

RECEIVED

November 30, 2010

DEC 01 2010

Patrick Fahn
ND Public Service Commission
State Capital
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

PUBLIC SERVICE COMMISSION

RE: Hiland Partners PU-10-555 – Agency Review Letters

Enclosed are the agency review letters for the Hiland Partners proposed pipeline project. The U.S. Fish and Wildlife Service response is still pending.

As always, Keitu appreciates the opportunity to assist our client and the regulatory agencies with resolving compliance issues. I will serve as the primary Keitu contact and can be reached at (701) 667-1800 or via email at hjandt@keitu.com.



Heather M Jandt
Biology Consultant

Enclosures: Agency Review Letters



John Hoeven, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

September 14, 2010

Heather Jandt
Keitu Engineering & Consultants, Inc.
2610 Old Red Trail, Suite C
Mandan, ND 58554

Re: McKenzie County Pipeline Project

Dear Ms. Jandt:

Thank you for your interest in the Department's Natural Heritage Inventory biological conservation database. The Department did not conduct an environmental review for this particular project site but only conducted a search in our database which includes data only for species of concern and significant ecological communities. Other lands and projects that are owned or managed by the ND Parks & Recreation Department were not included in this search such as: state parks, state nature preserves, Land and Water Conservation Fund projects, Recreational Trails Program projects, and Scenic Byways and Backways.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, occurrences of *Sterna antillarum* (least tern) and *Scaphirhynchus albus* (pallid sturgeon) have been identified within or adjacent to the project area. Please see the attached spreadsheet and map for more specific information on these occurrences. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The ND Parks & Recreation Department would appreciate being consulted during the public scoping and/or environmental assessment of the project.

Thank you for the opportunity to provide preliminary data for the project site. Please contact me if additional information is needed.

Sincerely,

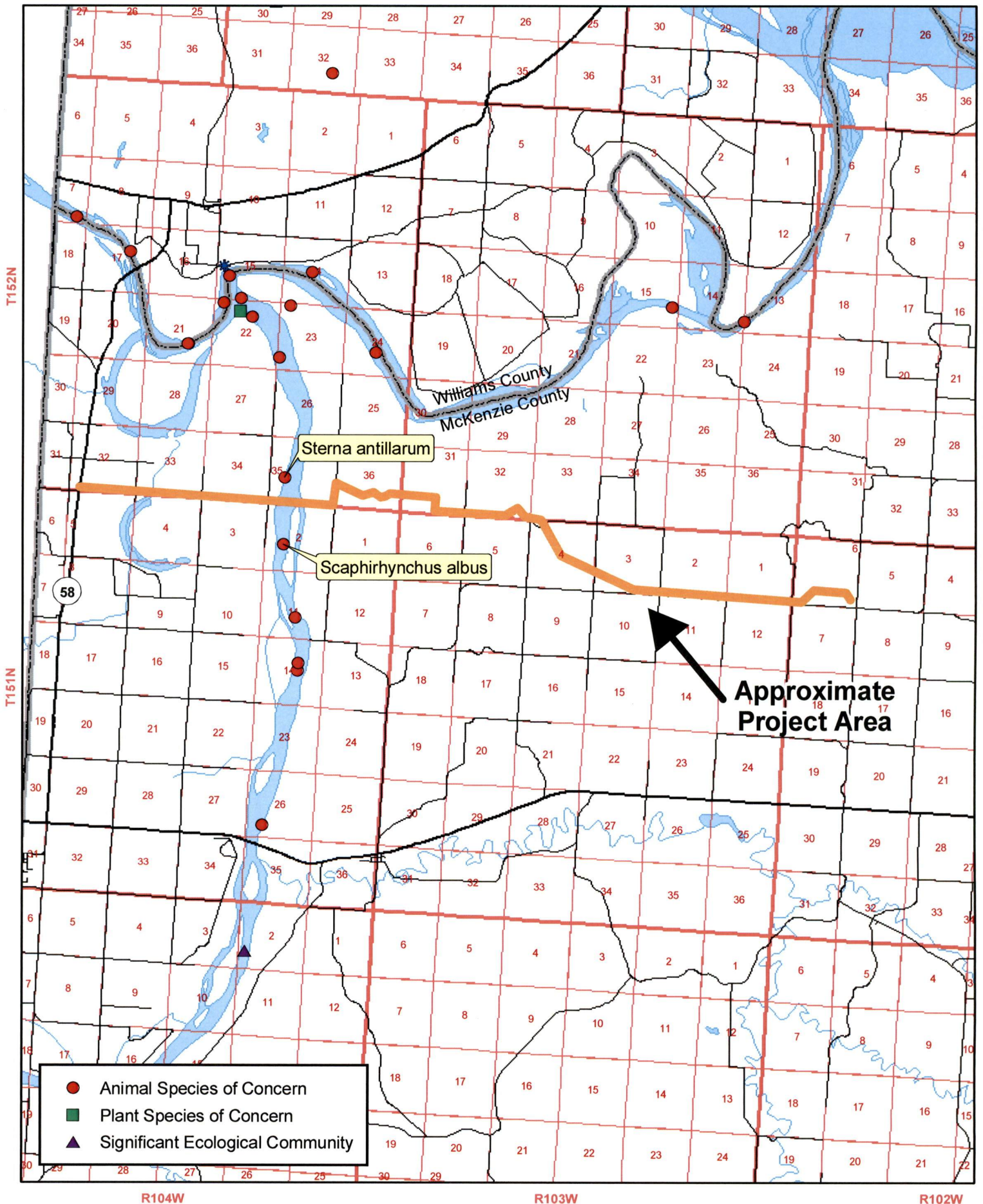


Coordinator/Biologist
Natural Resource Program
Natural Areas Registry/Natural Heritage Inventory
701-328-5370 (office)
701-220-3377 (cell)
kgduttonhefner@nd.gov

R.USNDNHI*R10-08

.....
Play in our backyard!

North Dakota Parks and Recreation Department
North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Scaphirhynchus albus	Pallid Sturgeon	S1	G2	LE	151N104W - 02; 152N104W - 36; 151N104W - 12; 152N104W - 35; 151N104W - 10; 151N104W - 11; 151N104W - 03; 152N104W - 34; 151N104W - 01	McKenzie	1994-04-29		M
Sterna antillarum	Least Tern	S1	G4		152N104W - 35	McKenzie	1986-07		S

Heather Jandt

From: Dirk, Christine N. G. [cdirk@nd.gov]
Sent: Tuesday, October 12, 2010 10:33 AM
To: Heather Jandt
Subject: RE: Proposed Pipeline Route Revised

Hello Heather,

You are correct, the data search we conducted in September does cover this area. We have no new comments.

After reviewing your maps I noticed that you located two species that we track in our database- lark bunting and short-eared owl. I'm wondering if you would be willing to share your field data with us. We may be able to add them to our database as element occurrences.

Thanks.

Christine Dirk
Natural Resource Division

North Dakota Parks & Recreation Department
1600 East Century Ave., Suite 3
Bismarck, ND 58503
Ph. 701-328-5368 Fax 701-328-5363

cdirk@nd.gov

From: Heather Jandt [<mailto:hjandt@keitu.com>]
Sent: Monday, October 11, 2010 12:00 PM
To: Dirk, Christine N. G.
Subject: Proposed Pipeline Route Revised



Christine,

In September I sent in a data request for a proposed pipeline. The proposed route has now been revised. I've attached our maps that we've sent to the ND Game and Fish and the US Fish and Wildlife Service. We've included our data points of the wildlife identified during the field survey. I would assume that the data search I previously received from you will cover this area but I would appreciate the confirmation that our data search in September has covered this revised route.

Thank you for your assistance.

Heather Jandt

Biology Consultant

Keitu Engineers & Consultants, Inc.

2610 Old Red Trail - Suite C

Mandan, ND 58554

(701) 667-1800

hjandt@keitu.com



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

North Dakota
State Historical Board

Chester E. Nelson, Jr.
Bismarck - President

Gereld Gerntholz
Valley City - Vice President

Richard Kloubec
Fargo - Secretary

Albert I. Berger
Grand Forks

Calvin Grinnell
New Town

Diane K. Larson
Bismarck

A. Ruric Todd III
Jamestown

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark A. Zimmerman
Director
Parks and Recreation Department

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Association
of Museums since 1986

November 1, 2010

Ms. Kathleen M. Spilman, PE
Managing Director
Keitu Engineers and Consultants, Inc.
2610 Old Red Trail Suite C
PO Box 98
Mandan ND 58554

ND SHPO REF: 10-2081 PSC/COE Hiland Partners - Natural Gas and Natural Gas Liquids Pipeline Project in portions of [T151N R103W Sections 1, 2, 3, 4, and T151N R102W Section 6] McKenzie County, North Dakota

Dear Ms. Spilman,

We reviewed ND SHPO REF: 10-2081 PSC/COE Hiland Partners - Natural Gas and Natural Gas Liquids Pipeline Project in portions of [T151N R103W Sections 1, 2, 3, 4, and T151N R102W Section 6] McKenzie County, North Dakota. We would concur with a "No Historic Properties Affected" (federal) and "No Significant Sites Affected" (state of North Dakota) determinations, provided the project remains in the surveyed area as reported in Wade Burns and Gwen Jakel's "Highland Partners 8 Inch Natural Gas Pipeline: A Class III Cultural Resource Inventory in McKenzie County, North Dakota."

Thank you for the opportunity to review this project. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director
State Historical Society of North Dakota

C: Patrick Fahn, PSC
C: Dan Cimarosti, COE Bismarck



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

September 24, 2010

Heather M. Jandt
Biology Consultant
Keitu Engineers & Consultants, Inc.
2610 Old Red Trail Suite C
Mandan, ND 58554-1447

Dear Ms. Jandt:

RE: Hiland Partners – Proposed Pipeline Project

Hiland Partners is proposing to construct a 6-mile long petroleum pipeline in McKenzie County. The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

Our primary concern is the possible disturbance of native prairie and wooded draws associated with construction of the pipeline and access roads. We ask that work within these areas be avoided to the extent possible, every effort be made to prevent destruction of woody vegetation, and disturbed areas be reclaimed to pre-project conditions.

The National Wetland Inventory indicates various wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas.

The pipeline route will cross the Yellowstone River, a Class I fishery. We recommend that this stream be crossed by directional boring if possible. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Schadewald". The signature is fluid and cursive.

Paul Schadewald
Chief
Conservation & Communication Division

js

Heather Jandt

From: Heather Jandt [hjandt@keitu.com]
Sent: Thursday, October 28, 2010 10:56 AM
To: 'Kathleen M Spilman, PE'
Cc: Timothy F. Spilman
Subject: ND Game and Fish Department Response



John Schumacher (Conservation Biologist) of the ND Game and Fish Department contacted Keitu by phone on Thursday, October 28, 2010 at 10:30 am in response to the Hiland route revisions. He reported the previous comments issued by the ND Game and Fish Department continued to apply to the revised route. The revisions did not change the route significantly enough where new comments need to be issued.

Heather Jandt

*Biology Consultant
Keitu Engineers & Consultants, Inc.
2610 Old Red Trail - Suite C
Mandan, ND 58554
(701) 667-1800
hjandt@keitu.com*