

Appendix C

Consultations



December 30, 2011

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

RE: Plains All-American Pipeline L.P. – Nelson Take-Off to Ross Pipeline
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Treaty Act.

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline (Project). This project is designed to transport crude oil a distance of approximately 16.9 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

The proposed Project corridor is described below as well as on the attached topographic maps. Plains will site the final pipeline route within this 1-mile corridor; the preliminary centerline is available upon request.

In Mountrail County, North Dakota the 1-mile corridor includes:

- Township 155N, Range 91W, Sections 2, 3, 4, 5, and 6
- Township 155N, Range 92W, Sections 3, 4, and 5
- Township 156N, Range 91W, Sections 30, 31, 32, 33, 34, and 35
- Township 156N, Range 92W, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36
- Township 156N, Range 93W, Sections 9, 10, 15, 16, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36

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 Energy Transmission Facility Siting. On December 1, 2011, E3 conducted a web-based consultation using USFWS's IPaC system. This request has been prepared to augment that effort and facilitate a thorough project review.

Federally Listed Species Analysis:

The results of the search on December 1, 2011 found the following:

- Whooping crane (*Grus americana*) – Endangered
- Piping plover (*Charadrius melodus*) – Threatened
- Least tern (*Sternula antillarum*) – Endangered
- Sprague's pipit (*Anthus spagueii*) - Candidate
- Pallid sturgeon (*Scaphirhynchus albus*) – Endangered
- Dakota skipper (*Hesperia dacotae*) – Candidate

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. Pipeline construction involves temporary impacts, with a post-construction restoration standard of restoring disturbed areas to their original pre-construction condition. Potential impacts are anticipated to be limited to the time period during active construction should it coincide with the spring migration period. Spring migration by the Aransas/Wood Buffalo population from the Texas Gulf Coast begins between the end of March and mid-April, with the last birds generally leaving Texas by the first of May. Experienced breeders are among the first to arrive in Canadian nesting areas in late April, with the rest of the birds arriving throughout the following 6-8 weeks.

Project precautionary measures would be implemented if a whooping crane is sighted in or near the project area. Plains would voluntarily suspend all heavy equipment operation activities and notify the USFWS should a whooping crane be spotted within 0.5 mile of the project area. Heavy equipment activities would resume upon the departure of the individual(s). Once operational, the pipeline is a buried utility and will not have a direct impact on this species. As a result, the proposed pipeline would have no effect on the species.

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. Current breeding range on the Northern Great Plains extends south along major prairie rivers including the Yellowstone and Missouri, and in alkali wetlands including those in northeastern Montana and North Dakota. The project is approximately 14 miles from the Missouri River, and therefore will have no effect on the species.

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 terns. The project is approximately 14 miles from the Missouri River, and therefore will have no effect on the species.

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. The project is

approximately 40 river miles from the Missouri River and Lake Sakakewea, and therefore will have no effect on the species.

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. Therefore, the Project will have no effect on the 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. Plains request 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. Plains 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). Plains 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. Plains also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15.

The project is expected to require approximately 2 – 3 months to complete, with construction initiation anticipated to occur in the late spring or early summer of 2012. Based on previous consultations with the USFWS, the Project right of way (ROW) will be prepared in advance (e.g. mowed) to remove potential breeding habitat from the Project area and effectively deter migrants from establishing nest(s) within the construction corridor. Plains seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 Environmental, LLC has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0652 or kschmidt@go2e3.com

Plains All-American Pipeline
Nelson – Ross Take Off
December 30, 2011



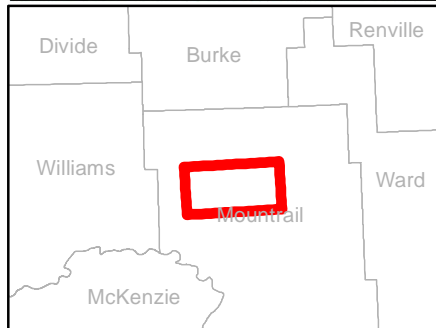
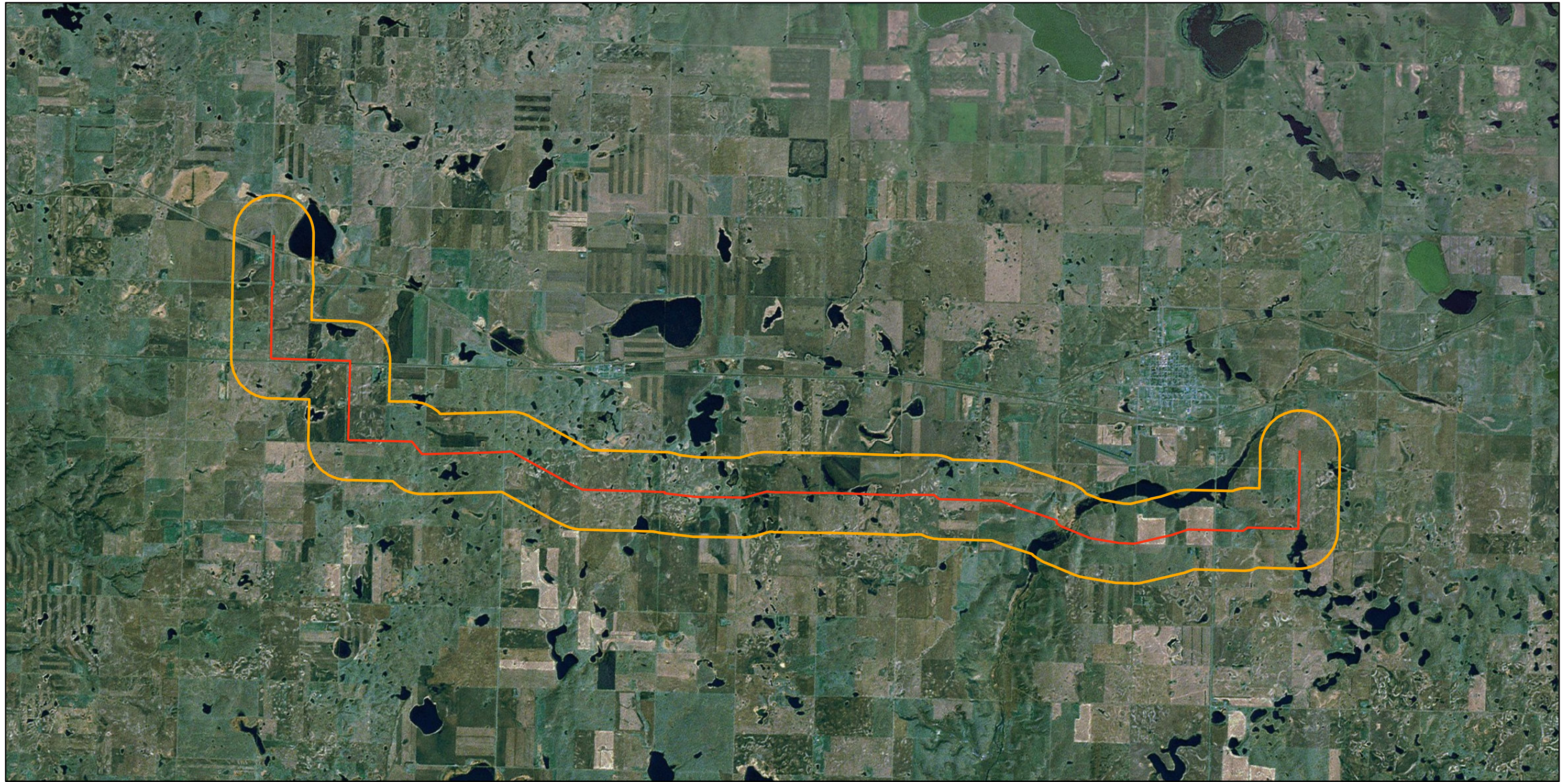
Sincerely,

A handwritten signature in blue ink that reads 'Katie Schmidt'. The signature is fluid and cursive, with the first name 'Katie' being more prominent than the last name 'Schmidt'.

Katie Schmidt
Project Manager
E3 Environmental, LLC

Enclosures: Project map – USGS topographic
Project aerial photography

cc: E3 Project Files



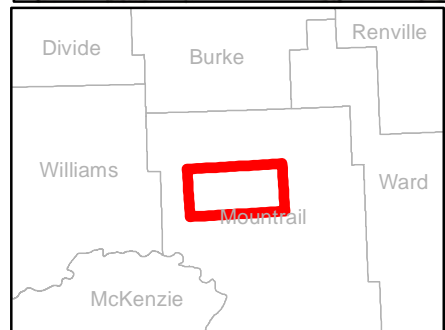
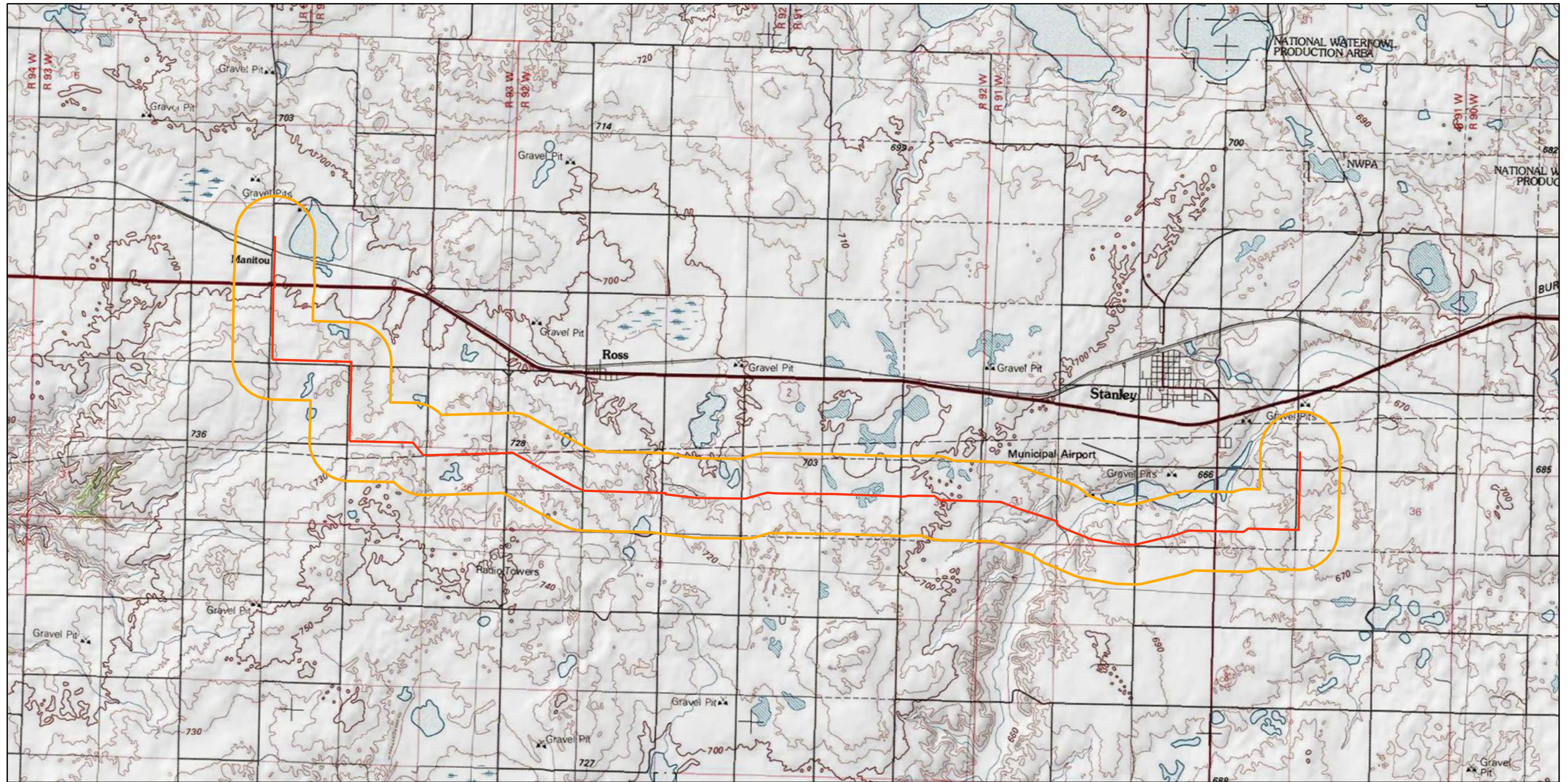
Legend

- 12-9-11 Nelson to Ross Centerline
- Corridor (1-mile)

0 1 2 Miles

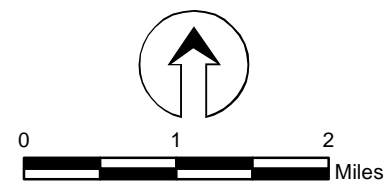
**Nelson to Ross
Proposed Pipeline**

Overview Map



Legend

- 12-9-11 Nelson to Ross Centerline
- Corridor (1-mile)



**Nelson to Ross
Proposed Pipeline**

Overview Map

From: [Chris Schmidt](#)
To: ["david.leith@nd.usda.gov"](mailto:david.leith@nd.usda.gov)
Cc: ["Katie Schmidt"](#)
Subject: Nelson Take-Off to Ross Pipeline Project: North Dakota Farm Service Agency Consultation
Date: Thursday, December 22, 2011 11:52:00 AM
Attachments: [Corridor_Overview_Topo.pdf](#)
[Corridor_Overview_Aerial.pdf](#)

Dear Mr. Leith,

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline Project (Project). This Project is designed to transport crude oil a distance of approximately 16.5 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

The proposed Project corridor is described below as well as on the attached topographic maps. Plains will site the final pipeline route within this 1-mile corridor; the preliminary centerline is available upon request.

In Mountrail County, North Dakota the 1-mile corridor includes:

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- Township 156N, Range 93W, Sections 9, 10, 15, 16, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36

The purpose of this correspondence is to request a review of the proposed Project corridor (see attached) for the presence of lands that are enrolled in the FSA's Conservation Reserve Program (CRP) or Grassland Reserve Program. This information will be included in a North Dakota Public Service Commission application for the Project.

E3 Environmental, LLC has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at the information below or Katie Schmidt at 651-282-0652 or kschmidt@go2e3.com.

Sincerely,

Christopher R. Schmidt, Associate Consultant
E3 Environmental, LLC
651-282-0654 (o)

715-307-3795 (m)
cschmidt@go2e3.com
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 30, 2011

Andrea Sampson
Project Manager
E3 Environmental, LLC
817 Vandalia Street - Suite 100
St. Paul, MN 55114

Dear Ms. Sampson:

RE: Nelson Take-Off to Ross Pipeline Project

Plains All-American Pipeline L.P. is proposing to construct approximately 16.5 miles of crude oil pipeline from its origin at the Stanley tank farm westward to the Ross rail terminal in Mountrail County, North Dakota.

Our primary concern with this project is the possible disturbance of native prairie and wooded draws associated with construction of the pipeline and access roads. We ask that work within these areas be avoided to the extent possible.

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

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

Sincerely,

Greg Link
Chief
Conservation & Communication Division

js



December 2, 2011

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

RE: Plains All-American Pipeline L.P. – Nelson Take-Off to Ross Pipeline
State Conservation Priority Species Consultation, State Plots Land Review.

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline Project (Project). This project is designed to transport crude oil a distance of approximately 16.5 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

The proposed Project corridor is described below as well as on the attached topographic maps. Plains will site the final pipeline route within this 1-mile corridor; the preliminary centerline is available upon request.

In Mountrail County, North Dakota the 1-mile corridor includes:

- Township 155N, Range 91W, Sections 2, 3, 4, 5, and 6
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- Township 156N, Range 93W, Sections 9, 10, 15, 16, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36

The purpose of this correspondence is twofold: to request a review of the proposed Project corridor for presence or absence of State Conservation Priority Species; and to request confirmation of the presence or absence of North Dakota Game and Fish Department PLOTS Lands within the proposed pipeline corridor (see attached).

Plains All-American Pipeline
Nelson to Ross Take Off
December 1, 2011



E3 Environmental, LLC (E3) has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0652 or kschmidt@go2e3.com

Sincerely,



Katie Schmidt
Project Manager
E3 Environmental, LLC

Enclosures: Project map – USGS topographic
Project aerial photography

cc: Mike Cook, SWCA
E3 Project Files

From: [Duttenhefner, Kathy G.](#)
To: [Chris Schmidt](#)
Subject: RE: Nelson Take-Off to Ross Pipeline Project: North Dakota Parks and Recreation Consultation
Date: Thursday, January 12, 2012 3:20:19 PM

Re: Nelson Take-Off to Ross Pipeline Project – Project Review

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*2012KD1/12/2012

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Thursday, January 12, 2012 12:12 PM
To: Duttenhefner, Kathy G.
Cc: 'Katie Schmidt'
Subject: RE: Nelson Take-Off to Ross Pipeline Project: North Dakota Parks and Recreation Consultation

Ms. Duttenhefner,

I am enquiring about the status of the consultation that I sent to you on December 2, 2011 (see below email). Is there any additional information that you need from E3 Environmental, LLC in order to move forward with the consultation? Please let me know what your thoughts are at your earliest convenience. As always if you have any questions or concerns feel free to contact me.

Thanks,

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 [mailto:cschmidt@go2e3.com]
Sent: Friday, December 02, 2011 3:32 PM
To: 'kgduttonhefner@nd.gov'
Cc: 'Katie Schmidt'; 'wmccarthy@go2e3.com'
Subject: Nelson Take-Off to Ross Pipeline Project: North Dakota Parks and Recreation Consultation

Dear Ms. Duttonhefner,

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline Project (Project). This project is designed to transport crude oil a distance of approximately 16.5 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

The proposed Project corridor is described below as well as on the attached topographic maps. Plains will site the final pipeline route within this 1-mile corridor; the preliminary centerline is available upon request.

In Mountrail County, North Dakota the 1-mile corridor includes:

- Township 155N, Range 91W, Sections 2, 3, 4, 5, and 6
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- Township 156N, Range 93W, Sections 9, 10, 15, 16, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36

-

The purpose of this request is to compile the North Dakota Parks and Recreation

Department's (Department) comments on environmental topics that are relevant to the North Dakota Public Service Commission's siting requirements for Energy Transmission Facility Siting. It is our understanding that the Department administers the following state programs:

- State Park Lands
- Land and Water Conservation Fund
- Natural Heritage Inventory

We request a review of the proposed Project corridor (see attached maps) for the presence or absence of any State Park lands, Land and Water Conservation Fund recreation projects, and sensitive species that fall under the purview of these programs.

E3 Environmental, LLC has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at the information below or Katie Schmidt at 651-282-0652 or kschmidt@go2e3.com.

Sincerely,

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: [Haupt, Michael L.](#)
To: [Chris Schmidt](#)
Subject: ROW#5926 - Nelson Take-Off to Ross Pipeline Project: North Dakota School Trust Consultation
Date: Friday, December 02, 2011 4:05:48 PM
Attachments: [156-93-36MOU.pdf](#)

Chris,

Good afternoon! We have been in contact with Toby Panasuk, see emails below, concerning the proposed route across the N2 36-153-96 Mountrail County. There is an existing pipeline corridor across this tract as shown on the attached aerial photo. We were waiting for Plains to settle with private landowners before we proceed with an easement along this corridor. Let me know if you have questions. Thanks.

Thanks Mike, will forward on to Plains and get back to you asap

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

From: [Haupt, Michael L.](#)
To: tpanasuk@earthlink.net
Sent: 9/7/2011 9:49:25 AM
Subject: RE: R/W #5926

Toby,

Good morning! We will remove the SW4 of section 36-156-92 from the Plains request. After review of the mineral spacing unit that includes section 36, it appears that a route on the north side of the existing pipeline corridor in the N2 of section 36-156-93 is possible. However, Enbridge Pipeline has proposed an oil pipeline on the north side of the pipeline corridor, adjacent to their existing pipeline (Portal pipeline), but has not completed their application. Because this is a major pipeline corridor we do not want to spread pipelines out hundreds of feet apart. This would impact the fee ownership of the property and impact potential future oil well sites. We are looking at major pipelines being 20 feet apart, from pipeline to pipeline, so several more can be accommodated within this corridor. With this in mind the, the south side of the corridor is open for the current Plains Pipeline request and the pipeline would lie 20 feet south of and parallel to the existing Hess pipeline. If Plains wants to go on the north side they will have to talk with Enbridge to see who wants to build first, keeping in mind that the next pipeline on the north side of the corridor will be 20 feet north of and parallel to the existing Enbridge (Portal) pipeline. Let me know what side of the corridor Plains wants to use. 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: Toby Panasuk [mailto:tpanasuk@earthlink.net]
Sent: Tuesday, September 06, 2011 2:39 PM
To: Haupt, Michael L.
Subject: R/W #5926

Michael

After further investigation, Plains would prefer to locate their pipeline on the north side of the pipeline corridor (as opposed to the south side) in N2 of Sec 36, T156, R93 and if easements can be obtained from adjacent fee owners, not cross the state lands located SW4 of Sec 36, T156, R92 Mountrail Co, ND. Would this be acceptable to ND State Lands as a viable route for Plains to pursue?

Thanks, Toby

Toby Panasuk
35139 County Road 129
Sidney, MT 59270
(406) 482-4534
(406) 861-2770 cell
tpanasuk@earthlink.net

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

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From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Friday, December 02, 2011 3:35 PM
To: Haupt, Michael L.
Cc: 'Katie Schmidt'; wmccarthy@go2e3.com
Subject: Nelson Take-Off to Ross Pipeline Project: North Dakota School Trust Consultation

Dear Mr. Haupt,

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline Project (Project). This project is designed to transport crude oil a distance of approximately 16.5 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

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The purpose of this correspondence is to request a review of the proposed Project corridor (see attached) for the presence or absence of State School Trust Lands. This information will be included in a North Dakota Public Service Commission application for the Project.

E3 Environmental, LLC has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at the information below or Katie Schmidt at 651-282-0652 or kschmidt@go2e3.com.

Sincerely,

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: ["Katie Schmidt"](#); ["wmccarthy@go2e3.com"](mailto:wmccarthy@go2e3.com)
Subject: Nelson Take-Off to Ross Pipeline Project: North Dakota School Trust Consultation
Date: Friday, December 02, 2011 3:35:00 PM
Attachments: [Corridor_Overview_Topo.pdf](#)
[Corridor_Overview_Aerial.pdf](#)

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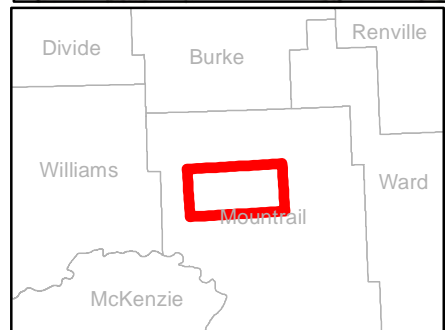
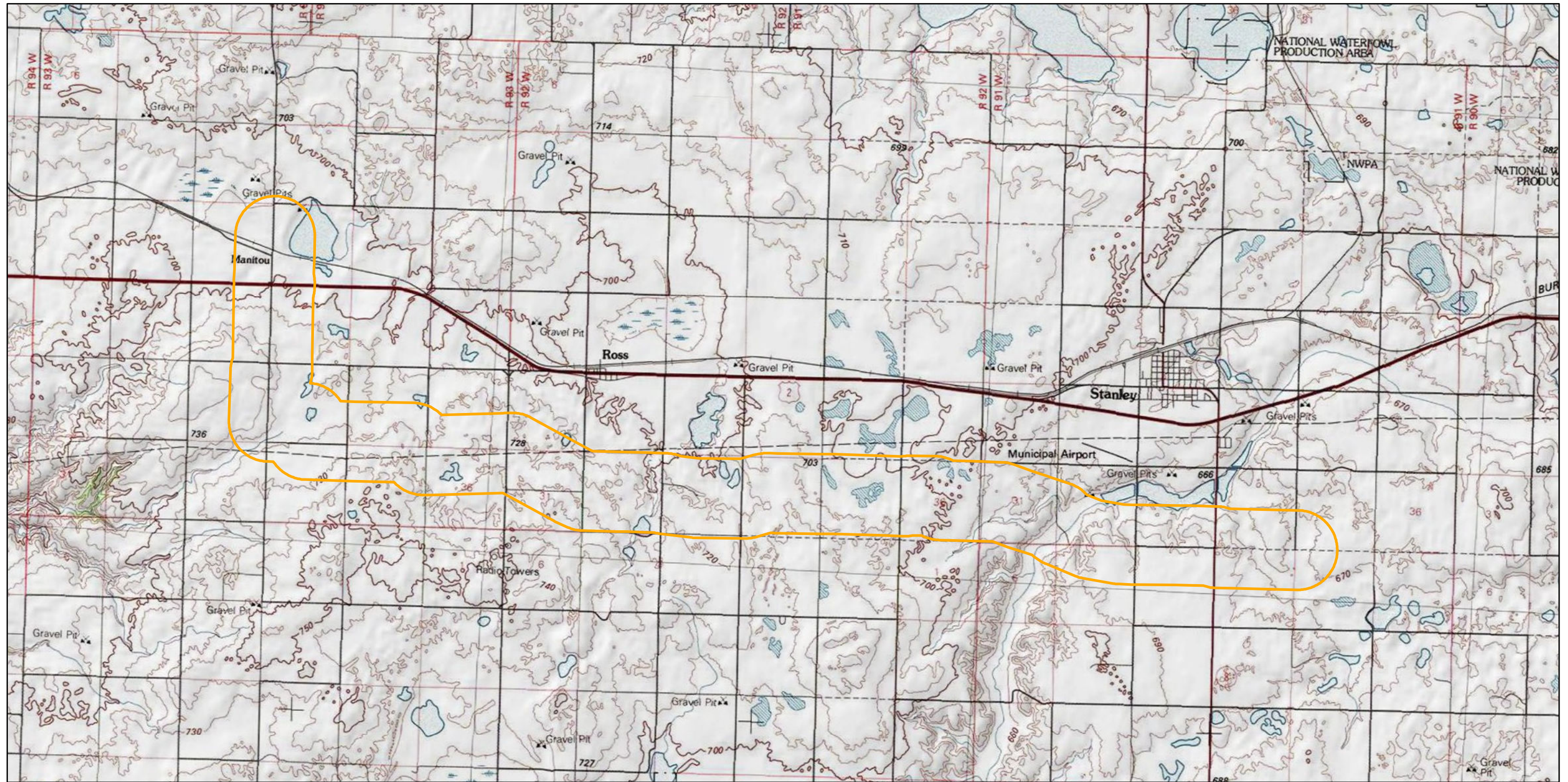
Sincerely,

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

cschmidt@go2e3.com
www.go2e3.com



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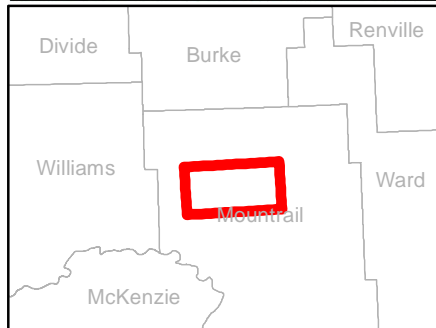
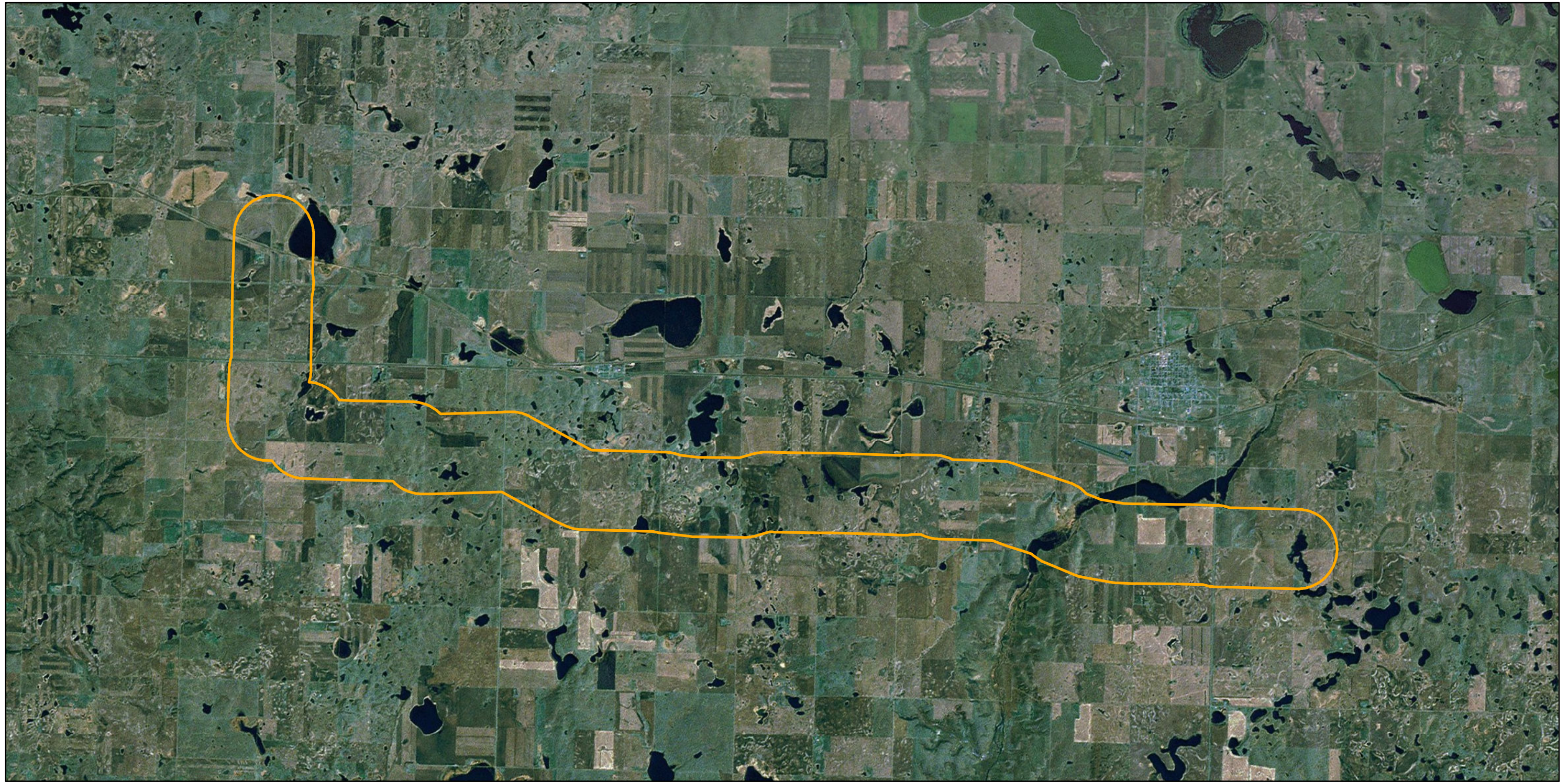


Legend

Corridor (1-mile)

**Nelson to Ross
Proposed Pipeline**

Overview Map



Legend

 Corridor (1-mile)





Miles





**Nelson to Ross
Proposed Pipeline**

Overview Map

From: [Nelson, Diane M.](#)
To: [Chris Schmidt](#)
Cc: [Katie Schmidt](#); [William McCarthy](#)
Subject: RE: Nelson Take-Off to Ross Pipeline Project: North Dakota State Mineral Trust Lands Consultation
Date: Wednesday, December 28, 2011 4:42:56 PM

Chris,

Thank you for your consideration with this pipeline project. I do concur that your analysis is correct upon reviewing the tracts for State Mineral Trust Lands ownership. We do have wells in production in this area. If you have not already done so, I would like to refer you to Michael Haupt who performs an analysis in our surface division. His email contact is: mhaupt@nd.gov
Thank you,

Diane M Nelson

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

From: Chris Schmidt [mailto:cschmidt@go2e3.com]
Sent: Friday, December 02, 2011 3:38 PM
To: Nelson, Diane M.
Cc: 'Katie Schmidt'; wmccarthy@go2e3.com
Subject: Nelson Take-Off to Ross Pipeline Project: North Dakota State Mineral Trust Lands Consultation

Dear Ms. Nelson,

Plains All-American Pipeline L.P. (Plains) has proposed the construction of the Nelson Take-Off to Ross Pipeline Project (Project). This project is designed to transport crude oil a distance of approximately 16.5 miles from its origin at the Stanley tank farm in central Mountrail County, and extends westward to the Ross rail terminal. The Project is currently scheduled to begin construction in the late 2nd quarter/early 3rd quarter of 2012. Once construction commences it will take approximately 2-3 months to complete with restoration to immediately follow.

The proposed Project corridor is described below as well as on the attached topographic maps. Plains will site the final pipeline route within this 1-mile corridor; the preliminary centerline is available upon request.

In Mountrail County, North Dakota the 1-mile corridor includes:

- Township 155N, Range 91W, Sections 2, 3, 4, 5, and 6
- Township 155N, Range 92W, Sections 3, 4, and 5
- Township 156N, Range 91W, Sections 30, 31, 32, 33, 34, and 35
- Township 156N, Range 92W, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36
- Township 156N, Range 93W, Sections 9, 10, 15, 16, 21, 22, 25, 26, 27,

28, 33, 34, 35, 36

E3 has accessed www.land.nd.gov to review the current corridor for State Mineral Trust Lands. This review has concluded that the following legals within the corridor have State Mineral Trust Lands:

- Township 155N, Range 91W, Sections 4 and 6
- Township 155N, Range 92W, Section 3
- Township 156N, Range 91W, Sections 34 and 35
- Township 156N, Range 92W, Sections 25, 28, 33, and 36
- Township 156N, Range 93W, Sections 16, 25, 26, 34, 35 and 36

The purpose of this consultation is to seek your concurrence with this analysis. This information will be included in a North Dakota Public Service Commission application for the project. For your convenience, please refer to the attached maps which depict the Project corridor.

E3 Environmental, LLC has been retained by Plains to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at the information below or Katie Schmidt at 651-282-0652 or kschmidt@go2e3.com.

Sincerely,

Christopher R. Schmidt, Associate Consultant

E3 Environmental, LLC

651-282-0654 (o)

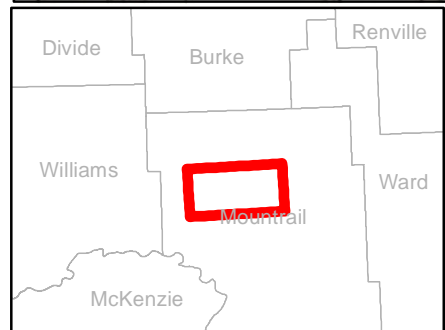
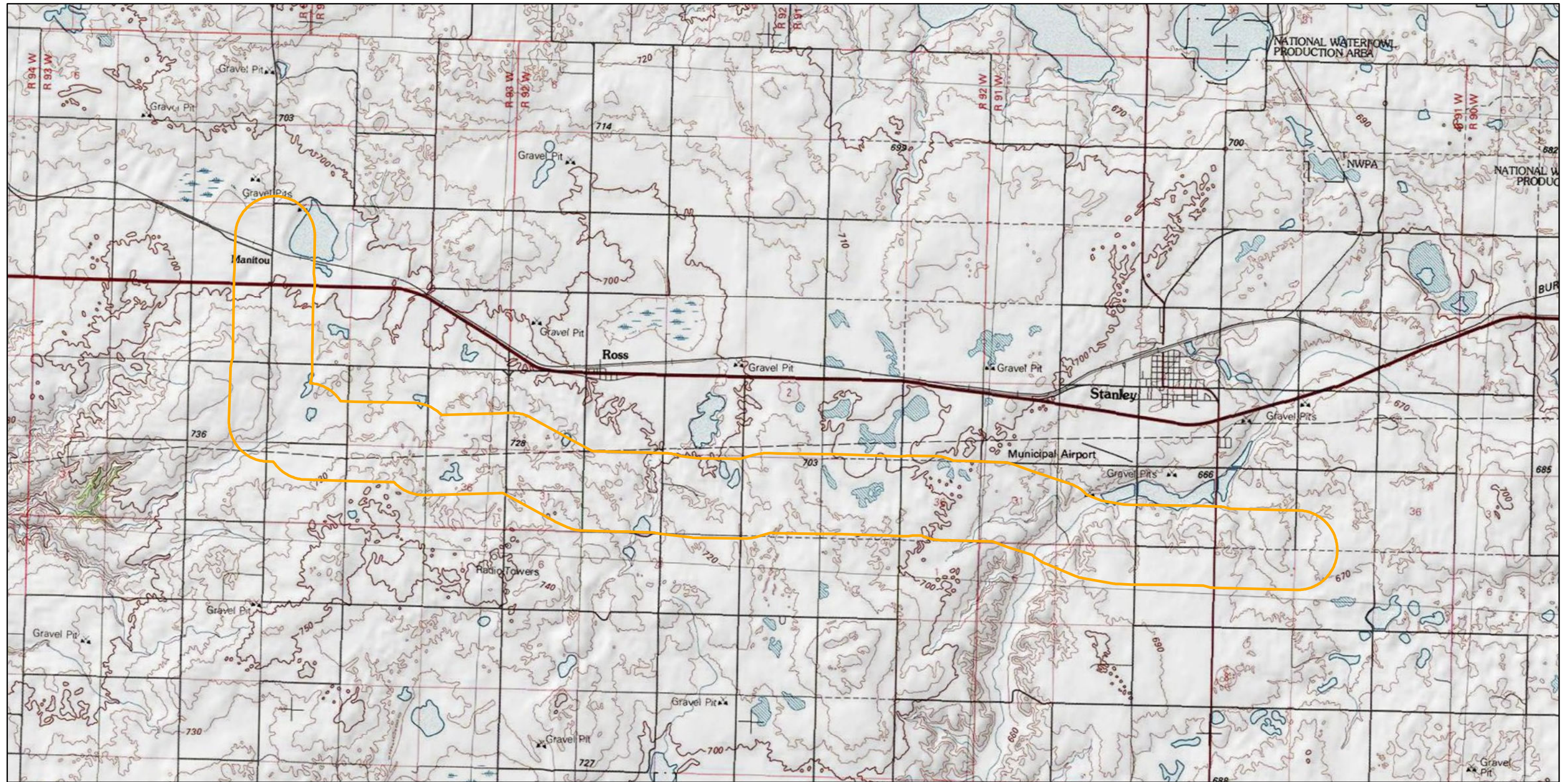
715-307-3795 (m)

cschmidt@go2e3.com


www.go2e3.com


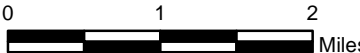


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Legend

 Corridor (1-mile)

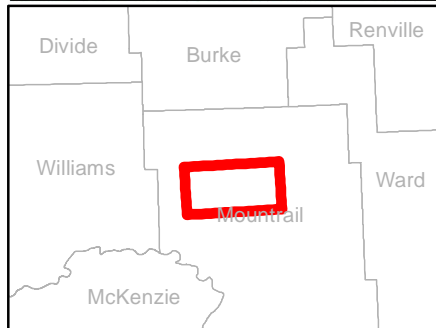
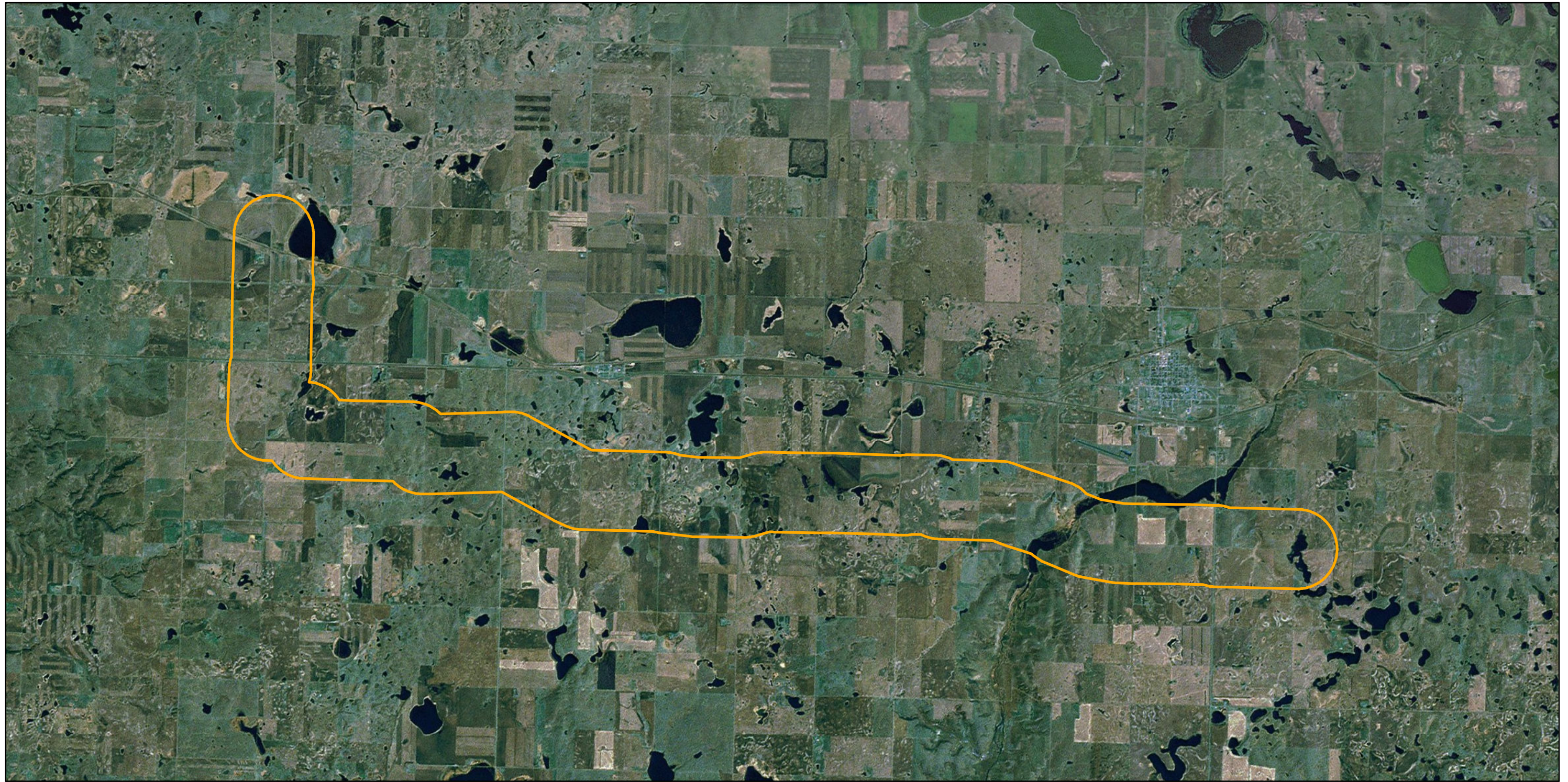



0 1 2 Miles

**Nelson to Ross
Proposed Pipeline**

Overview Map



Legend

 Corridor (1-mile)





Miles





**Nelson to Ross
Proposed Pipeline**

Overview Map



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January 5, 2012

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

**NDSHPO REF.: 12-0400 PSC Plains All-American Pipeline Nelson Takeoff to
Ross Pipeline, Mountrail County Class I and Class III Inventory Report**

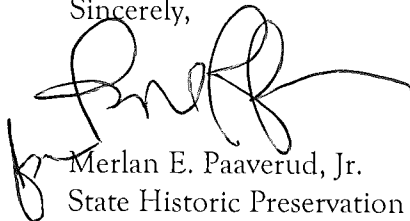
Dear Judy:

We have received and reviewed correspondence and project document for
12-0400 PSC Plains All-American Pipeline Nelson Takeoff to Ross Pipeline:
"A Class I and Class III Cultural Resource Inventory of the Plains All-American
Pipeline Nelson Takeoff to Ross Pipeline, Mountrail County, North Dakota," by
Stephanie Lechert and Chandler S. Herson (SWCA Report Number, 11-591,
January 2011) and find it acceptable. Thank you for the report.

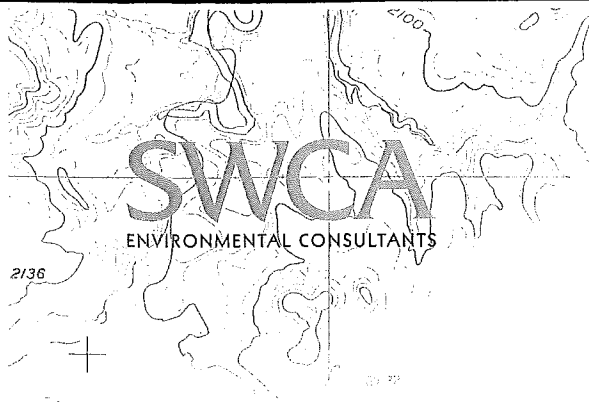
We concur with "*No Historic Properties Affected*" and "*No Significant Sites
Affected*" determinations provided the project is of the nature stated and it
takes place in the plotted locations in the project documentation and that sites
32MN915 and 32MN916 are avoided by surveyed reroutes and that site
32MN83 is bored as recommended (pp. 66-67). Also, we concur that sites
32MN913, 32MN914, 32MN917, and 32MN918 as well as 32MNX863,
32MNX864, and 32MNX865 are not significant and are not eligible for listing
in the National Register of Historic Places.

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: Patrick Fahn, North Dakota PSC



Bismarck Office
116 North 4th Street, Suite 200
Bismarck, North Dakota 58501
Tel 701.258.6622 Fax 701.258.5957
www.swca.com

January 5, 2012

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 Plains All-American Pipeline Nelson Takeoff to Ross Pipeline, Mountrail 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 Plains All-American Pipeline Nelson Takeoff to Ross Pipeline, Mountrail County, North Dakota*. This report documents the cultural resource inventory of the Plains All American Pipeline, L.P. (PAA) Nelson Takeoff to Ross Pipeline project. SWCA Environmental Consultants (SWCA) performed the inventory as part of PAA's permit application to the North Dakota Public Service Commission, which serves as the lead agency.

During the project, nine cultural resources were newly recorded:

- 32MN913: Historic farmstead
- 32MN914: Historic farmstead
- 32MN915: Prehistoric stone circle site
- 32MN916: Prehistoric stone circle site
- 32MN917: Historic cultural material scatter/trash dump and farm machinery
- 32MN918: Historic cultural material scatter/trash dump/field clearing pile
- 32MNX863: Historic farm equipment isolated find
- 32MNX864: Historic automobile isolated find
- 32MNX865: Historic farm equipment isolated find

One previously recorded site was re-identified and revisited for the project:

- 32MN83: Historic railroad segment

Attempts were made to identify one previously known site lead:

- 32MNX334: prehistoric cultural material scatter site lead
- 32MNX335: prehistoric cultural material scatter site lead
- 32MNX345: prehistoric cultural material scatter site lead
- 32MNX349: prehistoric cultural material scatter site lead
- 32MNX352: prehistoric cultural material scatter site lead

Four sites (32MN913, 32MN914, 32MN917, and 32MN918) and three isolated finds (32MNX863, 32MNX864, and 32MNX865) are recommended not eligible for listing on the National Register of Historic Places (NRHP). Two sites (32MN915 and 32MN916) have been left unevaluated regarding their NRHP eligibility pending further work. For 32MN915 and 32MN916, SWCA recommends avoidance of at least 50 feet from the edge of each site boundary. Both sites have had reroutes surveyed around them and, as proposed, will be avoided by the project. One site, 32MN83, is eligible for nomination to the NRHP under Criterion A; however, the newly recorded segment of 32MN83 is recommended as a non-contributing portion of the larger resource due to the impacts to its physical and historic integrity. PAA plans to avoid 32MN83 by boring underneath the site.

With the above stipulations, it is recommended that a determination of *No Historic Properties Adversely Affected* and *No Significant Sites Adversely Affected* be granted for the project to proceed as planned.

Please notify SWCA of the results of your review at the address listed below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith R. Cooper".

Judith R. Cooper, Ph.D.
Cultural Resources Lead/Principal Investigator
SWCA Environmental Consultants
116 North 4th Street, Suite 200
Bismarck, ND 58501
Office: 701-258-6622



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January 31, 2012

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

NDSHPO REF.: 12-0400 PSC Plains All-American Pipeline LP, Nelson
Takeoff to Ross Pipeline, Mountrail County, North Dakota
Unanticipated Discovery Plan

Dear Judy:

We have reviewed correspondence and project document for 12-0400 PSC
Plains All-American Pipeline LP, Nelson Takeoff to Ross Pipeline, Mountrail
County, North Dakota: "Unanticipated Discovery Plan for Cultural Resources
Identified During Construction of the Plains All-American Pipeline Nelson
Takeoff to Ross Pipeline, Mountrail County, North Dakota," by Stephanie
Lechert and Judith R. Cooper (SWCA, January 2012), and find it acceptable.

Thank you for the opportunity to review this project. 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,

for Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

and
Director, State Historical Society of North Dakota

✓
c: Patrick Fahn, ND PSC