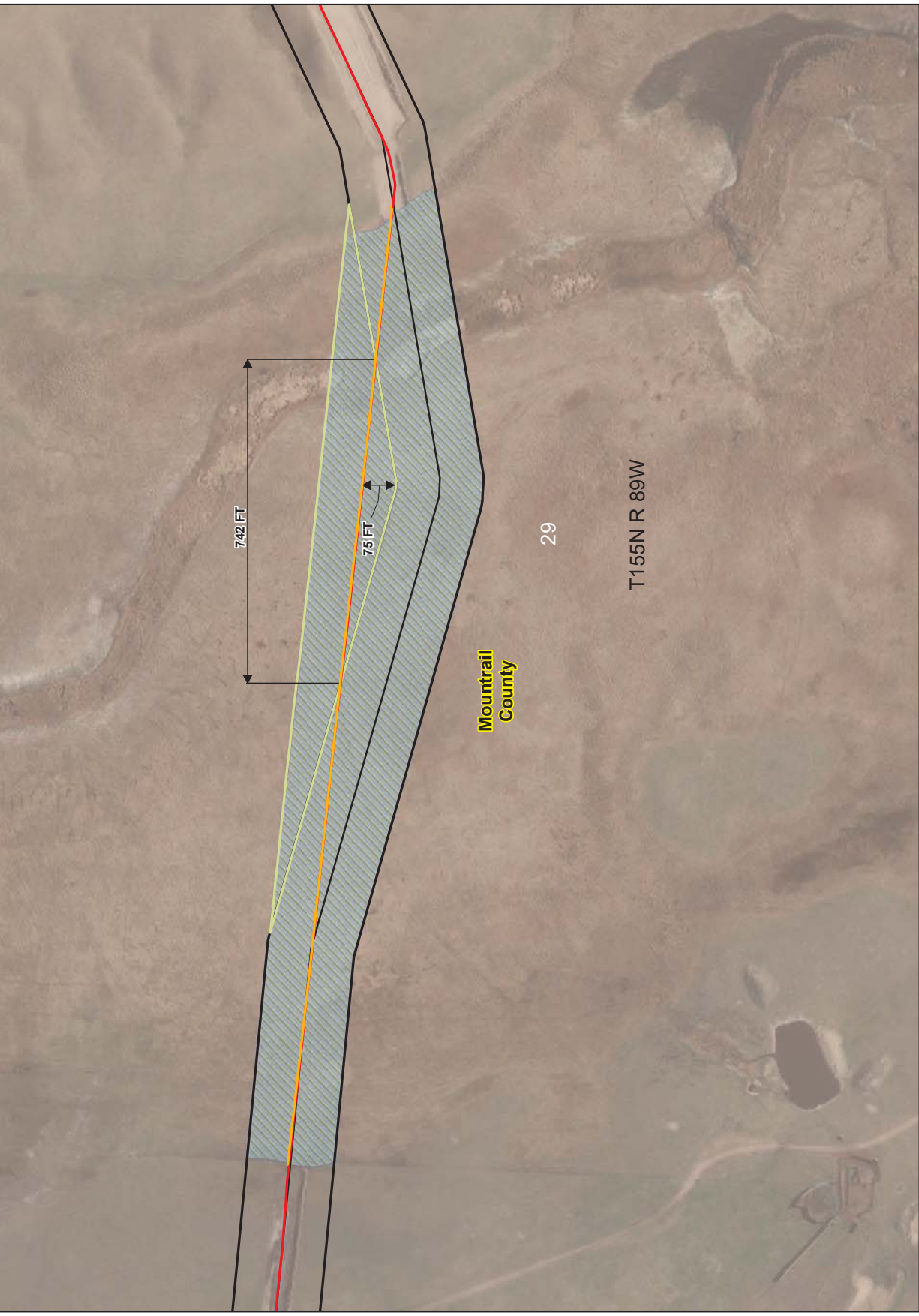


- Legend**
- Schools - 500' Avoidance
 - Missile Site - 1200ft Exclusion
 - Residential/Commercial Building - 500' Avoidance
 - Potential Dakota Skipper Habitat
 - Historical Landslide Area
 - Delineated Wetlands
 - PSC Corridor - June 2017
 - PSC Route - June 2017
 - As-Built Corridor - September 2020
 - As-Built Trench - September 2020
 - As-Built Bore Re-Route - September 2020

Bore Length: 2205 FT
 Re-Route Length Outside of PSC: 742 FT
 Furthest Distance to PSC: 75 FT

Exclusion & Avoidance

KLJ
 Scale: 1 inch = 215 feet
 Page 1 of 1
 Created Date: 04/20/20
 Created By: AAJ



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline
Williams, Mountrail, Ward Counties
Siting Application**

Case No. PU-17-097

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2020, the following documents:

1. Combined Application of Cenex Pipeline, LLC for a Waiver or Reduction of Procedures and Time Schedules and for an Amended Order, Amended Corridor Certificate and Amended Route Permit; and
2. Attachment No. 1 – Amendment Addendum to Consolidated Application for a Certificate of Corridor Compatibility and Route Permit

were served via U.S. Mail and via e-mail upon the following:

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