

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

0-0

HP 22-002

IN THE MATTER OF THE APPLICATION :
OF NAVIGATOR HEARTLAND :
GREENWAY, LLC FOR A PERMIT UNDER :
THE SOUTH DAKOTA ENERGY :
CONVERSION AND TRANSMISSION :
FACILITIES ACT TO CONSTRUCT THE :
HEARTLAND GREENWAY PIPELINE IN :
SOUTH DAKOTA, :

**APPLICANT’S SUPPLEMENTAL
RESPONSES TO STAFF’S
THIRD SET OF DATA REQUESTS**

0-0

Applicant Navigator Heartland Greenway LLC makes the following supplemental responses to Staff’s Third Set of Data Requests pursuant to SDCL § 15-6-33, and SDCL § 15-6-34(a). These responses are made within the scope of SDCL 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule. Applicant objects to definitions and directions in answering the requests to the extent that such definitions and directions deviate from the South Dakota Rules of Civil Procedure.

3-4) Refer to the Applicant's response to Staff data request 1-12 and 1-17. Please provide the Geohazard Analysis when completed and the map required by ARSD 22:10:22:14(3). Also, describe the mitigation measures that will be implemented.

RESPONSE: The Phase I - Geological and Geohazard Desktop Study Report was developed in support of the Project preliminary planning efforts. The report provides an overview of the expected geotechnical conditions along and in proximity to the route using publicly available data and in-house database information from our consultant, to identify potential geohazard risks and hazards which could affect the proposed pipeline segments within the state of South Dakota. This Phase I Desktop Report is provided as an attachment.

The Phase II study will include field verification and additional due diligence activities which may include site specific assessments documented by geotechnical observations, field notes, photographs, limited measurements, and GPS location of features at select areas of interest identified in the Phase I report. Information captured in this Phase of the Project will be utilized to further assess the potential risk, outline areas for potential further study, and develop potential risk mitigation measures.

SUPPLEMENTAL RESPONSE: During future phases of the Project, site reconnaissance and characterization efforts will be conducted to validate the results obtained during the Phase 1 Geohazard Assessment. Mitigation measures will be centered around reducing the probability of an incident occurring or reducing the vulnerability / impact to the pipeline in the event of a potential incident.

- Prior to construction, qualified geotechnical personnel will inspect areas identified in the Phase 1 Geohazard Assessment. Such inspection efforts will include visual inspection, geotechnical investigations, aerial inspection, and soil testing / analysis.
- During the construction phase of the project, methods such as site stabilization measures (e.g., slope reconstruction, drainage improvements etc.) and installation of appropriate erosion and sediment control systems for surface water control (e.g., silt fence, trench breakers, water bars etc.) will be used to reduce the probability of an event occurring during construction and post construction activities.
- Additionally, implementation of trench modification activities may be required during the construction phase (e.g., modifying the trench profile, backfill of fissures using large particles, use of free draining / engineered materials within the trench backfill material).
- Post Construction, the implementation of robust pipeline monitoring / maintenance plan will be developed and include the required key activities to support safe operation of the pipeline (e.g., may include the need to perform increased frequency of aerial patrols, utilize Light Detection and Raging Surveys (LiDAR) on a periodic basis, or conduct field assessments to monitor the pipeline ROW).

Dated this 27th day of June, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/James E. Moore
James E. Moore
P.O. Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Phone (605) 336-3890
Fax (605) 339-3357
Email: James.Moore@woodsfuller.com
Attorneys for Navigator Heartland Greenway

OBJECTIONS

The objections stated to Staff's Third Set of Data Requests were made by James E. Moore, one of the attorneys for Navigator Heartland Greenway, for the reasons and upon the grounds stated therein.

/s/ James E. Moore
*One of the Attorneys for Navigator Heartland
Greenway*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June, 2023, a true and correct copy of the foregoing Applicant's Supplemental Responses to Staff's Third Set of Data Requests was served via e-mail transmission to the following:

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

Mr. Jon Thurber
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
jon.thurber@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us

/s/ James E. Moore
*One of the Attorneys for Navigator
Heartland Greenway*