



## Public Service Commission State of North Dakota

---

### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

600 East Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

March 6, 2023

Peter Breuer  
Fredericks Law Firm LLC  
601 S Washington St, #332  
Stillwater, OK 74074

RE: Case No. PU-24-086  
Thunder Butte Pipeline, LLC  
Thunder Butte Pipeline Project  
Siting Application

Dear Mr. Breuer:

The Public Service Commission Staff is reviewing Thunder Butte Pipeline LLC's application. Staff is requesting that the company reply with answers to the following questions and/or requests for information:

1. Please update Tables 4 and 5 to indicate whether the features are located within the project corridor (i.e., the 200-foot corridor). For Table 4 indicate why there is no reasonable alternative to avoid such features, and what mitigation measures the company intends to implement to minimize and mitigate adverse impacts resulting from the location, construction, and operation of the pipeline in those locations.
  - a. Update sections 16.1.1 through 16.1.11 and sections 16.2.1 through 16.2.8 to be responsive to the 200-foot corridor area.
2. Section 16.2.2 indicates there are several USFWS Waterfowl Production Areas and ND Game and Fish PLOTS lands located within the project corridor and/or study area (i.e., the 1-mile-wide area), yet these are not indicated as avoidance areas or discussed on Table 4 or within section 16. Please update accordingly.
3. Per Table 4, one occupied residence is located within 500 feet of the route. Has a waiver from this residence been obtained? Will the company file the waiver with the Commission?
4. Section 16.3.5 indicates that there is one place of business located within 500 feet of the route, yet Table 4 does not list this as an avoidance area. Please

- update the table with this information. Has a waiver from this business been obtained? Will the company file the waiver with the Commission?
5. Did the company locate any unoccupied structures within 500 feet of the route, and if yes, how did they determine they were unoccupied?
  6. Please confirm that all the "Farm Units" located on the Route Selection Criteria map set are not residences or otherwise occupied.
  7. Are the two existing block valves capable of remote operations?
  8. How did the company determine that no block valves were required upstream or downstream of the East Fork Shell Creek? What benefit would placement of a block valve upstream and downstream of this creek provide in minimizing adverse impacts to the environment?
  9. Will the Noxious Weed Plan be submitted and approved to any county agency? If so, what is the status of the approvals?
  10. Please update all maps that the company submitted in its amended information filing to show the 200-foot corridor. Include the municipal wells; all residences, businesses, and schools located within 500 feet of the proposed route; and all geologically unstable areas (e.g. abandoned coal mines, gravel pits, landslide areas, etc.) on the Avoidance Area map set. Please include the associated GIS layers.
  11. How did the company determine that the Hiddenwood Lake Aquifer was not a municipal water supply or a source for drinking water from a well?
  12. Provide an amended black and white project location map as depicted in Appendix G of the original application to reflect the new pump station location.
  13. In its October 26, 2023, letter, the ND Game and Fish recommended that the company perform aerial surveys for raptor nests prior to construction and that a 0.5-mile construction buffer be implemented around active eagle nest sites. Will the company follow these recommendations, and if yes, when will they conduct the aerial survey?
  14. Please provide copies of all environmental and habitat field survey reports that were conducted and whether additional surveys will need to be conducted based on the location of the new pump station.
  15. How far is the bald eagle nest from the relocated pump station, and is this an active nest? What mitigation measures will be implemented to minimize adverse impacts to this bald eagle nest? Why is the company not proposing to move the pump station farther from it?
  16. Please provide a 10-year spill history for this pipeline and the operators.

If you have any questions, please contact me at (701) 328-4153.

Best regards,



Adam Renfandt  
Analyst, Public Utilities Division