Appendix C

Consultations

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

OCT 0 9 2012

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

Re: Hess RTF-TRT Pipeline Project
In reply, please reference TAILS #2012-CPA-0731

Dear Mr. McCarthy:

This is in response to your letter dated July 9, 2012, regarding a proposal by Hess Corporation (Hess) to convert a gathering line into a crude oil transmission line in Williams County, North Dakota. The specific project location is:

T. 157 N., R. 95 W., Sections 26, 27, 28, 33, 34, 35, 36
T. 156 N., R. 95 W., Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 30, 31, 32
T. 156N., R. 95 W., Sections 25, 26
T. 156N., R. 95 W., Sections 5, 6

The U.S. Fish and Wildlife Service (Service) offers the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", 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), Executive Order 11990 "Protection of Wetlands", Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661-667e, as amended), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended).

Threatened, Endangered and Candidate Species

(Whooping Crane)
The Aransas Wood Buffalo Population (AWBP) of the endangered whooping crane (*Grus americana*) is the only self-sustaining migratory population of whooping cranes remaining in the wild. Whooping cranes 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.

The proposed project lies within a corridor that includes approximately 75 percent of all reported whooping crane sightings in the State (enclosure). The presence of suitable roosting and feeding habitat for whooping cranes indicate the potential for whooping crane presence in the proposed project area. The Service recommends that if a whooping crane is sighted within one mile of the pipeline while it is under construction, that all work cease within one 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. Whooping cranes are unlikely to spend more than a few days in any one spot during migration. Your October 2, 2012, email to Heidi Riddle of my staff states that Hess is committed to implementing this measure.

Migratory Birds

The Migratory Bird Treaty Act (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 incidental 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 and prosecuting individuals, companies, and agencies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Individuals, companies, or 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.

To the extent practicable, schedule construction for late summer or fall/early winter so as not to disrupt migratory birds during the breeding season, February 1 to July 15. If work is proposed to take place during the breeding season, there may be take of migratory birds, their eggs, or active nests. If project construction cannot avoid the nesting season, the Service suggests that the vegetation within the proposed project area be mowed/cleared outside of the nesting season, in advance of the project initiation to remove potential breeding habitat for nesting migratory birds in the project area. Once cleared, the project area should be maintained in a state that is unsuitable for nesting until the end of the breeding season or until construction is complete. Alternatively, a qualified biologist could be hired to conduct bird/nest surveys within five days prior to the initiation of construction. If active nests are identified, the project proponent should cease construction, maintain a sufficient buffer around active nests to avoid disturbing breeding activities and contact the Service immediately. The Service recommends that Hess implement all practicable measures to avoid all take, such as suspending construction where necessary, and/or maintaining adequate buffers to protect the birds until the young have fledged. The

Service further recommends that if you choose to conduct field surveys for nesting birds with the intent of avoiding take, that you maintain any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the survey(s), and any avoidance measures implemented at the project site. Should surveys or other available information indicate a potential for take of migratory birds, their eggs, or active nests, the Service requests that you contact this office for further coordination on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Water Bodies, Including Wetlands

Our review of the National Wetland Inventory (NWI) maps and photographs indicate the proposed planning area includes numerous wetland basins and stream channels. You may access the NWI data directly through their website (wetlands.fws.gov). Projects which involve the burying of a pipeline should not significantly affect wetland basins or stream channels provided precautions are taken to restore natural basin contours. Precautions should also be taken during installation of underground facilities by sufficiently compacting trenches through the wetlands to prevent drainage along the trench or through bottom seepage. The Service recommends that construction through or adjacent to these areas be avoided where possible or measures be taken (e.g. directional boring) to minimize disturbance to these areas.

Fish and Wildlife Service Property Interests

The Service administers National Wildlife Refuges and Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota, including an ongoing easement acquisition program. A review of Service realty records indicates Service property interests are located in the planning area.

The Service recommends that all property interests within the National Wildlife Refuge System be avoided whenever possible. A special use permit or right-of-way will be necessary for construction affecting property interests administered by the Service. The issuance of a special use permit or right-of-way 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 affected Refuge or Wetland Management District is important. Please 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 additional information on Service property interests and specific information relative to Service easements and up to date realty records.

Terrestrial Habitat Avoidance and Restoration

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.

- Avoid placement of fill in wetlands.
- 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.
- In replanting native prairie or other grassland habitat, the Service recommends planting a diverse mixture of native cool and warm season grasses and forbs. Recent research has suggested that a more diverse mix, including numerous forb species, is not only ecologically beneficial but is also more weed resistant, allowing for less intensive management and chemical use. In essence, the more species included in a mixture, the higher the probability of providing competition to resist invasion by non-native plants. The seed source should be as local as possible, preferably collected from the nearby native prairie. If seeds and/or plants are obtained commercially, we recommend obtaining seed stock from nurseries within 250 miles of the project area to ensure the particular cultivars are well adapted to the local climate. The Natural Resources Conservation Service (NRCS) compiles a list of vendors in North Dakota that supply conservation seed and plants at http://plant-materials.nrcs.usda.gov/pubs/ndpmcmt8152.pdf. Additional information on native grasses and forbs may be found at the NRCS Bismarck Plant Materials Center website at http://www.plant-materials.nrcs.usda.gov/ndpmc/.

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

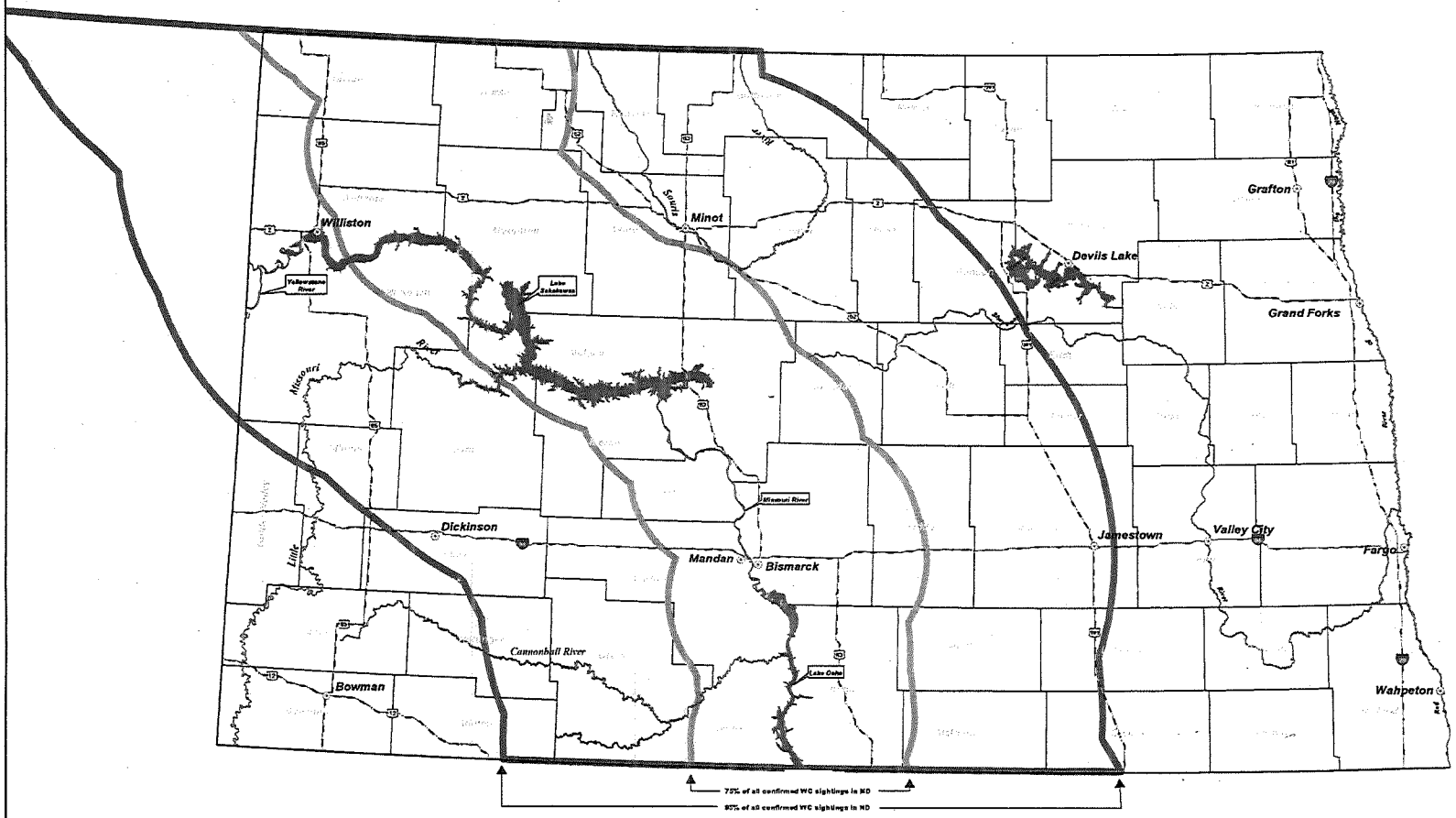
Sincerely,

Jeffrey K. Towner

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

cc: USFWS, Crosby WMD, Crosby, ND
(Attn: D. Gillund)

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

0 12.5 25 50 75 100
Miles

817 Vandalia Street
Suite 100
St Paul, MN 55114

July 9, 2012

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

RE: Hess RTF-TRT Pipeline Project
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Consultation

Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached maps.

In Williams County, North Dakota the pipeline crosses:

- Township 157N, Range 95W Sections 26, 27, 28, 33, 34, 35, 36
- Township 156N, Range 95W Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 30, 31, 32
- Township 156N, Range 96W Sections 25, 26
- Township 15N, Range 95W Sections 5, 6

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 requirements for Energy Transmission Facility Siting. On June 20, 2012, E3 Environmental, LLC (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 June 20, 2012 found the following:

Whooping crane (*Grus americana*) – Endangered
Sprague's pipit (*Anthus spagueii*) - Candidate
Piping plover (*Charadrius melodus*) – Threatened
Least tern (*Sternula 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 and Montana provide 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. Construction of the Project is anticipated near the end of July, avoiding the migratory season.

Precautionary measures would be implemented if a whooping crane is sighted in or near the Project area. Hess 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 will not be constructing near any breeding habitat or nesting habitat. Therefore, this Project 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. The Project will not be constructing near any breeding habitat or nesting habitat. Therefore, this Project 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. The species inhabits the Missouri and Mississippi Rivers from

Montana to Louisiana. The Project will not be constructing near any breeding habitat or nesting habitat. Therefore, this Project will have no effect on the species.

Gray wolf: The gray wolf historically has a large range throughout North America. The wolf has been delisted in areas east of the Missouri River, but remains listed as an Endangered Species west of the river. The presence of the species in North Dakota has been sporadic. Their habitat varies from woodland to open prairie. They typically avoid populated places. Because of the limited construction with this Project, it will have no effect on 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.

The current proposed schedule calls for construction initiation in in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow. Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the confines of the Truck Facility and the Rail Terminal properties.

Hess seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 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

Enhancing Execution with Experience

Sincerely,

William F. McCarthy, CWB
Project Manager
E3 Environmental, LLC

Enclosures: Project Figures

cc: Tyler Bohan, Hess
E3 Project Files

Appendix C

Consultations

RECORD OF TELEPHONE CONVERSATION

Enhancing Execution with Experience

CALL TO: Mr. Corey Paryzek County Executive Director Farm Service Agency, USDA Williams County , North Dakota	
PHONE No: (701) 572-6729	
DATE: August 7, 2012	**TIME:** 3:30 pm
CALL FROM: Jacqueline Hamilton E3 Environmental, LLC	
SUBJECT: Agency consultation regarding the Hess RTF Tie-in Pipeline Project.	

On August 7, 2011 Jacqueline Hamilton with E3 Environmental, LLC (E3) contacted the USDA Farm Service Agency (FSA) in Williams County, North Dakota.

Ms. Hamilton spoke with Mr. Corey Paryzek, Executive Director of the Williams County FSA. Ms. Hamilton confirmed Mr. Paryzek received the consultation e-mail sent by E3 on behalf of Hess Corporation on July 9, 2012. The purpose of the consultation was to confirm the presence or absence of Conservation Reserve Program (CRP) or Grassland Reserve Program (GRP) lands within the proposed project area. Mr. Paryzak stated that the FSA has no concerns over the project and that the project may proceed. No further consultation with the agency are required.

Andrea Sampson

From: Andrea Sampson <asampson@go2e3.com>
Sent: Thursday, July 12, 2012 3:33 PM
To: 'corey.paryzek@nd.usda.gov'
Subject: Hess RTF-TRT Pipeline conversion project

Dear Mr. Paryzek,
Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached map.

In Williams County, North Dakota the pipeline crosses:

- Township 157N, Range 95W Sections 26, 27, 28, 33, 34, 35, 36
- Township 156N, Range 95W Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32
- Township 156N, Range 96W Sections 25, 36
- Township 15N, Range 95W Sections 5, 6

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 Farm Service Agency'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 Hess 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: 651-263-7916
www.go2e3.com

Enhancing Execution with Experience

Please consider the environment before printing this e-mail.

"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

August 6, 2012

Andrea Sampson
Associate Consultant
E3 Environmental, LLC
817 Vandalia Street, Suite 100
St. Paul, MN 55114

Dear Ms. Sampson:

RE: Hess RTF-TRT Pipeline Project

Hess Corporation has proposed the conversion of an existing gathering line to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota. Ground disturbance for this project will be minimal and is anticipated to be limited to within the fenced perimeter of the Truck Facility and the Rail Terminal properties.

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

Sincerely,

Greg Link
Chief
Conservation & Communication Division

js

817 Vandalia Street
Suite 100
St Paul, MN 55114

July 9, 2012

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 RTF-TRT Pipeline Project
State Conservation Priority Species Consultation, State Plots Land Review

Dear Mr. Link,

Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached map.

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- Township 157N, Range 95W Sections 26, 27, 28, 33, 34, 35, 36
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- Township 156N, Range 96W Sections 25, 36
- Township 15N, Range 95W Sections 5, 6

The purpose of this correspondence is to request a review of the proposed pipeline corridor for the 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). This information will be included in a North Dakota Public Service Commission application for the Project.

E3 Environmental, LLC (E3) 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 651.282.0655 or asampson@go2e3.com.

Enhancing Execution with Experience

Sincerely,

Andrea Sampson
Associate Consultant
E3 Environmental, LLC

Enclosures: Project map

cc: Tyler Bohan, Hess
E3 Project Files

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

August 23, 2012

Andrea Sampson
E3 Environmental, LLC

Re: Hess RTF-TRT Pipeline Project

Ms. Sampson,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced project for the proposed conversion of an existing gathering line that was previously constructed and currently in use in Williams County, North Dakota.

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*2012-205KD8/23/2012DL8.24.2012

817 Vandalia Street
Suite 100
St Paul, MN 55114

July 9, 2012

Ms. Kathy Duttenhefner
Natural Resources Management Coordinator
North Dakota Parks and Recreation
1600 E. Century Ave. Suite 3
Bismarck, ND 58503

RE: Hess RTF-TRT Pipeline Project
North Dakota Parks and Recreation Review

Dear Ms. Duttenhefner,

Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached map.

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- Township 156N, Range 95W Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32
- Township 156N, Range 96W Sections 25, 36
- Township 15N, Range 95W Sections 5, 6

The purpose of this request is to compile the North Dakota Parks and Recreation Department's comments on environmental topics that are relevant to the North Dakota Public Service Commission's 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 and route (see attached map) for the presence or absence of any lands, projects and/or sensitive species that fall under the purview of these programs.

Hess Corporation
RTF-TRT Pipeline Project
July 9, 2012

Enhancing Execution with Experience

E3 Environmental, LLC (E3) has been retained byHess 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

cc: Tyler Bohan, Hess
E3 Project Files

Andrea Sampson

To: asampson@go2e3.com
Subject: RE: Hess RTF-TRT Pipeline conversion project

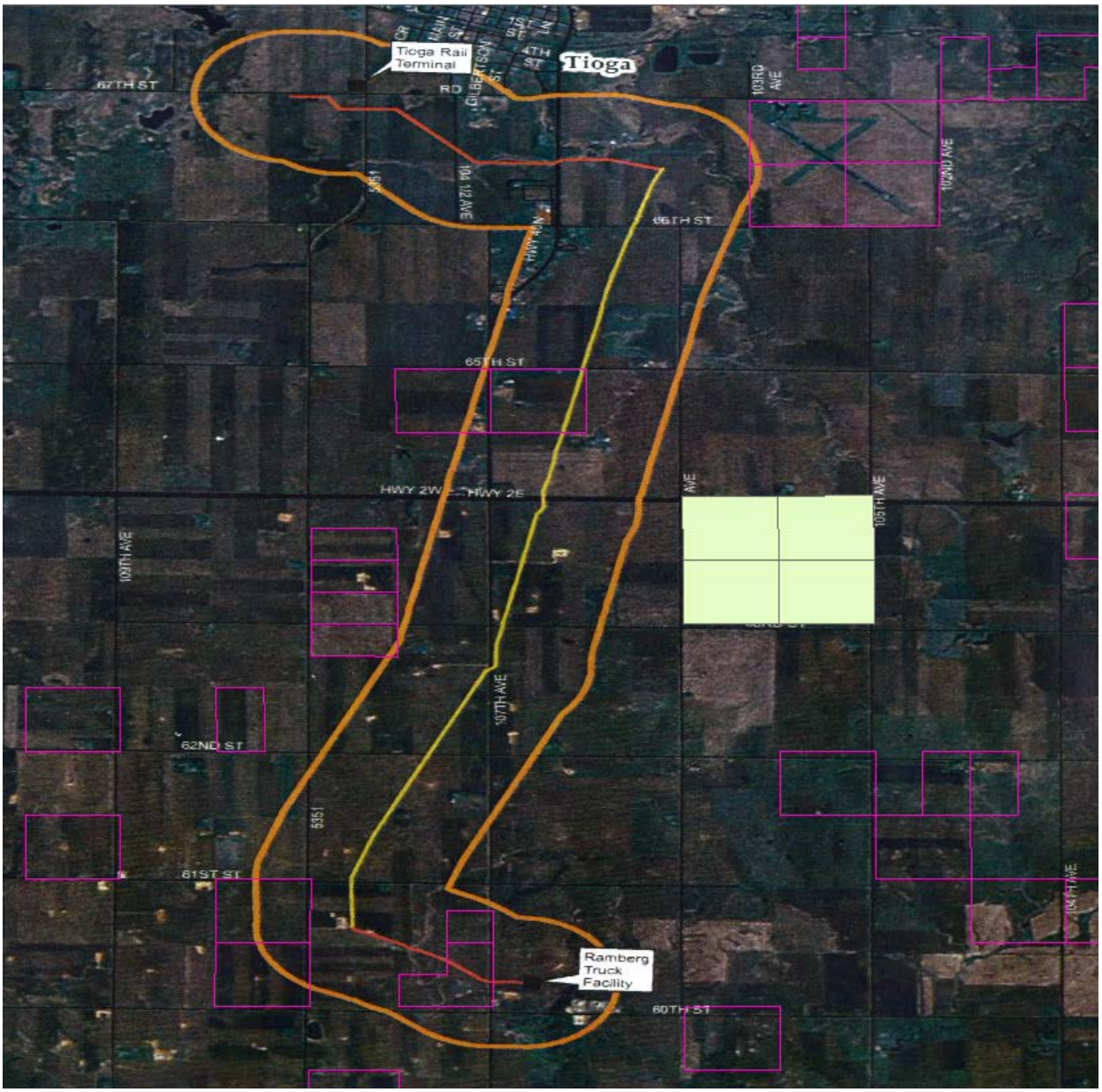
From: Nelson, Diane M. [mailto:dianenelson@nd.gov]
Sent: Monday, July 16, 2012 2:57 PM
To: Andrea Sampson
Subject: RE: Hess RTF-TRT Pipeline conversion project

Good Afternoon,
I have reviewed and compared the tracts for the proposed Project location, as you can view on the attached image of the Project corridor. I do concur with the analysis of E3 regarding the following tracts in which the Department of Trust Lands hold a mineral interest:

- Township 157N, Range 95W Section 36
- Township 156N, range 95W Sections 7, 8, 18, 19, 31
- Township 156N, Range 96W Section 36
- Township 155N, Range 95W Section 6

The area highlighted in yellow discloses surface acreage which is located outside of the pipeline area.
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


Tioga Rail Terminal
Tioga
67TH ST
RD
4TH ST
103RD AVE
102ND AVE
104 1/2 AVE
HWY 42N
66TH ST
65TH ST
HWY 2W
HWY 2E
105TH AVE
109TH AVE
107TH AVE
62ND ST
61ST ST
Ramberg Truck Facility
60TH ST

Andrea Sampson

To: dianenelson@nd.gov
Subject: RE: Hess RTF-TRT Pipeline conversion project

From: Andrea Sampson [mailto:asampson@go2e3.com]
Sent: Thursday, July 12, 2012 3:35 PM
To: 'dianenelson@nd.gov'
Subject: Hess RTF-TRT Pipeline conversion project

Dear Ms. Nelson,
Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached map.

In Williams County, North Dakota the pipeline crosses:

- Township 157N, Range 95W Sections 26, 27, 28, 33, 34, 35, 36
- Township 156N, Range 95W Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32
- Township 156N, Range 96W Sections 25, 36
- Township 15N, Range 95W Sections 5, 6

E3 has accessed www.land.nd.gov to review the proposed Project corridor for the presence of State Mineral Trust Lands. The results of this search concluded that the following sections intersect State Lands:

- Township 157N, Range 95W Section 36
- Township 156N, range 95W Sections 7, 8, 18, 19, 31
- Township 156N, Range 96W Section 36
- Township 155N, Range 95W Section 6

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 map which depicts the Project corridor.

E3 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 651.282.0655 or asampson@go2e3.com.

Sincerely,

Andrea Sampson, Associate Consultant
E3 Environmental, LLC
Office: 651-282-0655
Mobile: 651-263-7916
www.go2e3.com

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P **Please consider the environment before printing this e-mail.**

Andrea Sampson

To: asampson@go2e3.com
Subject: RE: Hess RTF-TRT Pipeline conversion project

From: Haupt, Michael L. [mailto:mhaupt@nd.gov]
Sent: Thursday, July 12, 2012 4:31 PM
To: Andrea Sampson
Subject: RE: Hess RTF-TRT Pipeline conversion project

Andrea, we do not see any ND School Trust land within the proposed 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

Andrea Sampson

From: Andrea Sampson <asampson@go2e3.com>
Sent: Thursday, July 12, 2012 3:34 PM
To: 'mhaupt@nd.gov'
Subject: Hess RTF-TRT Pipeline conversion project

Dear Mr. Haupt,

Hess Corporation (Hess) has proposed the conversion of an existing gathering line that was previously constructed and currently in service. The RTF-TRT Pipeline Project (Project) is designed to transport crude oil a distance of approximately 9.3 miles from its origin at the Hess Ramberg Truck Facility to the Hess Tioga Rail Terminal in Williams County, North Dakota.

Ground disturbance for this project will be minimal and will be limited to the installation of tie-in piping connecting the Project to the facilities. At this point in time it is anticipated that all ground-disturbing activities will be within the fenced perimeter of the Truck Facility and the Rail Terminal properties. The Project is currently scheduled to begin construction in the late third or early fourth quarter of 2012 and will be completed early in the second quarter of 2013, with restoration to immediately follow.

The proposed Project location is described below and depicted on the attached map.

In Williams County, North Dakota the pipeline crosses:

- Township 157N, Range 95W Sections 26, 27, 28, 33, 34, 35, 36
- Township 156N, Range 95W Sections 4, 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32
- Township 156N, Range 96W Sections 25, 36
- Township 15N, Range 95W Sections 5, 6

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 Hess 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: 651-263-7916
www.go2e3.com

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STATE HISTORICAL SOCIETY OF NORTH DAKOTA

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Merlan E. Paaverud, Jr.
Director

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October 29, 2012

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

NDSHPO REF.: 12-1430B PSC Hess RTF Tie-In "Addendum to the Class I and III Cultural Resource Inventory RTF Tie-in Project, Williams County, North Dakota"

Dear Judy:

We reviewed NDSHPO REF.: 12-1430B PSC Hess RTF Tie-In "Addendum to the Class I and III Cultural Resource Inventory RTF Tie-in Project, Williams County, North Dakota," (Carolyn Riordan, October 25, 2012) and find it acceptable.

We concur with ***"No Historic Properties Affected"*** and ***"No Significant Sites Affected"*** determinations provided that the project is of the nature stated, and that it takes place in plotted location in the report 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

SWCA
ENVIRONMENTAL CONSULTANTS

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

October 25, 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: Addendum to the Class I and Class III Cultural Resource Inventory of the Hess RTF Tie-in Project, Williams County, North Dakota

Dear Mr. Picha:

Enclosed is a copy of a report entitled *Addendum to the Class I and Class III Cultural Resources Inventory of the Hess RTF Tie-in Project, Williams County, North Dakota.* This report documents a cultural resource inventory in support of a reroute for the Hess Corporation (Hess) Ramberg Truck Facility (RTF) Tie-in 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.

No cultural resources were encountered during the inventory. Therefore, SWCA recommends that a determination of *No Historic Properties Affected* and *No Significant Sites Affected* be granted and 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.
Office Director/Principal Investigator
SWCA Environmental Consultants
116 North 4th Street, Suite 200
Bismarck, ND 58501
Office: 701-258-6622

STATE HISTORICAL SOCIETY OF NORTH DAKOTA

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Director Department of Transportation

Merlan E. Paaverud, Jr.
Director

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July 27, 2012

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

NDSHPO REF.: 12-1430 PSC Hess RTF Tie-In Class I and III CRI Report

Dear Judy:

We have reviewed correspondence and project document for: **12-1430 PSC** Hess RTF Tie-In Class I and III CRI Report, "A Class I and Class III Cultural Resource Inventory of the Hess RTF Tie-in Project, Williams County, North Dakota," by Kendy Altizer and Damien Reinhart (SWCA 12-193, July 2012), and find it acceptable.

We concur with ***"No Historic Properties Affected"*** and ***"No Significant Sites Affected"*** determinations provided that the project is of the nature stated, and that it takes place in plotted location in the report documentation. Also, we concur that historic sites 32WI319 and 32WI1280 are not significant and are not eligible for listing in the National Register of Historic Places.

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

SWCA
ENVIRONMENTAL CONSULTANTS

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

July 26, 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 Resources Inventory of the Hess RTF Tie-in Project, Williams County, North Dakota

Dear Mr. Picha:

Enclosed is a copy of a report entitled *A Class I and Class III Cultural Resources Inventory of the Hess RTF Tie-in Project, Williams County, North Dakota.* This report documents the cultural resource inventory of the Hess Corporation (Hess) Ramberg Truck Facility (RTF) Tie-in 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.

SWCA personnel revisited one previously recorded cultural resource (32WI319) and newly recorded one cultural resource (32WI1280). 32WI319 is an historic pole barn and 32WI1280 is a collapsed historic structure with an associated historic stone alignment. Both resources are recommended not eligible for listing on the National Register of Historic Places. No further work is recommended. SWCA recommends that a determination of *No Historic Properties Affected* and *No Significant Sites Affected* be granted and 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.
Office Director/Principal Investigator
SWCA Environmental Consultants
116 North 4th Street, Suite 200
Bismarck, ND 58501
Office: 701-258-6622