

Appendix C

Consultations

From: [William McCarthy](#)
To: [Chris Schmidt](#); [Katie Schmidt](#)
Subject: FW: Hess TGP-TRT Pipeline
Date: Thursday, January 05, 2012 1:15:42 PM
Attachments: [scannedEasements1_4_12.pdf](#)

-----Original Message-----

From: Carol_Aron@fws.gov [mailto:Carol_Aron@fws.gov]
Sent: Thursday, January 05, 2012 12:57 PM
To: William McCarthy
Cc: David_Gillund@fws.gov; carol_aron@fws.gov
Subject: Hess TGP-TRT Pipeline

Dear Mr. McCarthy,

The Service has reviewed the proposed construction of the TGP-TRT pipeline by Hess Corporation in a letter dated November 23, 2011. The proposed project would run from Hess's Tioga gas processing plant and connect with its Tioga rail terminal. The Service previously commented on the proposed project, with changes in the proposed route, on June 27, 2011 and October 18, 2011, responding to requests dated May 23, 2011 and August 17, 2011 respectively. The proposed project is approximately 3.62 miles long.

The specific location for the proposed pipeline is: T. 157 N., R. 95 W, Sec. 26, 28, 33-35, Williams Co., ND.

We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250).

Our comments in the two previous letters also apply to the proposed project as described in the November 23, 2011 letter. We recommend that you refer to those letters for our recommendations regarding the proposed project.

In particular, as we identified in our October 18, 2011 letter, there may be Service property interests along the proposed project's route. The Service administers Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota. A review of Service realty records indicates Service property interests are located in the planning area (scanned document attached with fee title WPA's highlighted in green, wetland easements highlighted in yellow). The Service has an ongoing easement acquisition program and we recommend that for Williams County, you contact David Gillund, Wildlife Refuge Manager, Crosby Wetland Management District, 10100 Hwy 42 NW, Crosby, ND 58730; Phone: (701) 965-6488; Email: david_gillund@fws.gov, for more specific information relative to Service easements and up to date realty records.

Cultural resource compliance requires coordination with the Zone Archeologist early in the NEPA process. Cultural Resource field investigations on Service easements and fee lands requires a permit issued by the Zone Archeologist. Contact Barry G. Williams, Service Dakotas Zone Archeologist (barry_williams@fws.gov, 701-355-8577).

Thank you for the opportunity to comment on this project proposal. If you require further information or the project plans change, please contact me at (701) 250-4481 or via e-mail.

Sincerely,

Carol Aron
U.S. Fish and Wildlife Biologist
3425 Miriam Avenue
Bismarck, ND 58501
Telephone: (701) 355-8506
Fax: (701) 355-8513
E-mail: Carol_Aron@fws.gov

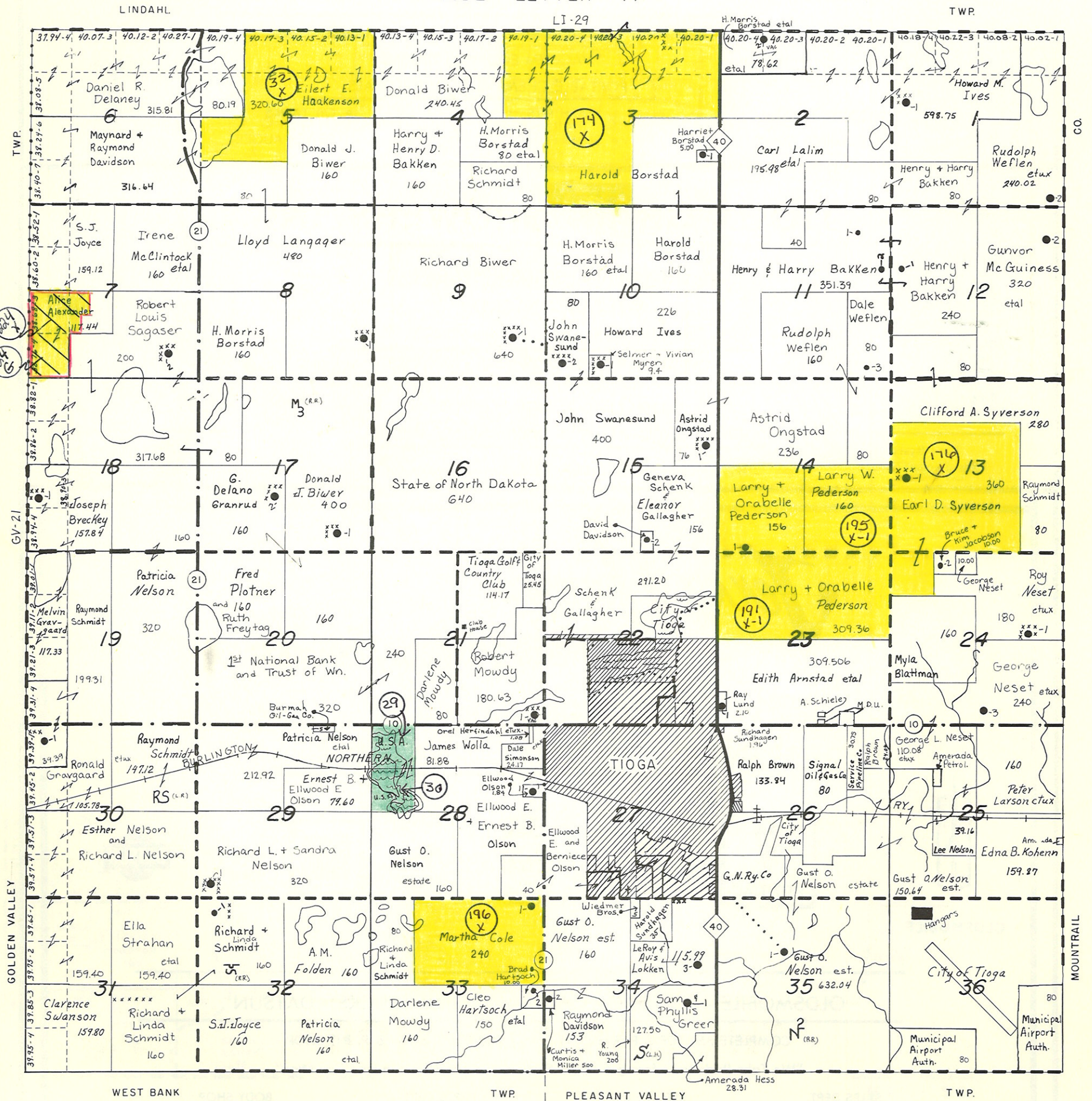
"Anyone can love a mountain, but it takes a soul to love the prairie."
- Variously attributed
(See attached file: scannedEasements1_4_12.pdf)

TIOGA

TOWNSHIP 157 N.

RANGE 95 W.

CODE LETTER TI





817 Vandalia Street
Suite 100
St Paul, MN 55114

November 23, 2011

Mr. Jeffrey Towner, Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismark, ND 58501-7926

RE: Hess Corp. TGP-TRT Pipeline
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Treaty Act.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to connect with its Tioga rail terminal. The proposed project covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this request is to compile U.S. Fish and Wildlife Service's (USFWS) comments on environmental topics that are relevant to the North Dakota Public Service Commission's (PSC) siting requirements for proposed pipelines.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011 and August 17, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC (E3) has been retained by Hess to provide environmental consulting support for this project.

Federally Listed Species Analysis:

On May 20, 2011, E3 reviewed USFWS's web site and conducted a protected species review. The results of the search found the following:

- Whooping crane (*Grus americana*) – Endangered
- Arctic peregrine falcon (*Falco peregrines tundrius*) – Recovery
- Mountain plover (*Charadrius montanus*) – Proposed threatened
- Piping plover (*Charadrius melodus*) – Threatened
- Least tern (*Sterna antillarum*) – Endangered
- Pallid sturgeon (*Scaphirhynchus albus*) – Endangered
- Gray wolf (*Canis lupus*) – Endangered

E3 has reviewed the available data describing the life history, critical habitat, and conservation measures associated with each species to evaluate the potential effects of the project on these resources. The results of this analysis are as follows:

Whooping crane: The whooping crane is a large bodied marsh species that breeds primarily in Canada and winters in the Gulf of Mexico. This species has been closely studied and monitored in recent years due to its small population. North Dakota provides migratory habitat for the species, providing roosting and feeding opportunities during migration. This species prefers larger wetland complexes for roosting habitat, typically using adjacent uplands for foraging opportunities. The proposed project will not result in a loss of crane habitat. Construction activities would likely serve as a deterrent, and once constructed the disturbed area will be restored to their previous condition.

Piping plover: The piping plover is associated with shorelines along small alkaline lakes, large reservoir beaches, and river islands and adjacent sand pits. Breeding birds select wide beaches with highly clumped vegetation covering less than 25% of the area. Regionally the Missouri River is known to host breeding populations of the plovers. No impact to this species or its preferred habitat is anticipated.

Least tern: The interior population(s) of the least tern has historically been associated with large river systems for breeding and migratory habitats. Breeding birds are known to breed in colonies, utilizing sandbar habitat common to larger rivers. Regionally the Missouri River is known to host remnant breeding populations of the terns. No impact to this species or its preferred habitat is anticipated.

Pallid sturgeon: The preferred habitat of the pallid sturgeon includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requires extensive micro-habitat diversity. Portions of the Missouri River are thought to provide the required habitat for the pallid sturgeon though much of the habitat has been compromised due to channelization, installation of impoundments and altered flow regimes. Due to the project's distance from the Missouri River (e.g., approximately 37 miles), the project will not affect the Pallid Sturgeon.

Gray wolf: The gray wolf is a large carnivore that through conservation measures has experienced strong population recovery, particularly throughout the upper Midwest. As populations rebound, individuals may break from packs to explore opportunities to establish new packs in unoccupied territory. Dispersing individuals can cover great distances without establishing viable breeding populations in previously unoccupied habitat(s). This species is not tolerant of human disturbance and will tend to avoid interaction with humans. The activities associated with construction would likely serve as a deterrent to this species.

Based upon this analysis it is concluded that the proposed project will not result in the taking of or adverse impact to these listed species. Species that USFWS has listed as "candidate" or populations identified as "Experimental" are not yet considered threatened or endangered and were not included in this study. Hess requests your comments regarding this analysis.

USFWS Managed Lands:

Conservation programs such as Waterfowl Production Areas and wetland and grassland easements represent an important tool used by USFWS to identify and manage high quality wildlife habitat. A review of public records failed to identify any of these USFWS managed lands in the project study area. Hess requests confirmation regarding the presence or absence of USFWS managed lands within the proposed study area.

Migratory Bird Consultation:

USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). Hess understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. Hess also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15; with the earliest dates typically associated with raptor nesting. In recognition of these facts, Hess proposes to initiate site preparations in the first quarter of 2012 and maintain an active construction site through restoration, which is anticipated to be completed in the fourth quarter of 2012. These efforts are intended to avoid direct impacts to breeding birds. Hess seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,



for
William F. McCarthy
Project Manager
E3 Environmental, LLC

Attachments:

Map of project area - USGS topographic
Aerial photograph of project area



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

OCT 18 2011



Mr. William F. McCarthy, Project Manager
E3 Environmental, LLC
817 Vandalia Street, Suite 100
St. Paul, Minnesota 55114

Re: Hess TGP-TRT Pipeline,
Williams County, ND

Dear Mr. McCarthy:

This is in response to your August 17, 2011, request for fish and wildlife information regarding a 4-mile pipeline from the Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed pipeline is to be completed by Hess Corporation (Hess) in Williams County, North Dakota.

Specific location for the proposed pipeline is:

T. 157 N., R. 95 W., Sections 26, 35, 34, 27 and 29

We offer the following comments under the authority of and in accordance with the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (ESA), Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) (MBTA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

Threatened and Endangered Species

The Aransas Wood Buffalo Population (AWBP) of endangered whooping cranes is the only self-sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations. They make numerous stops along their migration route to feed and roost before moving on.

The proposed project lies within a corridor that includes approximately 95 percent of all reported whooping crane sightings in the State (enclosure). The presence of suitable

roosting and feeding habitat for whooping cranes document the potential for whooping crane presence in the proposed project area. Whooping cranes are unlikely to spend more than a few days in any one spot during migration. The Fish and Wildlife Service (Service) recommends that if a whooping crane is sighted within 1 mile of a pipeline or associated facilities while it is under construction, that all work cease within 1 mile of that part of the project and the Service be contacted immediately. In coordination with the Service, work may resume after the bird(s) leave the area.

The Dakota skipper is a small-to-medium sized hesperiine butterfly associated with high-quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. The first type of habitat is relatively flat and moist native bluestem prairie. Three species of wildflowers are usually present: wood lily (*Lilium philadelphicum*), harebell (*Campanula rotundifolia*), and smooth camas (*Zygadenus elegans*). The second habitat type is upland (dry) prairie that is often on ridges and hillsides. Bluestem grasses and needlegrasses dominate these habitats. On this habitat type, three wildflowers are typically present in high-quality sites that are suitable for Dakota skipper: pale purple (*Echinacea pallida*) and upright (*E. angustifolia*) coneflowers and blanketflower (*Gaillardia* sp.). Because of the difficulty of surveying for Dakota skippers and a short survey window, we recommend that the project avoid any impacts to potential Dakota skipper habitat. If Dakota skipper habitat is present near the proposed project and you intend to take precautions to avoid impacts to skipper habitat, please notify the Service for further direction.

In 2010, the Sprague's pipit was added to the candidate species list. Migratory bird species such as the Sprague's pipit that are candidates are still protected under the MBTA. Sprague's pipits require large patches of grassland habitat for breeding, with preferred grass height between 4 and 12 inches. The species prefers to breed in well-drained, open grasslands and avoids grasslands with excessive shrubs. They can be found in lightly-to-heavily grazed areas. They avoid intrusive human features on the landscape, so the impact of a development can be much larger than the actual footprint of the feature. If Sprague's pipit habitat is present within or adjacent to the proposed project area, the Service requests that you document any steps taken to avoid and minimize disturbance of this habitat.

The Dakota skipper and Sprague's pipit are candidate species for listing under the ESA. No legal requirement exists to protect candidate species; however, it is within the spirit of the ESA to consider these species as having significant value and worth protecting. The Service's Candidate Conservation Program provides a means for conserving these species. Early conservation preserves management options, minimizes the cost of recovery, and reduces the potential for restrictive land use policies in the future. Through Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances the Service can work with interested public and private parties to identify threats to candidate species or species at risk. Effective candidate conservation may reverse the species' decline, ultimately eliminating the need for ESA protection. If you would like more information on these programs, please notify the Service for further coordination.

Migratory Birds

The letter states that Hess will implement the following measures to avoid/minimize take of migratory birds:

- Initiate site preparations during the first quarter of 2010 and maintain an active construction site through restoration, which is scheduled for the fourth quarter of 2012.

The Service recommends that in addition to the above measure, that Hess:

- Mow, maintain, or completely remove vegetation within the project area prior to and during the breeding season to deter migratory birds from nesting in the project area until construction is underway;

High-Value Habitat Avoidance

As part of the National Wildlife Refuge System, the U.S. Fish and Wildlife Service (Service) administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. A review of our county plat maps indicates that Service property interests may be located in the study area.

The Service recommends that all property interests within the National Wildlife Refuge System be avoided during project construction, when possible. Special Use or right-of-way permits will be necessary for construction affecting property interests administered by the Service. The issuance of Special Use or right-of-way permits is subject to the final determination of a refuge compatibility review process. This determination may add some time to the review process so early coordination with the district is important. Please contact Crosby Wetland Management District, 10100 Hwy 42 NW, Crosby, ND 58730; Phone: (701)965-6488, for additional information on Service easements.

Cultural resource compliance requires coordination with the Zone Archeologist early in the NEPA process. Cultural Resource field investigations on Service easements and fee lands require a permit issued by the Zone Archeologist. Contact Barry G. Williams, USFWS Dakotas Zone Archeologist (barry_williams@fws.gov, 701-355-8577).

Construction activities should be conducted in a manner that will avoid/minimize impacts to the existing habitat in the project area. The following recommendations are intended to reduce construction related impacts:

- Make no stream channel alterations or changes in drainage patterns.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.

- Reseed disturbed areas with a mixture of native grass and forb species immediately after construction to reduce erosion. Parts of the proposed project area appear to be grassland habitat currently. If trenching is performed in these areas, post-construction reseedling of native prairie grasses, forbs and legumes should be completed. The Service suggests that Hess consider planting a diverse mix of native species to reclaim the grassland areas. Recent research indicates that a diverse native species mix, including numerous forb species, is not only ecologically beneficial, but is also more weed resistant. A diverse planting of native grasses and forbs allows for less intensive management and chemical use. The more species included in a mixture, the higher the probability of providing competition to resist invasion by non-native plants.

Thank you for the opportunity to comment on this project proposal. If you require further information or the project plans change, please contact me or Heidi Riddle of my staff at (701) 250-4481 or at the letterhead address.

Sincerely,



for

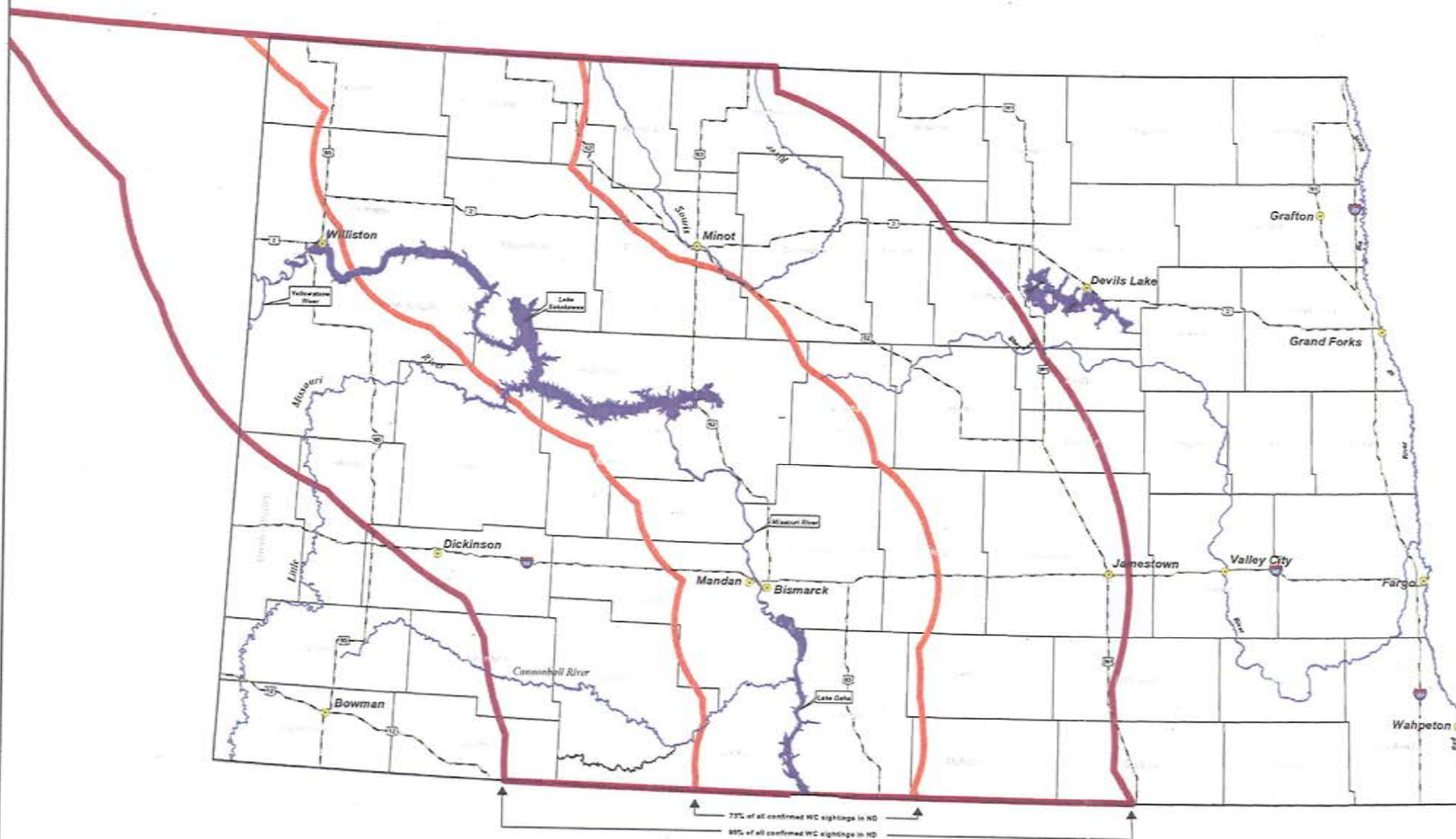
Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosure

cc: ND Game & Fish Department, Bismarck
Crosby WMD



North Dakota Whooping Crane Migration Corridor



DISCLAIMER:

The USFWS makes no claim as to the accuracy or completeness of the displayed information. Species occurrence and habitat information is provided for illustrative purposes only. Federal action agencies and project proponents should contact the USFWS North Dakota Field Office for more detailed species information and technical assistance in evaluating potential project impacts to fish and wildlife resources.

Map produced 04/21/2010 by USFWS Ecological Services, Bismarck, ND.

-  75% Whooping Crane Migration Corridor
-  95% Whooping Crane Migration Corridor





817 Vandalia Street
Suite 100
St Paul, MN 55114

August 17, 2011

Mr. Jeffrey Towner, Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismark, ND 58501-7926

RE: Hess Corp. TGP-TRT Pipeline
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Treaty Act.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this request is to compile U.S. Fish and Wildlife Service's (USFWS) comments on environmental topics that are relevant to the North Dakota Public Service Commission's (PSC) siting requirements for proposed pipelines.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC (E3) has been retained by Hess to provide environmental consulting support for this project.

Federally Listed Species Analysis:

On May 20, 2011, E3 reviewed USFWS's web site and conducted a protected species review. The results of the search found the following:

Whooping crane (*Grus americana*) – Endangered
Arctic peregrine falcon (*Falco peregrines tundrius*) – Recovery
Mountain plover (*Charadrius montanus*) – Proposed threatened
Piping plover (*Charadrius melodus*) – Threatened
Least tern (*Sterna antillarum*) – Endangered
Pallid sturgeon (*Scaphirhynchus albus*) – Endangered
Gray wolf (*Canis lupus*) – Endangered

E3 has reviewed the available data describing the life history, critical habitat, and conservation measures associated with each species to evaluate the potential effects of the project on these resources. The results of this analysis are as follows:

Whooping crane: The whooping crane is a large bodied marsh species that breeds primarily in Canada and winters in the Gulf of Mexico. This species has been closely studied and monitored in recent years due to its small population. North Dakota provides migratory habitat for the species, providing roosting and feeding opportunities during migration. This species prefers larger wetland complexes for roosting habitat, typically using adjacent uplands for foraging opportunities. The proposed project will not result in a loss of crane habitat. Construction activities would likely serve as a deterrent, and once constructed the disturbed area will be restored to their previous condition.

Piping plover: The piping plover is associated with shorelines along small alkaline lakes, large reservoir beaches, and river islands and adjacent sand pits. Breeding birds select wide beaches with highly clumped vegetation covering less than 25% of the area. Regionally the Missouri River, 15 miles from the project site, is known to host breeding populations of the plovers. No impact to this species or its preferred habitat is anticipated.

Least tern: The interior population(s) of the least tern has historically been associated with large river systems for breeding and migratory habitats. Breeding birds are known to breed in colonies, utilizing sandbar habitat common to larger rivers. Regionally the Missouri River, 15 miles from the project site, is known to host remnant breeding populations of the terns. No impact to this species or its preferred habitat is anticipated.

Pallid sturgeon: The pallid sturgeon preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity. Portions of the Missouri River are thought to provide the required habitat for the pallid sturgeon though much of the habitat has been compromised due to channelization, installation of impoundments and altered flow regimes. Due to the projects distance from the Missouri River (e.g., approximately 15 miles), the project will not affect the Pallid Sturgeon.

Gray wolf: The gray wolf is a large carnivore that through conservation measures has experienced strong population recovery, particularly in the Great Lakes states of the upper Midwest. As populations rebound, individuals may break from packs to explore opportunities to establish packs in unoccupied territory. Roaming individuals can cover great distances without establishing viable breeding populations in previously unoccupied habitat(s). This species is not tolerant of human disturbance and will tend to avoid interaction with humans. The activities associated with construction and later plant operations would likely serve as a deterrent to this species.

Based upon this analysis it is concluded that the proposed project will not result in the taking of or adverse impact to these listed species. Species that USFWS has listed as “candidate” or populations identified as “Experimental” are not yet considered threatened or endangered and were not included in this study. HESS requests your comments regarding this analysis.

USFWS Managed Lands:

Conservation programs such as Waterfowl Production Areas and wetland and grassland easements represent an important tool used by USFWS to identify and manage high quality wildlife habitat. A review of public records failed to identify any of these USFWS managed

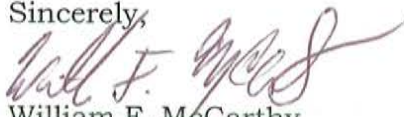
lands in the project study area. HESS requests confirmation regarding the presence or absence of USFWS managed lands within the proposed study area.

Migratory Bird Consultation:

USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). HESS understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of a take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. HESS also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15; with the earliest dates typically associated with raptor nesting. In recognition of these facts, Hess proposes to initiate site preparations in the first quarter of 2012 and maintain an active construction site through restoration, which is anticipated to be completed in the fourth quarter of 2012. These efforts are intended to avoid direct impacts to breeding birds. HESS seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,



William F. McCarthy
Project Manager
E3 Environmental, LLC

Attachments:

Map of project area – USGS topographic
Aerial photograph of project area



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



JUN 27 2011

Mr. William F. McCarthy
Project Manager
E3 Environmental, LLC
817 Vandalia Street
Suite 100
St. Paul, Minnesota 55114

Re: Hess Corp. TGP-TRT Pipeline
Williams Co., ND

Dear Mr. McCarthy:

The U.S. Fish and Wildlife Service (Service) has reviewed a proposal by E3 Environmental in a letter dated May 23, 2011. Hess Corporation (Hess) proposes to construct a pipeline to interconnect Tioga's gas processing plant with a separate pipeline system. The proposed project is approximately 1.5 miles long. The exact location in Williams County is below:

T. 157 N., R. 95 W., Sec. 26 and 35

We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), and the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250).

General

The project description only provides information about proposed pipeline construction. The Service recommends that Hess also consider the ongoing impacts of pipeline maintenance. For example, as described in the Migratory Birds section below, there may be impacts to migratory birds throughout the project's life.

With any pipeline, there is a possibility of a leak along the pipe, at one of the connection points, or at a lift station along the route. Depending on its magnitude, a spill anywhere along the pipeline has the potential to impact trust resources, including threatened and endangered species, migratory birds, and bald and golden eagles, and interjurisdictional fish. The Service

recommends that you develop a detailed spill prevention and response plan that clearly outlines how the pipeline will be monitored to prevent a spill and how a spill anywhere along the pipeline would be handled to minimize environmental impacts.

Threatened, Endangered and Candidate Species

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the Endangered Species Act. This list remains valid for 90 days.

The Aransas Wood Buffalo Population (AWBP) of the endangered whooping crane is the only self-sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations. They make numerous stops along their migration route to feed and roost before moving on. The proposed project lies within the whooping crane migration corridor, in which 95% of all documented migrating whooping cranes have been sighted, and there have been several whooping crane sightings within a few miles of the proposed project location.

Whooping cranes use migration stopover habitat opportunistically and may not use the same stopovers annually. Whooping cranes often stop wherever they happen to be late in the day when they find conditions no longer suitable for migration. This tendency can make for a very unpredictable pattern of stopover use, depending on daily weather conditions. Whooping cranes are unlikely to spend more than a few days in any one spot during migration. The Service recommends that Hess commit to ceasing all work within 1 mile of that part of the project if a whooping crane is sighted while the pipeline or associated facilities are under construction, and the Service be contacted immediately. In coordination with the Service, work may resume after the bird(s) leave the area.

The highest known source of mortality to fledged whooping cranes is from striking power lines. Currently, collisions with power lines have accounted for the death or serious injury of at least 46 whooping cranes since 1956. If power lines will be constructed in association with the project, the Service recommends they be placed underground to avoid collision mortality. If underground construction is not practicable, we recommend installation and maintenance of visual marking devices on all new power lines within 1 mile of potentially suitable whooping crane stopover habitat within the 95% migration corridor, and an equal length of existing power line in the whooping crane migration corridor within 1 mile of potentially suitable whooping crane habitat.

Bald and Golden Eagles

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Bald and/or golden eagles may use the project area where the proposed project will be located. Golden eagles inhabit a wide variety of habitat types, including open grassland areas. They are known to nest on cliffs, in trees, manmade structures, and on the ground (Kochert et al. 2002). While the bald eagle tends to be more closely associated with forested areas near water (Buehler 2000), they have been found nesting in single trees several miles from the nearest water body. Therefore, there may also be potential habitat for the bald eagle along the proposed project route. Especially early in the nesting season, eagles can be very sensitive to disturbance near the nest site and may abandon their nest as a result of low disturbance levels, even from foot traffic. A buffer of at least 1/2 mile should be maintained for golden and bald eagle nests. A permit is required for any take of bald or golden eagles or their nests. Permits to take golden eagles or their nests are available only for legitimate emergencies and as part of a program to protect golden eagles.

The Service has a program for limited issuance of permits for the non-purposeful take of bald and golden eagles, only when the take is compatible with the preservation of each species, defined as consistent with the goal of increasing or stable populations. Given the limited circumstances when a take permit can be legally issued for eagles, the Service recommends that the pipeline be sited to avoid all take of bald and golden eagles, including take that results from disturbance.

The Service recommends that a survey be conducted for eagle nests prior to ground disturbance. If an eagle nest is detected within 1/2 mile of the proposed project route, the Service should be contacted regarding how to proceed.

Migratory Birds

The MBTA prohibits the taking, killing, possession, and transportation (among other actions), of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the Service realizes that some birds may be killed during project construction and operation even if all known reasonable and effective measures to protect birds are used. The Service Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and agencies that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating those who take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Individuals, companies, and agencies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

Since the work is scheduled to take place after the end of the migratory bird nesting season, and be completed the end of September, impacts to migratory birds should be avoided. If the proposed project is not completed in the fall as planned, then Hess would need to take other steps, such as clearing and grubbing the pipeline route prior to spring nesting, and having a qualified biologist survey the proposed project route for nesting migratory birds within 5 days of any ground disturbing activity. If nesting migratory birds are found, we would request you contact this office, suspend construction, or take other measures, such as maintaining adequate buffers, to protect the birds until the young have fledged. The Service further recommends that field surveys for nesting birds, along with information regarding the qualification of the biologist(s) performing the surveys, and any avoidance measures implemented, be thoroughly documented and that such documentation be shared with the Service and maintained on file by the project.

In addition to the above, we recommend the following to avoid high-value habitat:

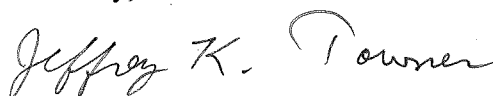
- Make no changes in drainage patterns.
- Locate construction to avoid placement of fill in wetlands along the route.
- Replace unavoidable loss of wetland habitat with functionally-equivalent wetlands.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.

- Keep the disturbed area along the ROW as narrow as possible, especially in or near sensitive resources such as native prairie, wetlands, or streams.

Without these precautions (development and implementation of a robust spill prevention and response plan, ceasing work within 1 mile of a whooping crane until the bird(s) leave the area, burying or marking all transmission lines), the Service believes that the proposed project may adversely affect whooping cranes. Hess is advised to contact the Service to discuss whether you intend to follow our recommendations, and if not, what alternative measures you intend to follow to avoid impacting trust resources.

Thank you for the opportunity to comment on this project. If additional information is required, please contact Carol Aron of my staff, or contact me directly at (701) 250-4481 or at the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey K. Towner".

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

FEDERAL THREATENED, ENDANGERED, AND CANDIDATE SPECIES
AND DESIGNATED CRITICAL HABITAT FOUND IN
WILLIAMS COUNTY, NORTH DAKOTA

ENDANGERED SPECIES

Birds

Interior least tern (*Sterna antillarum*): Nests along midstream sandbars of the Missouri and Yellowstone Rivers.

Whooping crane (*Grus Americana*): Aransas-Wood Buffalo Population (264 birds) occurs in North Dakota counties during spring and fall migration between breeding and wintering areas. Whooping cranes prefer to roost overnight in shallow open water wetland habitat with good visibility during migration stopovers.

Fish

Pallid sturgeon (*Scaphirhynchus albus*): Known only from the Missouri and Yellowstone Rivers. No reproduction has been documented in 15 years.

Mammals

Gray wolf (*Canis lupus*): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

Piping plover (*Charadrius melodus*): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.

CANDIDATE SPECIES

Birds

Sprague's Pipit (*Anthus spragueii*): Nests in native and planted grassland. Prefers patches of grassland at least 72 acres (29 hectares).

DESIGNATED CRITICAL HABITAT

Birds

Piping Plover - Alkali Lakes and Wetlands - Critical habitat includes: (1) shallow, seasonally to permanently flooded, mixosaline to hypersaline wetlands with sandy to gravelly, sparsely vegetated beaches, salt-encrusted mud flats, and/or gravelly salt flats; (2) springs and fens along edges of alkali lakes and wetlands; and (3) adjacent uplands 200 feet (61 meters) above the high water mark of the alkali lake or wetland.

Piping Plover - Missouri River - Critical habitat includes sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and the interface with the river.

Piping Plover - Lake Sakakawea and Oahe - Critical habitat includes sparsely vegetated shoreline beaches, peninsulas, islands composed of sand, gravel, or shale, and their interface with the water bodies.



817 Vandalia Street
Suite 100
St Paul, MN 55114

May 23, 2011

Mr. Jeffrey Towner, Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismark, ND 58501-7926

RE: Hess Corp. TGP-TRT Pipeline
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Treaty Act.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about August 15, 2011 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this request is to compile U.S. Fish and Wildlife Service's (USFWS) comments on environmental topics that are relevant to the North Dakota Public Service Commission's (PSC) siting requirements for proposed pipelines.

E3 Environmental, LLC (E3) has been retained by Hess to provide environmental consulting support for this project.

Federally Listed Species Analysis:

On May 20, 2011, E3 reviewed USFWS's web site and conducted a protected species review. The results of the search found the following:

Whooping crane (*Grus americana*) – Endangered
Arctic peregrine falcon (*Falco peregrines tundrius*) – Recovery
Mountain plover (*Charadrius montanus*) – Proposed threatened
Piping plover (*Charadrius melodus*) – Threatened
Least tern (*Sterna antillarum*) – Endangered
Pallid sturgeon (*Scaphirhynchus albus*) – Endangered
Gray wolf (*Canis lupus*) – Endangered

E3 has reviewed the available data describing the life history, critical habitat, and conservation measures associated with each species to evaluate the potential effects of the project on these resources. The results of this analysis are as follows:

Whooping crane: The whooping crane is a large bodied marsh species that breeds primarily in Canada and winters in the Gulf of Mexico. This species has been closely studied and monitored in recent years due to its small population. North Dakota provides migratory habitat for the species, providing roosting and feeding opportunities during migration. This species prefers larger wetland complexes for roosting habitat, typically using adjacent uplands for foraging opportunities. The proposed project will not result in a loss of crane habitat. Construction activities would likely serve as a deterrent, and once constructed the disturbed area will be restored to their previous condition.

Piping plover: The piping plover is associated with shorelines along small alkaline lakes, large reservoir beaches, and river islands and adjacent sand pits. Breeding birds select wide beaches with highly clumped vegetation covering less than 25% of the area. Regionally the Missouri River, 15 miles from the project site, is known to host breeding populations of the plovers. No impact to this species or its preferred habitat is anticipated.

Least tern: The interior population(s) of the least tern has historically been associated with large river systems for breeding and migratory habitats. Breeding birds are known to breed in colonies, utilizing sandbar habitat common to larger rivers. Regionally the Missouri River, 15 miles from the project site, is known to host remnant breeding populations of the terns. No impact to this species or its preferred habitat is anticipated.

Pallid sturgeon: The pallid sturgeon preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity. Portions of the Missouri River are thought to provide the required habitat for the pallid sturgeon though much of the habitat has been compromised due to channelization, installation of impoundments and altered flow regimes. Due to the projects distance from the Missouri River (e.g., approximately 15 miles), the project will not affect the Pallid Sturgeon.

Gray wolf: The gray wolf is a large carnivore that through conservation measures has experienced strong population recovery, particularly in the Great Lakes states of the upper Midwest. As populations rebound, individuals may break from packs to explore opportunities to establish packs in unoccupied territory. Roaming individuals can cover great distances without establishing viable breeding populations in previously unoccupied habitat(s). This species is not tolerant of human disturbance and will tend to avoid interaction with humans. The activities associated with construction and later plant operations would likely serve as a deterrent to this species.

Based upon this analysis it is concluded that the proposed project will not result in the taking of or adverse impact to these listed species. Species that USFWS has listed as “candidate” or populations identified as “Experimental” are not yet considered threatened or endangered and were not included in this study. HESS requests your comments regarding this analysis.

USFWS Managed Lands:

Conservation programs such as Waterfowl Production Areas and wetland and grassland easements represent an important tool used by USFWS to identify and manage high quality wildlife habitat. A review of public records failed to identify any of these USFWS managed

lands in the project study area. HESS requests confirmation regarding the presence or absence of USFWS managed lands within the proposed study area.

Migratory Bird Consultation:

USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). HESS understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of a take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. HESS also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15; with the earliest dates typically associated with raptor nesting. In recognition of these facts, HESS proposes to initiate construction on or about August 15, 2011 and maintain an active construction site through pipeline commissioning and final restoration which is anticipated to occur immediately after pipeline commissioning. The proposed schedule would avoid the 2011 breeding season and migrants returning to the area would encounter a restored pipeline right of way in 2012. These efforts are intended to avoid direct impacts to breeding birds. HESS seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Attachments:

Map of project area – USGS topographic
Aerial photograph of project area

From: [Paryzek, Corey - FSA, Williston, ND](#)
To: [Chris Schmidt](#)
Subject: RE: Hess TGP-TRT Revised Project Scope: North Dakota Farm Service Agency Consultation
Date: Friday, November 25, 2011 8:19:29 AM

There is no CRP or GRP lands within the project area.

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Wednesday, November 23, 2011 1:32 PM
To: Paryzek, Corey - FSA, Williston, ND
Cc: wmccarthy@go2e3.com; 'Katie Schmidt'
Subject: Hess TGP-TRT Revised Project Scope: North Dakota Farm Service Agency Consultation

Dear Mr. Paryzek,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to connect with its Tioga rail terminal. The proposed project covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for presence of lands that are enrolled in the FSA's Conservation Reserve Program (CRP) or Grassland Reserve Program. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011 and August 15, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Christopher R. Schmidt, Associate Consultant
E3 Environmental, LLC

651-282-0654 (o)
715-307-3795 (m)
cschmidt@go2e3.com
www.go2e3.com



Please consider the environment before printing this e-mail.

From: [Paryzek, Corey - Williston, ND](#)
To: [Chris Schmidt](#)
Cc: [William McCarthy](#); [Katie Schmidt](#)
Subject: RE: Hess TGP-TRT New Project Scope: North Dakota Farm Service Agency Consultation
Date: Wednesday, August 17, 2011 8:49:08 AM

[There are no CRP or Grassland reserve contracts within the project area.](#)

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Monday, August 15, 2011 1:45 PM
To: Paryzek, Corey - Williston, ND
Cc: wmccarthy@go2e3.com; 'Katie Schmidt'
Subject: Hess TGP-TRT New Project Scope: North Dakota Farm Service Agency Consultation

Dear Mr. Paryzek,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for presence of lands that are enrolled in the FSA's Conservation Reserve Program (CRP) or Grassland Reserve Program. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: [William McCarthy](#)
To: [Ryan Ledin](#)
Subject: FW: Hess TGP-TRT: North Dakota Parks and Recreation Consultation
Date: Tuesday, May 24, 2011 8:15:18 AM

From: Paryzek, Corey - Williston, ND [mailto:Corey.Paryzek@nd.usda.gov]
Sent: Tuesday, May 24, 2011 8:13 AM
To: William McCarthy
Subject: RE: Hess TGP-TRT: North Dakota Parks and Recreation Consultation

No CRP in this area.

Under the current privacy rule policy I could not tell you when there is CRP there, but in this case there is none, so I'm letting you know. These rules are constantly changing so when you have another one still send it to me and I'll let give you any info that I can.

From: William McCarthy [mailto:wmccarthy@go2e3.com]
Sent: Monday, May 23, 2011 8:34 PM
To: 'Ryan Ledin'; Paryzek, Corey - Williston, ND
Subject: RE: Hess TGP-TRT: North Dakota Parks and Recreation Consultation

Dear Mr. Paryzek,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about August 15, 2011 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for presence of lands that are enrolled in the FSA's Conservation Reserve Program (CRP) or Grassland Reserve Program. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,
Bill McCarthy
E3 Environmental, LLC
651.282.0650 Office

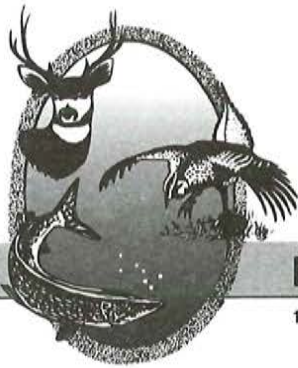
651.319.7456 Mobile

888.414.2048

www.go2e3.com



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"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

December 2, 2011

William McCarthy
E3 Environmental
817 Vandalia Street
St. Paul, MN 55114

Dear Mr. McCarthy:

Re: Hess Corporation's TGT-TRT Pipeline

The North Dakota Game and Fish Department has received notification of Hess Corporation's proposal to construct a pipeline to connect Tioga's gas processing plant to the Tioga Rail terminal. The proposed pipeline would be approximately 3.6 miles in length. The proposed project is located in Sections 26, 28, 33, 34 and 35, Township 157 North, Range 95 West in Williams County, North Dakota.

The Department reviewed your proposal for Species of Conservation Priority and for the presence of PLOTS lands. From the information you provided us, it appears the project will not directly impact any Species of Conservation Priority or impact any PLOTS lands.

The Department recommends planning around wetlands when possible; however, when these areas cannot be avoided, we suggest contacting the Corps of Engineers' North Dakota Regulatory Office or the Natural Resource Conservation Service due to probable impacts to wetland acres. We request stream and drainage crossings be directionally bored to avoid impacts to the fishery resources. If stream or drainage crossings cannot be directionally bored, we request any displacement or disruption of creek beds and banks be restored to pre-project conditions and that the work does not take place within the creeks or streams from April 15 to June 1. We also request that the potential for sedimentation entering the stream during the construction be minimized with the use of erosion control measures. Any unavoidable losses of native forest or riparian forest shall be replaced with similar species on a 2:1 basis by incorporating a mitigation planting into the impacted forest to complement the existing woody vegetation. Any disturbed area shall be reseeded to a native grass mixture.

Sincerely,

Greg Link
Chief

Conservation & Communication Division

blk



817 Vandalia Street
Suite 100
St Paul, MN 55114

November 23, 2011

Mr. Greg Link, Division Chief
Conservation and Communication Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

RE: Hess Corporation- TGT-TRT Pipeline
State Conservation Priority Species Consultation, State Plots Land Review.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to connect with its Tioga rail terminal. The proposed project covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold; first we request a review of the proposed project study area, as depicted in the attached maps, for presence or absence of State Conservation Priority Species. Second, we request confirmation of the presence or absence of North Dakota Game and Fish Department PLOTS Lands within the proposed pipeline corridor.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011 and August 15, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Enclosures:

Project map – USGS topographic
Project aerial photograph

From: [William McCarthy](#)
To: ["Schumacher, John D."](#)
Cc: [Chris Schmidt](#)
Subject: RE: Hess Corp -- TGT-TRT Pipeline
Date: Thursday, September 08, 2011 2:55:35 PM

John,

Thank you for this project review.

Best regards,

Bill McCarthy

E3 Environmental, LLC

651.282.0650 Office

651.319.7456 Mobile

888.414.2048

www.go2e3.com



Please consider the environment before printing this e-mail.

From: Schumacher, John D. [mailto:jdschumacher@nd.gov]
Sent: Thursday, September 08, 2011 2:50 PM
To: William McCarthy
Subject: Hess Corp -- TGT-TRT Pipeline

Mr. McCarthy,

The North Dakota Game and Fish Department has reviewed this project as amended and has no additional concerns. Our original comments are still applicable.

If you have any questions, please let me know.

john

JOHN SCHUMACHER
RESOURCE BIOLOGIST
ND GAME AND FISH DEPT
701.328.6321



817 Vandalia Street
Suite 100
St Paul, MN 55114

August 15, 2011

Mr. Greg Link, Division Chief
Conservation and Communication Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

RE: Hess Corporation- TGT-TRT Pipeline
State Conservation Priority Species Consultation, State Plots Land Review.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold; first we request a review of the proposed project study area, as depicted in the attached maps, for presence or absence of State Conservation Priority Species. Secondly, we request confirmation of the presence or absence of North Dakota Game and Fish Department PLOTS Lands within the proposed pipeline corridor.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Enclosures:

Project map – USGS topographic
Project aerial photograph



"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

June 14, 2011

William F. McCarthy
Project Manager
E3 Environmental, LLC
817 Vandalia Street, Suite 100
St. Paul, MN 55114

Dear Mr. McCarthy:

RE: TGT-TRT Pipeline Project

Hess Corporation is proposing to construct approximately 1.5 miles of new pipeline from its Tioga gas processing plant to an interconnect with a separate pipeline system in Williams County, North Dakota. There are no PLOTS lands in or adjacent to the proposed pipeline corridor.

We do not believe this project will have any significant adverse effects on wildlife or wildlife habitat, including state Species of Conservation Priority, provided disturbed areas are reclaimed to pre-project conditions.

Sincerely,

Paul Schadewald
Chief
Conservation & Communication Division

js



817 Vandalia Street
Suite 100
St Paul, MN 55114

May 23, 2011

Mr. Paul Schadewald, Chief
Conservation and Communication Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

RE: Hess Corporation- TGT-TRT Pipeline
State Conservation Priority Species Consultation, State Plots Land Review.

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about August 15, 2011 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold, first we request a review of the proposed project study area, as depicted in the attached maps, for presence or absence of State Conservation Priority Species. Secondly, we request confirmation of the presence or absence of North Dakota Game and Fish Department PLOTS Lands within the proposed pipeline corridor.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC
Enclosures:

Project map – USGS topographic
Project aerial photograph



Jack Dalrymple, 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

Re: Hess TGP-TRT Revised Project Scope

Dear Chris,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced project.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any 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, there are no documented occurrences in our database within or adjacent to project area. 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 Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttenhefner@nd.gov). Thank you for the opportunity to comment on this proposed project.

Sincerely,

Kathy Duttenhefner

Kathy Duttenhefner, Coordinator
Natural Resources Division

R.USNDNHI*2011 KD12/1/2011DL12/12/2011

.....
Play in our backyard!

From: [Chris Schmidt](#)
To: ["kgduttonhefner@nd.gov"](mailto:kgduttonhefner@nd.gov)
Cc: ["wmccarthy@go2e3.com"](mailto:wmccarthy@go2e3.com); ["Katie Schmidt"](#)
Subject: Hess TGP-TRT Revised Project Scope: North Dakota Parks and Recreation Consultation
Date: Wednesday, November 23, 2011 1:45:00 PM
Attachments: [SpurToTioga_Aerial_11232011.pdf](#)
[SpurToTioga_Topo_11232011.pdf](#)

Dear Ms. Duttonhefner,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to interconnect with its Tioga rail terminal. The proposed project covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold; first we request a review of the proposed project's corridor and route, as depicted on the attached maps for the presence or absence of State Lands or Land and Water Conservation Fund recreation projects. Second, we request a review of the project's proposed corridor and route for the presence or absence of sensitive species.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011 and August 15, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Christopher R. Schmidt, Associate Consultant
E3 Environmental, LLC
651-282-0654 (o)
715-307-3795 (m)
cschmidt@go2e3.com
www.go2e3.com

From: [William McCarthy](#)
To: [Chris Schmidt](#)
Cc: [Katie Schmidt](#)
Subject: FW: Hess TGP-TRT New Project Scope
Date: Thursday, August 25, 2011 11:38:24 AM

From: Duttonhefner, Kathy G. [mailto:kgduttonhefner@nd.gov]
Sent: Thursday, August 25, 2011 10:49 AM
To: William McCarthy
Subject: Re: Hess TGP-TRT New Project Scope

August 25, 2011

Mr. Bill McCarthy
E3 Environmental, LLC
wmccarthy@go2e3.com

Re: Hess TGP-TRT New Project Scope

Dear Mr. McCarthy,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal project for the construction of the TGP-TRT Pipeline in Williams County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any 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, there are no documented occurrences in our database within or adjacent to project area. 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 Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttonhefner@nd.gov). Thank you for the opportunity to comment on this proposed project.

R.USNDNHI*2011_KD8/24/11DL8.25.2011

Kathy Duttonhefner
Coordinator/Biologist

Natural Resources Division
Nature Preserves/Natural Heritage Inventory/Natural Areas Registry
701-328-5370
1600 East Century Suite 3
Bismarck, ND 58503

=

=

From: [Chris Schmidt](#)
To: ["kgduttenehner@nd.gov"](mailto:kgduttenehner@nd.gov)
Cc: ["wmccarthy@go2e3.com"](mailto:wmccarthy@go2e3.com); ["Katie Schmidt"](#)
Subject: Hess TGP-TRT New Project Scope: North Dakota Parks and Recreation Consultation
Date: Monday, August 15, 2011 2:00:00 PM
Attachments: [SpurToTioga_Aerial_8152011.pdf](#)
[SpurToTioga_Topo_8152011.pdf](#)

Dear Ms. Duttenehner,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold; first we request a review of the proposed project's corridor and route, as depicted on the attached maps for the presence or absence of State Lands or Land and Water Conservation Fund recreation projects. Secondly, we request a review of the project's proposed corridor and route for the presence or absence of sensitive species.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC



Jack Dalrymple, 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

June 13, 2011

Mr. Bill McCarthy
E3 Environmental, LLC
wmccarthy@go2e3.com

Re: Hess TGP-TRT

Dear Mr. McCarthy,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed Hess Corporation project to construct the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system in Williams County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any 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, there are no documented occurrences in our database within or adjacent to project area. 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 Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttonhefner@nd.gov). Thank you for the opportunity to comment on this proposed project.

Sincerely,

Kathy Duttonhefner,
Coordinator/Biologist
Natural Resources Division

R.USNDNHI*2011_136 KD6/13/2011DL6/13/2011

.....
Play in our backyard!

From: [Ryan Ledin](#)
To: ["kgduttenehner@nd.gov"](mailto:kgduttenehner@nd.gov)
Cc: ["William McCarthy"](#)
Subject: Hess TGP-TRT: North Dakota Parks and Recreation Consultation
Date: Monday, May 23, 2011 7:42:00 PM

Dear Ms. Duttenehner,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about August 15, 2011 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is twofold, first we request a review of the proposed project's corridor and route, as depicted on the attached maps for the presence or absence of State Lands or Land and Water Conservation Fund recreation projects. Secondly, we request a review of the project's proposed corridor and route for the presence or absence of sensitive species.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: [Nelson, Diane M.](#)
To: [Chris Schmidt](#)
Cc: [William McCarthy](#); [Katie Schmidt](#)
Subject: RE: Hess TGP -TRT: Revised Project Scope: North Dakota Mineral State Trust Consultation
Date: Wednesday, November 23, 2011 3:07:40 PM

Chris,

Thank you for inquiring about the proposed change. I have reviewed the newly proposed route and concur with your analysis.

Diane

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Wednesday, November 23, 2011 1:42 PM
To: Nelson, Diane M.
Cc: wmccarthy@go2e3.com; 'Katie Schmidt'
Subject: FW: Hess TGP -TRT: Revised Project Scope: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

Thank you for your quick response to this request on August 9th and November 15th, 2011, however, since then the scope of the project has changed. The proposed project currently covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project schedule has not changed.

E3 has accessed www.land.nd.gov to review the current corridor and route for State Mineral Trust Lands. This review has concluded that there are no such lands crossed by the project. The purpose of this consultation is to seek your concurrence with this analysis. For your convenience, please refer to the attached maps which depict the project corridor and route.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Tuesday, November 15, 2011 2:54 PM
To: 'dianenelson@nd.gov'
Cc: 'wmccarthy@go2e3.com'; 'Katie Schmidt'

Subject: FW: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

Thank you for your quick response to this request on August 9th however, since then the scope of the project has changed. The proposed project currently covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project schedule has not changed.

As previously suggested, E3 has accessed www.land.nd.gov to review the current corridor and route for State Mineral Trust Lands. This review has concluded that there are no such lands crossed by the project. The purpose of this consultation is to seek your concurrence with this analysis. For your convenience, please refer to the attached maps which depict the project corridor and route.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Monday, August 08, 2011 4:39 PM
To: 'dianenelson@nd.gov'
Cc: 'wmccarthy@go2e3.com'; 'Katie Schmidt'
Subject: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction Approximately May, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

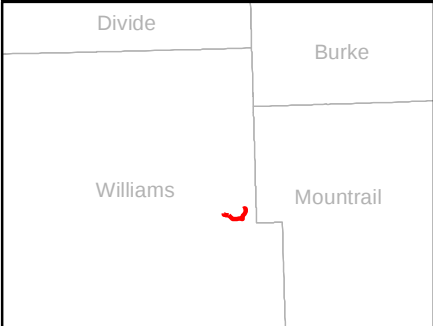
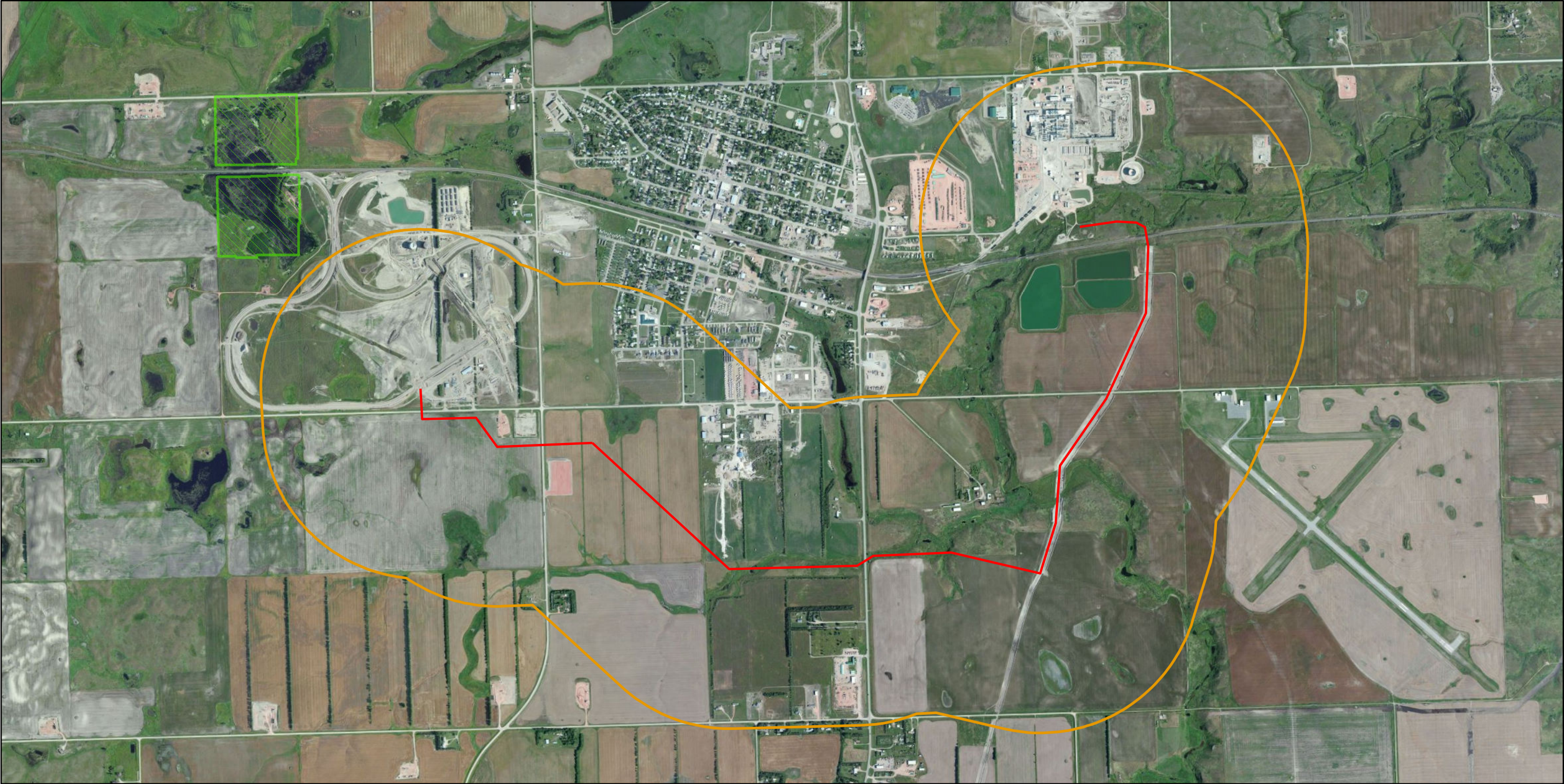
The purpose of this correspondence is to request a review of the proposed project

corridor, as depicted in the attached maps, for the presence or absence of State Mineral Trust Lands . As such, when conducting this review please include State Mineral Trust Lands within one mile of the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC



Proposed Centerline

Corridor

Federal Lands

State Lands

N

0

2,000

4,000

Feet

1:20,000

Enhancing Execution
with Experience

HESS

**Spur to Tioga
Proposed Pipeline**

(AKR) Monday, May 23rd 2011

Path: R:\Projects\DEF\IE3Environmental-2026\0011-Hess\Data Analysis_Hess Tioga Pipeline\SpurToTioga_Aerial_General.mxd

From: [Nelson, Diane M.](#)
To: [Chris Schmidt](#)
Cc: [William McCarthy](#); [Katie Schmidt](#)
Subject: RE: Hess TGP -TRT: North Dakota Mineral State Trust Consultation
Date: Tuesday, November 15, 2011 4:16:09 PM

Good afternoon,

I have reviewed the newly proposed route and concur with your analysis. Thank you for your consideration in this project.

Diane

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Tuesday, November 15, 2011 2:54 PM
To: Nelson, Diane M.
Cc: wmccarthy@go2e3.com; 'Katie Schmidt'
Subject: FW: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

Thank you for your quick response to this request on August 9th however, since then the scope of the project has changed. The proposed project currently covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project schedule has not changed.

As previously suggested, E3 has accessed www.land.nd.gov to review the current corridor and route for State Mineral Trust Lands. This review has concluded that there are no such lands crossed by the project. The purpose of this consultation is to seek your concurrence with this analysis. For your convenience, please refer to the attached maps which depict the project corridor and route.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Monday, August 08, 2011 4:39 PM
To: 'dianenelson@nd.gov'
Cc: 'wmccarthy@go2e3.com'; 'Katie Schmidt'

Subject: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

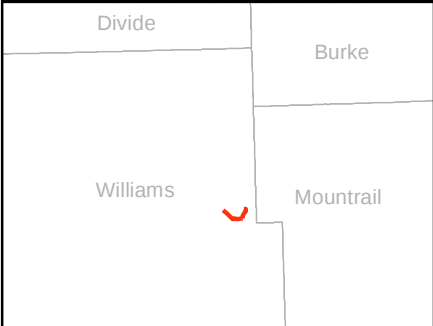
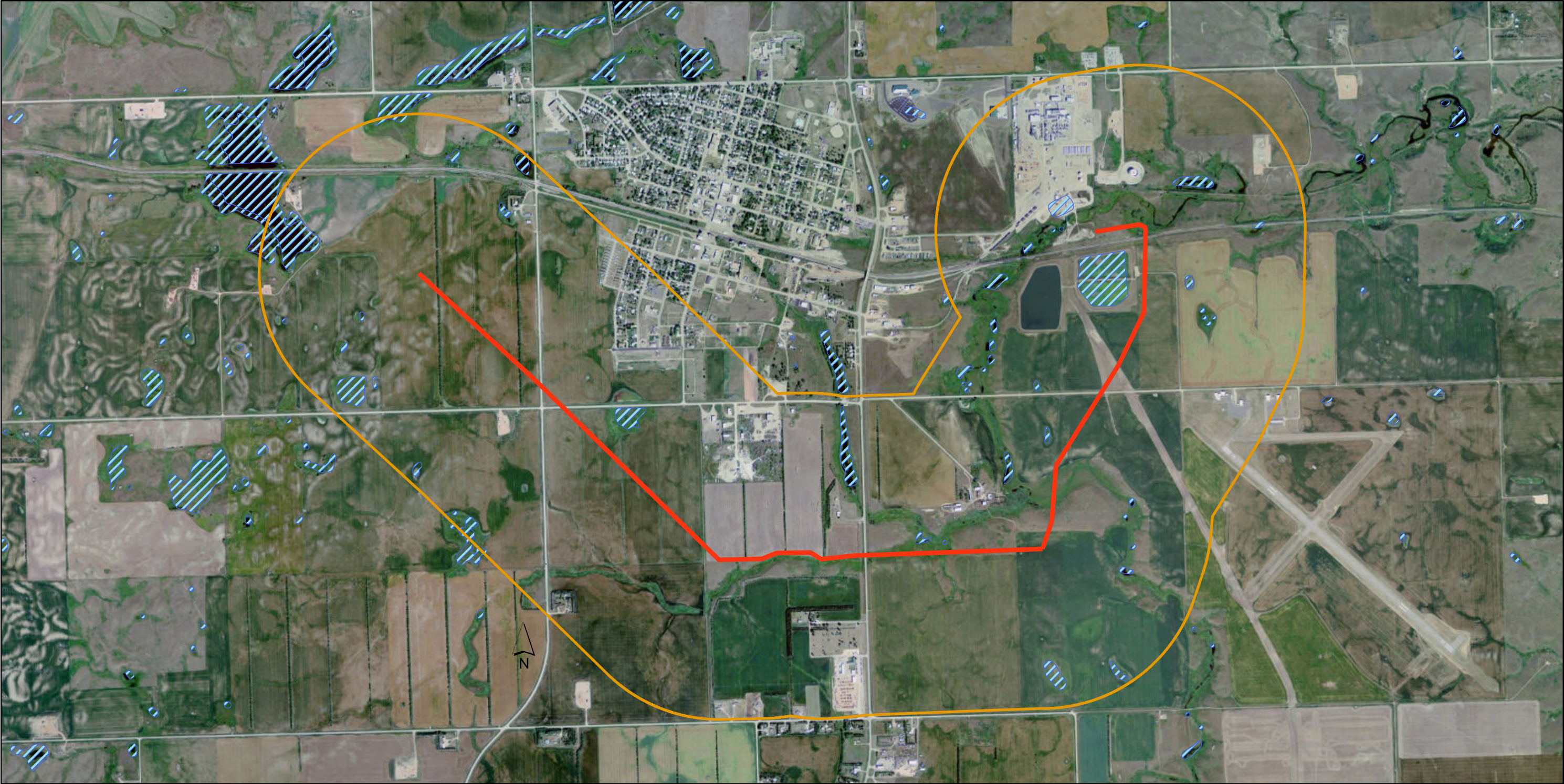
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The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for the presence or absence of State Mineral Trust Lands . As such, when conducting this review please include State Mineral Trust Lands within one mile of the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

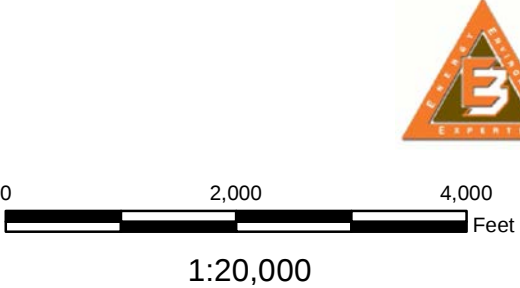
E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

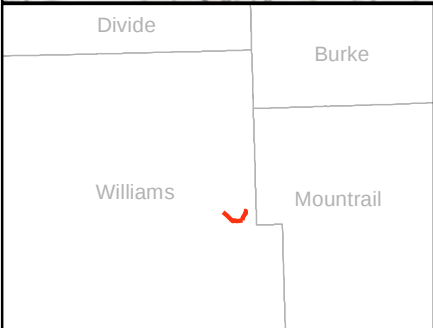
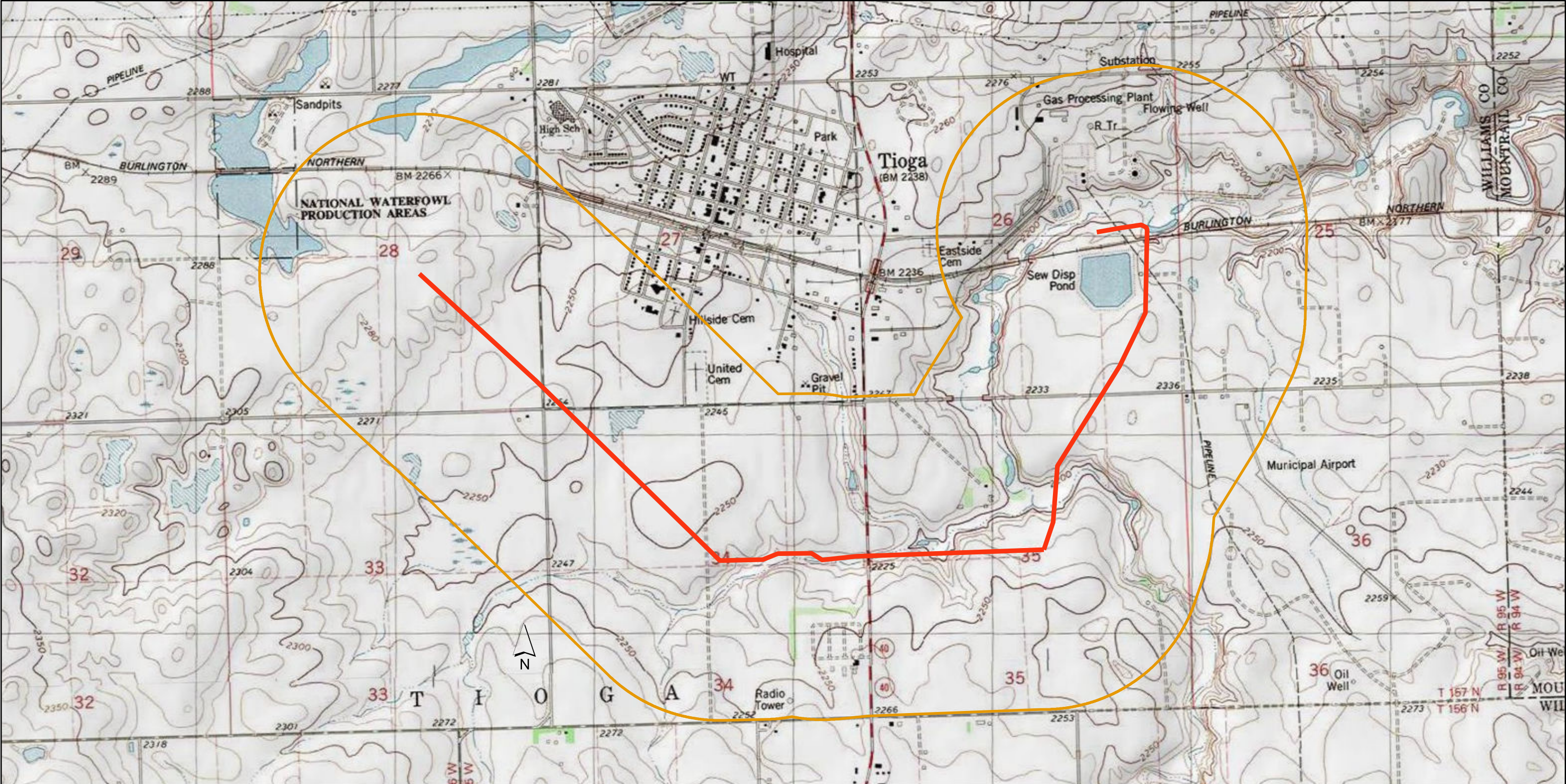
William F. McCarthy
Project Manager
E3 Environmental, LLC



- Proposed Centerline
- Corridor (1/2 Mile Buffer)
- NWI Wetland



Spur to Tioga
Proposed Pipeline



- Proposed Centerline
- Corridor (1/2 Mile Buffer)



Enhancing Execution
with Experience



0 2,000 4,000 Feet

1:20,000

Spur to Tioga
Proposed Pipeline

From: [William McCarthy](#)
To: [Chris Schmidt](#)
Subject: FW: Hess TGP -TRT: North Dakota Mineral State Trust Consultation
Date: Tuesday, August 09, 2011 2:15:51 PM
Attachments: [landinfo@nd.gov_20110809_135117.pdf](#)

From: Nelson, Diane M. [mailto:dianenelson@nd.gov]
Sent: Tuesday, August 09, 2011 2:09 PM
To: William McCarthy
Subject: RE: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Mr. McCarthy,

I have attached an image of this area with the mineral ownership for the State of ND outlined in gold. I also wanted to guide you to our website at www.land.gov. If you select the Minerals Management tab under State Oil & Gas Lease Status there is a feature labeled Legal Description. If you know the legal description you can enter it here and it will show a listing of the lands owned by the State Land Dept. and leasing information.

At this time, we concur with your request of this pipeline.

Diane M Nelson

Mineral Title Specialist
ND State Land Department
1707 N 9th St - PO Box 5523
Bismarck, ND 58501
701-328-2800

From: William McCarthy [mailto:wmccarthy@go2e3.com]
Sent: Monday, August 08, 2011 4:41 PM
To: Nelson, Diane M.
Cc: Katie Schmidt; 'Chris Schmidt'
Subject: Hess TGP -TRT: North Dakota Mineral State Trust Consultation

Dear Ms. Nelson,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction Approximately May, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project

corridor, as depicted in the attached maps, for the presence or absence of State Mineral Trust Lands . As such, when conducting this review please include State Mineral Trust Lands within one mile of the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

Bill McCarthy

E3 Environmental, LLC

651.282.0650 Office

651.319.7456 Mobile

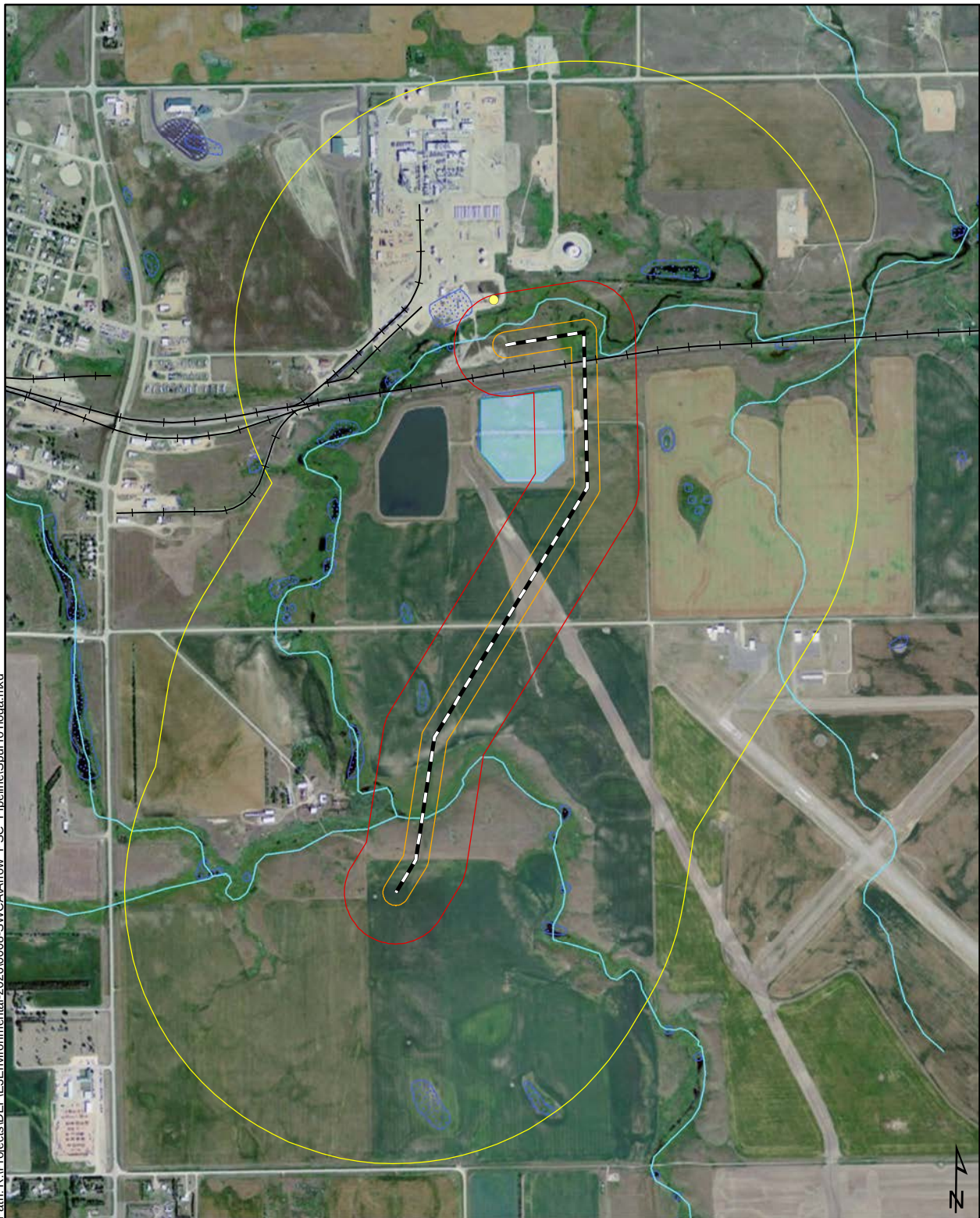
888.414.2048

www.go2e3.com



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Hess Tioga Pipeline

Williams County,
North Dakota
Aerial Map

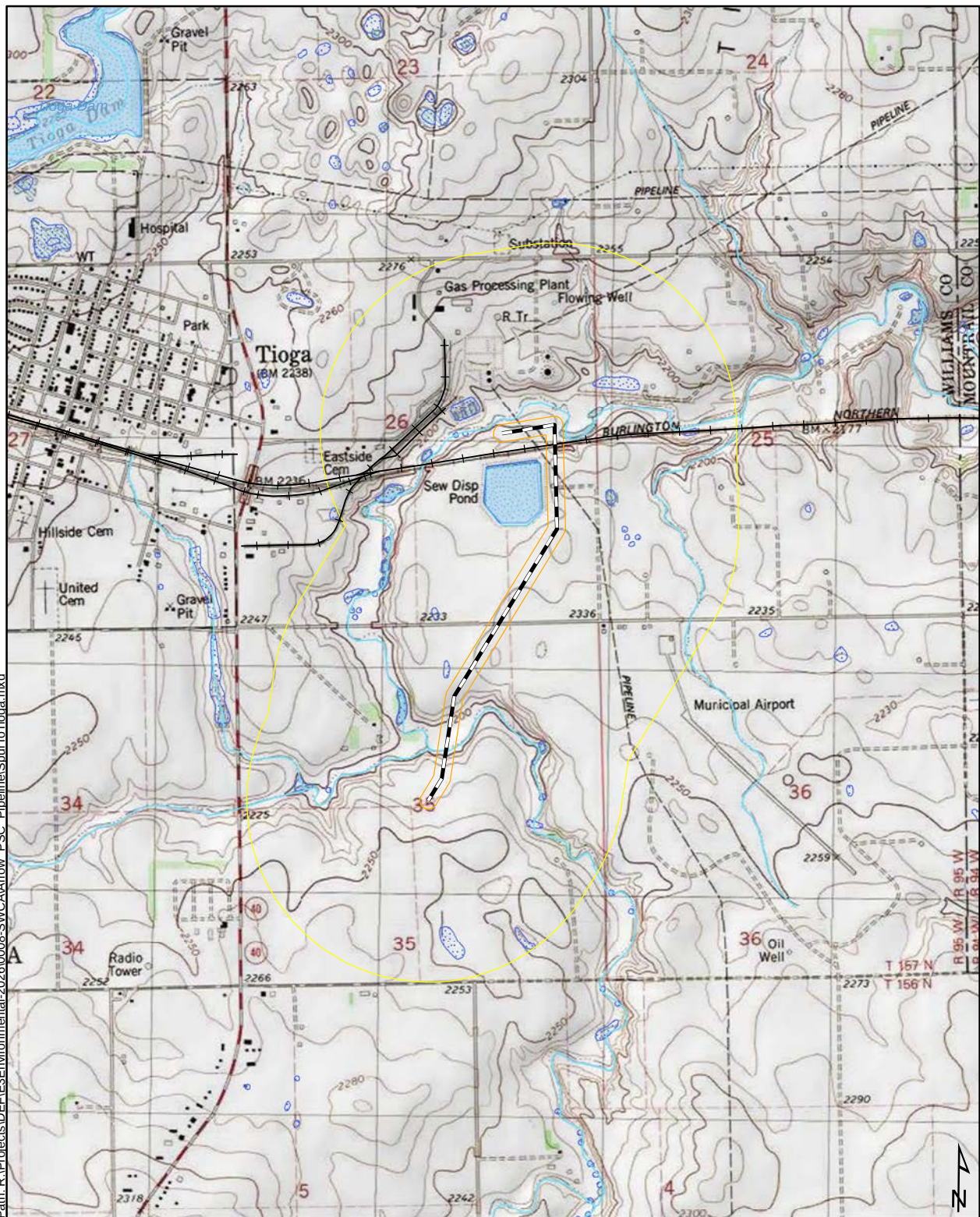
- SpurTiogaRail
- Survey Corridor
- Half-Mile Buffer
- River or Stream
- NWI Wetland
- Structure
- 500-Foot Buffer

0 1,000 2,000 Feet



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with Experience

Path: R:\Projects\DE\Environmental-2026\0008-SWCA\Arrow_PSC_Pipeline\SpurToTioga.mxd



Hess Tioga Pipeline

Williams County,
North Dakota
Topographic Map

- SpurTiogaRail
- Survey Corridor
- Half-Mile Buffer
- River or Stream
- NWI Wetland

- Federal Land
- Joint Ownership
- Local Government Land
- Native American Land

- Private Conservation Lands
- Regional Agency Land
- State Land

0 1,000 2,000 Feet



Enhancing Execution
with Experience

From: [Haupt, Michael L.](#)
To: [Chris Schmidt](#)
Cc: [Katie Schmidt](#); [William McCarthy](#)
Subject: RE: Hess TGP-TRT Revised Project Scope: North Dakota School Trust Lands Consultation
Date: Thursday, December 01, 2011 11:27:46 AM

Chris,

Good morning! There are no school trust surface involved in this project. Thanks.

Michael L. Haupt

Land Management Professional, CPRM
North Dakota Department of Trust lands
PO Box 5523, Bismarck ND 58506-5523
701-328-1916
mhaupt@nd.gov

Note: You can track the real time status of your right-of-way application 24/7 at <http://www.land.nd.gov/surface/row/> using either the ROW number or by entering at least the first three letters of the company name. By checking this site you can find the name, telephone number and email address of the person working on the application as well as its current status in real time.

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Wednesday, November 23, 2011 1:37 PM
To: Haupt, Michael L.
Cc: 'Katie Schmidt'; wmccarthy@go2e3.com
Subject: Hess TGP-TRT Revised Project Scope: North Dakota School Trust Lands Consultation

Dear Mr. Haupt,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to connect with its Tioga rail terminal. The proposed project covers a distance of approximately 3.62 miles in Sections 26, 28, 33, 34 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for the presence or absence of School Trust Lands. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011 and August 15, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

Christopher R. Schmidt, Associate Consultant

E3 Environmental, LLC

651-282-0654 (o)

715-307-3795 (m)

cschmidt@go2e3.com

www.go2e3.com



Please consider the environment before printing this e-mail.

From: [Chris Schmidt](#)
To: ["mhaupt@nd.gov"](mailto:mhaupt@nd.gov)
Cc: ["wmccarthy@go2e3.com"](mailto:wmccarthy@go2e3.com); ["Katie Schmidt"](#)
Subject: Hess TGP-TRT New Project Scope: North Dakota School Trust Lands Consultation
Date: Monday, August 15, 2011 1:56:00 PM
Attachments: [SpurToTioga_Aerial_8152011.pdf](#)
[SpurToTioga_Topo_8152011.pdf](#)

Dear Mr. Haupt,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for the presence or absence of School Trust Lands. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

From: [Haupt, Michael L.](#)
To: [Chris Schmidt](#)
Subject: RE: Hess TGP-TRT New Project Scope: North Dakota School Trust Lands Consultation
Date: Monday, August 15, 2011 2:20:01 PM

Chris,

Good afternoon! There is no school trust surface lying within the proposed project.
Thanks.

Michael L. Haupt

Land Management Professional, CPRM
North Dakota State Land Department
PO Box 5523, Bismarck ND 58506-5523
701-328-1916
mhaupt@nd.gov

Note: You can track the real time status of your right-of-way application 24/7 at <http://www.land.nd.gov/surface/row/> using either the ROW number or by entering at least the first three letters of the company name. By checking this site you can find the name, telephone number and email address of the person working on the application as well as its current status in real time.

From: Chris Schmidt [<mailto:cschmidt@go2e3.com>]
Sent: Monday, August 15, 2011 1:57 PM
To: Haupt, Michael L.
Cc: wmccarthy@go2e3.com; 'Katie Schmidt'
Subject: Hess TGP-TRT New Project Scope: North Dakota School Trust Lands Consultation

Dear Mr. Haupt,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 4 miles in Sections 26, 35, 34, 27, and 28, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about May 1, 2012 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for the presence or absence of School Trust Lands. As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

Please note, E3 Environmental, LLC, on behalf of Hess originally consulted with your agency on May 23, 2011; however due to the change in project scope we request this review of the current project configuration.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

William F. McCarthy
Project Manager
E3 Environmental, LLC

William McCarthy

From: Haupt, Michael L. [mhaupt@nd.gov]
Sent: Monday, May 23, 2011 9:21 PM
To: William McCarthy; Ryan ledin
Subject: RE: Hess TGP-TRT: North Dakota Parks and Recreation Consultation

The ND School Trust does not have any surface in the proposed project area.

Michael L. Haupt

Land Management Professional, CPRM
North Dakota State Land Department
PO Box 5523, Bismarck ND 58506-5523
701-328-2800
mhaupt@nd.gov

Note: You can track the real time status of your right-of-way application 24/7 at <http://www.land.nd.gov/surface/row/> using either the ROW number or by entering at least the first three letters of the company name. By checking this site you can find the name, telephone number and email address of the person working on the application as well as its current status in real time.

From: William McCarthy [<mailto:wmccarthy@go2e3.com>]
Sent: Monday, May 23, 2011 8:34 PM
To: 'Ryan Ledin'; Haupt, Michael L.
Subject: RE: Hess TGP-TRT: North Dakota Parks and Recreation Consultation

Dear Mr. Haupt,

Hess Corporation (Hess) has proposed the construction of the TGP-TRT Pipeline, from its Tioga gas processing plant to an interconnect with a separate pipeline system. The proposed project covers a distance of approximately 1.5 miles in Sections 26 and 35, Township 157N, Range 95W of Williams County, North Dakota. The project is currently scheduled to begin construction on or about August 15, 2011 and will continue for approximately 45 days, with restoration to immediately follow.

The purpose of this correspondence is to request a review of the proposed project corridor, as depicted in the attached maps, for the presence or absence of School Trust Lands . As such, when conducting this review please include both the proposed pipeline corridor and corresponding pipeline route as depicted on the attached aerial photograph and topographic maps in your analysis.

E3 Environmental, LLC has been retained by Hess to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com.

Sincerely,

Bill McCarthy

E3 Environmental, LLC
651.282.0650 Office
651.319.7456 Mobile
888.414.2048
www.go2e3.com





**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Gereld Gerntholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

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Bismarck

Chester E. Nelson, Jr.
Bismarck

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

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Secretary of State

Mark Zimmerman
*Director
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Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

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November 10, 2011

Judith R. Cooper
Principal Investigator
SWCA Environmental Consultants
116 North 4th Street, Suite 200
Bismarck, North Dakota 58501

**NDSHPO REF.: 11-2325A A Class I and Class III Cultural Resource
Inventory of the Hess Tioga Gas Plant to Tioga Rail Terminal Gas Pipeline,
Williams County, North Dakota
[T157N R95W Section 28, 33, 34, 35]**

Dear Ms. Cooper:

We have received and reviewed correspondence and project document
NDSHPO REF.: 11-2325A "A Class I and Class III Cultural Resource Inventory
of the Hess Tioga Gas Plant to Tioga Rail Terminal Gas Pipeline, Williams
County, North Dakota" [T157N R95W Section 28, 33, 34, 35] and find it
acceptable. Thank you for the report.

If consulted by a federal or state agency, we would concur with "*No Historic
Properties Affected*" and "*No Significant Sites Affected*" determinations
provided the project is of the nature stated and it takes place in the plotted
location in the project documentation.

If you have questions please contact either Paul Picha at ppicha@nd.gov or (701)
328-3574 or Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

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

c: Pat Fahn, NDPSC

November 4, 2011

Paul R. Picha, Chief Archeologist
State Historical Society of North Dakota
Archeology & Historic Preservation Division
612 East Boulevard Avenue
Bismarck, ND 58505-0830

RE: A Class I and Class III Cultural Resource Inventory of the Hess Tioga Gas Plant to Tioga Rail Terminal Gas Pipeline, Williams County, North Dakota

Dear Mr. Picha:

Enclosed is a copy of a report entitled *A Class I and Class III Cultural Resource Inventory of the Hess Tioga Gas Plant to Tioga Rail Terminal Gas Pipeline, Williams County, North Dakota*. This report documents the cultural resource inventory of the Hess Corporation (Hess) Tioga Gas Plant to Tioga Rail Terminal Gas Pipeline project, performed by SWCA Environmental Consultants (SWCA). SWCA is assisting Hess with their application to the North Dakota Public Service Commission (NDPSC) for a certificate of corridor compatibility and route permit for the project. The cultural resource inventory is required as part of Hess's permit application to the NDPSC.

One previously recorded historic cultural resource (32WI1007) was revisited during the inventory. 32WI1007 is a newly recorded segment of the Glasgow Subdivision of the Minot-Williston main line railroad, currently owned and operated by the Burlington Northern Santa Fe Railway. A copy of the site form update is included as an appendix within the attached report. SWCA recommends 32WI1007 as eligible for nomination to the National Register of Historic Places under Criterion A; however, the newly recorded segment of 32WI1007 is recommended as a non-contributing portion of the larger resource due to the impacts to its physical and historic integrity. Hess plans to avoid 32WI1007 by boring underneath the site; therefore, there will be no impacts to the resource. SWCA recommends that a determination of *No Historic Properties Affected* and *No Significant Sites Affected* be granted for the project to proceed as planned.

Please notify SWCA of the results of your review. Thank you in advance for your time.

Sincerely,



Judith R. Cooper, Ph.D.