

Appendix C

Consultations



January 12, 2012

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

RE: Magellan Midstream Pipeline, L.P. – Fargo Relocation Project
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Consultation

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2,300 feet of existing co-located six (6)- and eight (8)-inch petroleum product pipelines to accommodate a North Dakota Department of Transportation (DOT) road improvement project. This project is located in the City of Fargo, Cass County, North Dakota. Construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

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 siting requirements for Energy Transmission Facility Siting. On December 21, 2011, E3 Environmental, LLC 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 21, 2011 found the following:

- Whooping crane (*Grus americana*) – 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 projects on these resources.

The project area is located in a highly developed area located within approximately five (5) miles of downtown Fargo, North Dakota. Over the course of the last 50 years this area has been urbanized through the construction of roads, highways, housing, retail and industry. As such, the project area offers little or no natural habitat for either of the species listed above. For this reason, we believe the pipeline relocation will have no effect on either the Whooping crane or the Gray wolf.

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

Migratory Bird Consultation:

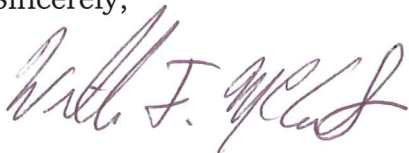
USFWS administers various wildlife-related mandates of national concern including the Migratory Bird Treaty Act (MBTA). Magellan understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of a take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. Magellan also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15.

The current proposed schedule calls for construction initiation in March, 2012. Given that the project area exists in the highly urbanized environment within the city limits of Fargo, North Dakota, it is unlikely that the project will impact suitable migratory bird breeding habitat. In addition, the pipeline relocation is tied to the DOT road improvement project and is a small piece of a much larger construction plan. Lastly, the short duration of pipeline relocation activities (>90 days), and the continuous activity at the worksite from onset of construction will also greatly reduce the likelihood that the project will impact migratory bird species.

Magellan seeks confirmation that the location of the project area will adequately avoid and mitigate potential impacts to migratory birds.

E3 has been retained by Magellan 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, CWB
Project Manager
E3 Environmental, LLC

Enclosures: Project map – USGS topographic



817 Vandalia Street
Suite 100
St Paul, MN 55114

December 21, 2011

1/16

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

RE: Magellan Midstream Pipeline, L.P. – Fargo Relocation Project
State Conservation Priority Species Consultation, State Plots Land Review.

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2300 feet of the existing co-located six (6) and eight (8)-inch petroleum product pipelines to accommodate road improvements over the existing lines. This project is located in the City of Fargo, Cass County, North Dakota and construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

The purpose of this correspondence is to request a review of the one-mile 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).

E3 Environmental, LLC (E3) has been retained by Magellan to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0655 or asampson@go2e3.com.

Sincerely,

Andrea Sampson
Associate Consultant
E3 Environmental, LLC

Enclosures: Project map – USGS topographic



North Dakota Game & Fish Dept.
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

We have reviewed the project and foresee no identifiable conflict with wildlife or wildlife habitat based on the information provided.

Greg Link
Chief, Conservation & Communication Division
Date: 1/16/12

BLK

From: [Andrea Sampson](#)
To: ["kgduttonhefner@nd.gov"](mailto:kgduttonhefner@nd.gov)
Cc: ["Katie Schmidt"](#)
Subject: Magellan Midstream Pipeline, L.P. – Fargo Relocation Project
Date: Wednesday, December 21, 2011 1:23:00 PM
Attachments: [PSC_Topo.pdf](#)

Dear Ms. Duttonhefner,

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2300 feet of the existing co-located six (6) and eight (8)-inch petroleum product pipelines to accommodate road improvements over the existing lines. This project is located in the City of Fargo, Cass County, North Dakota and construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

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 (PSC) 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 corridor (see attached maps) for the presence or absence of any lands, projects, and sensitive species that fall under the purview of these programs.

E3 Environmental, LLC has been retained by Magellan to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0655 or asampson@go2e3.com.

Sincerely,

Andrea Sampson, Associate Consultant

E3 Environmental, LLC

Office: 651-282-0655

Mobile: 612-226-1331

www.go2e3.com



 Please consider the environment before printing this e-mail.

From: [Haupt, Michael L.](#)
To: [Andrea Sampson](#)
Cc: [Katie Schmidt](#)
Subject: RE: Magellan Midstream Pipeline, L.P. - Fargo Relocation Project
Date: Thursday, December 22, 2011 9:45:25 AM

Andrea,

Good morning! There are no ND School Trust Lands within the project area. 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: Andrea Sampson [<mailto:asampson@go2e3.com>]
Sent: Wednesday, December 21, 2011 1:24 PM
To: Haupt, Michael L.
Cc: 'Katie Schmidt'
Subject: Magellan Midstream Pipeline, L.P. - Fargo Relocation Project

Dear Mr. Haupt,

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2300 feet of the existing co-located six (6) and eight (8)-inch petroleum product pipelines to accommodate road improvements over the existing lines. This project is located in the City of Fargo, Cass County, North Dakota and construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

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 Public Service Commission application for the project.

E3 Environmental, LLC has been retained by Magellan to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0655 or asampson@go2e3.com.

Sincerely,

Andrea Sampson, Associate Consultant

E3 Environmental, LLC
Office: 651-282-0655
Mobile: 612-226-1331
www.go2e3.com



From: [Nelson, Diane M.](#)
To: [Andrea Sampson](#)
Subject: RE: Magellan Midstream Pipeline, L.P. - Fargo Relocation Project
Date: Wednesday, December 21, 2011 1:32:53 PM

Ms. Sampson,

My review concurs there are no mineral interests held by ND Dept of Trust Lands in 139-49-9.

Thank you for your consideration.

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: Andrea Sampson [<mailto:asampson@go2e3.com>]
Sent: Wednesday, December 21, 2011 1:24 PM
To: Nelson, Diane M.
Cc: 'Katie Schmidt'
Subject: Magellan Midstream Pipeline, L.P. - Fargo Relocation Project

Dear Ms. Nelson,

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2300 feet of the existing co-located six (6) and eight (8)-inch petroleum product pipelines to accommodate road improvements over the existing lines. This project is located in the City of Fargo, Cass County, North Dakota and construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

The purpose of this correspondence is to request a review of the proposed project corridor (see attached) and to confirm the absence of State Mineral Trust Lands in the project area. A preliminary search of the State Oil and Gas Lease Status database shows no current leases for this section. This information will be included in a Public Service Commission application for the project.

E3 Environmental, LLC has been retained by Magellan to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0655 or asampson@go2e3.com.

Sincerely,

Andrea Sampson, Associate Consultant

E3 Environmental, LLC
Office: 651-282-0655
Mobile: 612-226-1331
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**STATE
HISTORICAL
SOCIETY**
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February 2, 2012

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

**NDSHPO REF.: 12-0594 PSC Magellan Fargo Relocation Project, Cass
County, North Dakota Class I CRI Report
[T139N R49W Sections 4 and 9]**

Dear Judy:

We have reviewed correspondence and project document for **12-0594 PSC
Magellan Fargo Relocation Project, Cass County, North Dakota Class I CRI
Report: "A Class I Cultural Resources Inventory of the Magellan Fargo
Relocation Project Cass County, North Dakota,"** by Stephanie Lechert (SWCA,
January 2012), and find it acceptable.

We concur with **"No Historical Properties Affected"** and **"No Significant Sites
Affected"** determinations, provided the project is of the nature stated and it
takes place in the location plotted and mapped in the documentation.

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,

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

c: Patrick Fahn, ND PSC



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

February 2, 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 Cultural Resource Inventory of the Magellan Fargo Relocation Project,
Cass County, North Dakota**

Dear Mr. Picha:

Enclosed is a copy of a report entitled *A Class I Cultural Resource Inventory of the Magellan Fargo Relocation Project, Cass County, North Dakota*. This report documents the Class I cultural resource inventory of the Magellan Midstream Partners, LP (Magellan) Fargo Relocation project. SWCA Environmental Consultants (SWCA) performed the Class I inventory as part of Magellan's permit application to the North Dakota Public Service Commission, which serves as the lead agency.

The Class I file search did not identify any sites within the proposed project area, but a desktop analysis of available aerial and historical data revealed two previously undocumented sites within the project area as well as an historical site lead just outside of the project area. SWCA documented these three resources as part of the project. 32CS5122 is a segment of U.S. Highway 10, also known historically as the Red Trail or the National Parks Highway. 32CS5123 is a segment of the historic Magellan Pipeline. 32CSX336 is a site lead for the Magellan Pipeline Company Terminal.

Regarding National Register of Historic Places eligibility, 32CS5122 is recommended as a non-contributing portion of an eligible site. 32CS5123 is recommended not eligible and 32CSX336 has been left unevaluated pending further historic research. Magellan plans to bore beneath 32CS5122; therefore, the site will be avoided by the current project. As a not eligible resource, 32CS5123 requires no further work. 32CSX336 is located outside of the proposed project area and will not be impacted.

Based on the findings of the Class I and desktop review, SWCA concludes that no previously recorded or historically documented cultural resources will be affected by the proposed project. SWCA further concludes that, due to the level of disturbance present within the proposed project area, the likelihood that any previously unidentified cultural resources are located within the proposed project corridor is very low. SWCA recommends no further cultural resource inventory be required for the project, pending agency concurrence. It is recommended that the project be granted determinations of *No Historic Properties Affected* and *No Significant Sites Affected* and clearance to proceed as planned.



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

Sincerely,



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