

# APPENDIX D

## Agency Correspondence/Consultation



Agency contacted by applicant	Type of communication	Date of communication	Studies provided to agency	Date of agency response	Application section <sup>1</sup>
North Dakota Department of Human Services	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Department of Vocational Education	Letter	April 11, 2016	N/A	N/A	N/A
Energy Infrastructure and Impact Office	Letter	April 11, 2016	N/A	N/A	N/A
Job Service of North Dakota	Letter	April 11, 2016	N/A	N/A	N/A
McKenzie County Commission	Letter	April 11, 2016	N/A	April 18, 2016	15.8
North Dakota Aeronautics Commission	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Department of Agriculture	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Department of Commerce	Letter	April 11, 2016	N/A	April 15, 2016	15.6
North Dakota Department of Health	Letter	April 11, 2016	N/A	May 5, 2016	15.4
North Dakota Department of Labor	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Department of Transportation	Letter	April 11, 2016	N/A	April 26, 2016	15.7
North Dakota Department of Trust Lands	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Game and Fish Department	Letter	April 11, 2016	N/A	May 3, 2016; May 19, 2016 & May 23, 2016	15.2
North Dakota Indian Affairs Commission	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Industrial Commission	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Office of Attorney General	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Park and Recreation Department	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Pipeline Authority	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota Soil Conservation Committee	Letter	April 11, 2016	N/A	N/A	N/A
North Dakota State Water Commission and Western Area Water Supply	Letter	April 11, 2016	N/A	April 20, 2016 & May 3, 2016	15.5
North Dakota Transmission Authority	Letter	April 11, 2016	N/A	N/A	N/A
Office of Governor Jack Dalrymple	Letter	April, 11 2016	N/A	N/A	N/A

Agency contacted by applicant	Type of communication	Date of communication	Studies provided to agency	Date of agency response	Application section <sup>1</sup>
State Historical Society of North Dakota	Letter	April, 11 2016	Class I and Class III Cultural Resource Inventories	April 18, 2016 & May 25, 2016	15.3
Tri Township, McKenzie County	Letter	April, 11 2016	N/A	N/A	N/A
United States Army Corps of Engineers	Letter	April, 11 2016	N/A	May 2, 2016	15.1
United States Department of Defense	Letter	April, 11 2016	N/A	N/A	N/A
United States Department of Transportation	Letter	April, 11 2016	N/A	N/A	N/A
United States Fish and Wildlife Service	Letter	April, 11 2016	N/A	N/A	N/A

<sup>1</sup> Section within the application where agency consultations are discussed.

April 11, 2016

United States Department of Defense  
1400 Defense Pentagon  
Washington, DC 20301

**RE: NST Express, LLC.: WTT Pipeline, McKenzie County, North Dakota**

To whom it may concern,

NST Express, LLC. (NST Express) is proposing to construct the WTT Pipeline Project in McKenzie County, North Dakota (Project). The Project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities (Figure 1). The Project will transport crude oil from a third-party's existing crude oil break-out tank at the southern end to NST Express's Alexander Facility, which is permitted and currently under construction, at the northern extent. NST Express will maintain a 30-foot-wide permanent right-of-way, and may use additional temporary workspace during construction.

The Project analysis area (a 1 mile-wide corridor) is located within the following portions of McKenzie County, North Dakota:

- Sections 5 and, 6 Township (T) 151 North (N), Range (R) 101 West (W);
- Sections 18 – 20, and 29 – 32, T152N, R101W; and
- Sections 13 and 24, T152N, R102W.

The Project is scheduled to begin construction in the fall of 2016 or late spring of 2017.

Arcadis is providing this letter to inform your agency of the proposed Project, and to offer the opportunity to comment. The information received will be used in conjunction with applying for a Certificate of Corridor Compatibility and Route Permit from the North Dakota Public Service Commission for the Project.

Please direct any questions or correspondence concerning the Project to:

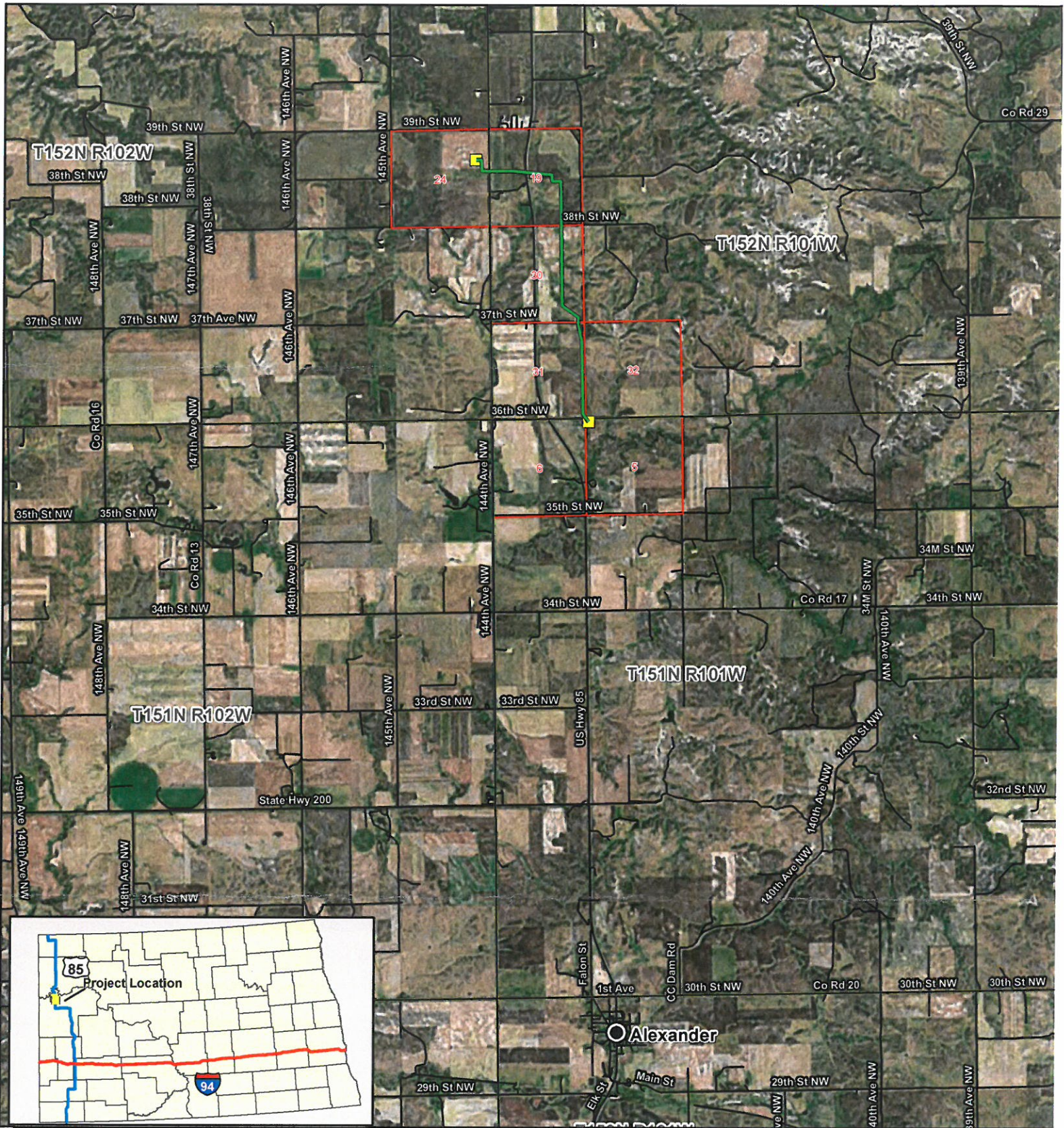
Boe Gregson  
Arcadis, Senior Project Manager  
189 North Cedar Street  
Buffalo, Wyoming 82834  
307-684-5891  
[boe.gregson@arcadis.com](mailto:boe.gregson@arcadis.com)

Sincerely,



Boe Gregson

Enclosures: Figure 1



Design & Consultancy  
for natural and  
built assets

189 North Cedar Street  
Buffalo, WY 82834

Phone # (307) 684-5891  
Fax # (307) 684-5961

Projection: NAD 1983, UTM Z13N Meter

Source: USGS 7.5' Topographic Series  
O43105-b3, c3, e8, f5/6/8, O43106-e1, f1  
O44105-a6/7, b2/4/6/7, c3/4

# NST Express WTT Pipeline Project

McKenzie County, North Dakota

## Legend

- WTT Pipeline Route
- Oil Storage Facility
- City
- Roads



Date: 4/7/2016

Figure

# 1

April 11, 2016

McKenzie County Commission  
c/o Linda Svihovec, McKenzie County Auditor  
201 Fifth Street Northwest, Suite 543  
Watford City, North Dakota 58854

**RE: NST Express, LLC.: WTT Pipeline, McKenzie County, North Dakota**

Dear Ms. Linda Svihovec,

NST Express, LLC. (NST Express) is proposing to construct the WTT Pipeline Project in McKenzie County, North Dakota (Project). The Project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities (Figure 1). The Project will transport crude oil from a third-party's existing crude oil break-out tank at the southern end to NST Express's Alexander Facility, which is permitted and currently under construction, at the northern extent. NST Express will maintain a 30-foot-wide permanent right-of-way, and may use additional temporary workspace during construction.

The Project analysis area (a 1 mile-wide corridor) is located within the following portions of McKenzie County, North Dakota:

- Sections 5 and, 6 Township (T) 151 North (N), Range (R) 101 West (W);
- Sections 18 – 20, and 29 – 32, T152N, R101W; and
- Sections 13 and 24, T152N, R102W.

The Project is scheduled to begin construction in the fall of 2016 or late spring of 2017.

Arcadis is providing this letter to inform your agency of the proposed Project, and to offer the opportunity to comment. The information received will be used in conjunction with applying for a Certificate of Corridor Compatibility and Route Permit from the North Dakota Public Service Commission for the Project.

In the near future, NST Express will be submitting appropriate permit applications to the McKenzie County Planner and Tri Township Board of Supervisors for the WTT Pipeline Project.

Please direct any questions or correspondence concerning the Project to:

Boe Gregson  
Arcadis, Senior Project Manager  
189 North Cedar Street  
Buffalo, Wyoming 82834  
307-684-5891  
[boe.gregson@arcadis.com](mailto:boe.gregson@arcadis.com)

Sincerely,



Boe Gregson

Enclosures: Figure 1



April 11, 2016

North Dakota Game and Fish Department  
Conservation and Communication Division  
100 N. Bismarck Expressway  
Department 325  
Bismarck, North Dakota 58501

**RE: NST Express, LLC.: WTT Pipeline, McKenzie County, North Dakota**

To whom it may concern,

NST Express, LLC. (NST Express) is proposing to construct the WTT Pipeline Project in McKenzie County, North Dakota (Project). The Project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities (Figure 1). The Project will transport crude oil from a third-party's existing crude oil break-out tank at the southern end to NST Express's Alexander Facility, which is permitted and currently under construction, at the northern extent. NST Express will maintain a 30-foot-wide permanent right-of-way, and may use additional temporary workspace during construction.

The Project analysis area (a 1 mile-wide corridor) is located within the following portions of McKenzie County, North Dakota:

- Sections 5 and, 6 Township (T) 151 North (N), Range (R) 101 West (W);
- Sections 18 – 20, and 29 – 32, T152N, R101W; and
- Sections 13 and 24, T152N, R102W.

The Project is scheduled to begin construction in the fall of 2016 or late spring of 2017.

Arcadis requests that the North Dakota Game and Fish Department review the proposed analysis area (1 mile corridor) and indicate the presence of State Conservation Priority Species, raptor nests, or any other features deemed appropriate. The information received will be used in conjunction with applying for a Certificate of Corridor Compatibility and Route Permit from the North Dakota Public Service Commission for the Project.

Please direct any questions or correspondence concerning the Project to:

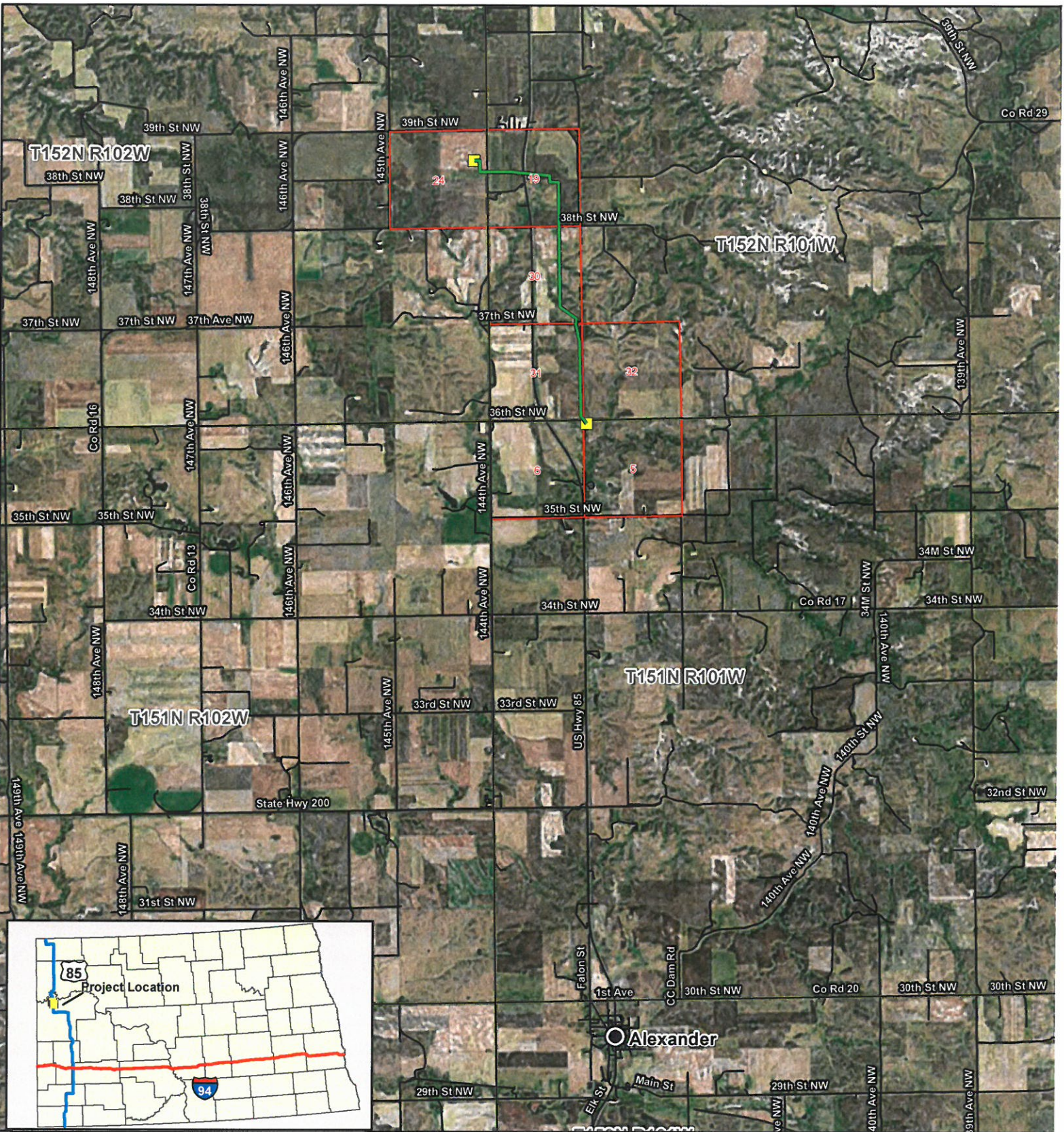
Boe Gregson  
Arcadis, Senior Project Manager  
189 North Cedar Street  
Buffalo, Wyoming 82834  
307-684-5891  
[boe.gregson@arcadis.com](mailto:boe.gregson@arcadis.com)

Sincerely,



Boe Gregson

Enclosures: Figure 1



**ARCADIS** Design & Consultancy  
for natural and built assets

189 North Cedar Street  
Buffalo, WY 82834

Phone # (307) 684-5891  
Fax # (307) 684-5961

Projection: NAD 1983, UTM Z13N Meter

Source: USGS 7.5' Topographic Series  
O43105-b3, c3, e8, f5/6/8, O43106-e1, f1  
O44105-a6/7, b2/4/6/7, c3/4

# NST Express WTT Pipeline Project

McKenzie County, North Dakota

## Legend

- WTT Pipeline Route
- Oil Storage Facility
- City
- Roads



**NST EXPRESS**

Date: 4/7/2016

Figure

**1**

April 11, 2016

U.S Fish & Wildlife Service  
North Dakota Ecological Services Field Office  
3425 Miriam Avenue  
Bismarck, North Dakota 58501-7926

**RE: NST Express, LLC.: WTT Pipeline, McKenzie County, North Dakota**

To Whom It May Concern,

NST Express, LLC. (NST Express) is proposing to construct the WTT Pipeline Project in McKenzie County, North Dakota (Project). The Project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities (Figure 1). The Project will transport crude oil from a third-party's existing crude oil break-out tank at the southern end to NST Express's Alexander Facility, which is permitted and currently under construction, at the northern extent. The pipeline will be installed via trenching, except where horizontal directional drilling (HDD) is used to avoid certain features, such as roadways. NST Express will maintain a 30-foot-wide permanent right-of-way, and may use additional temporary workspace during construction.

The Project analysis area (a 1 mile-wide corridor) is located within the following portions of McKenzie County, North Dakota:

- Sections 5 and, 6 Township (T) 151 North (N), Range (R) 101 West (W);
- Sections 18 – 20, and 29 – 32, T152N, R101W; and
- Sections 13 and 24, T152N, R102W.

The Project is scheduled to begin construction in the fall of 2016 or late spring of 2017.

Arcadis is notifying U.S. Fish and Wildlife Service (USFWS) of the proposed project per requirements of the North Dakota Public Service Commission siting process. The information received from the USFWS will be used in a North Dakota Public Service Commission application for the NST Express pipeline project, which includes the proposed WTT Pipeline corridor. Part of our analysis focuses on the potential for impacts to USFWS trust resources, including federally-listed species, bald and golden eagles, migratory birds, and units of the national wildlife refuge system. To aid in your review, the following background information relevant to this project is included.

During October 2015 Golder Associates Inc. (Golder) conducted a reconnaissance level survey, followed by a subsequent report (*Ecological Assessment Findings Report Alexander North Pipeline, McKenzie County, North Dakota*) associated with the WTT Pipeline Project (f.k.a Alexander Pipeline North). This assessment was

performed for Tesoro Logistics GP, LLC., the original project proponent. NST Express has since assumed the proponent role for the proposed pipeline project.

The following list of threatened and endangered species, identified by the USFWS for McKenzie County, ND, were included in Golder's evaluation.

#### Endangered and Threatened Species of McKenzie County, North Dakota

Species	Listing <sup>1</sup>	Key Habitat Characteristics
Black-footed ferret ( <i>Mustela nigripes</i> )	FE	Shortgrass prairie, mixed-grass prairie, desert grassland, shrub steppe, sagebrush steppe, mountain grassland, and semi-arid grassland, although believed to be extinct in the wild in North Dakota
Gray wolf ( <i>Canis lupus</i> )	FE	Habitat generalist, can occur in forests, deserts, arctic or tundra.
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	FT	Primarily in forested habitats, especially boreal forests, since they typically roost in hardwood trees during the summer
Least tern ( <i>Sterna antillarum</i> )	FE	Marine or estuarine shores, or on sandbar islands in large rivers
Piping plover ( <i>Charadrius melodus</i> )	FT	Sandy or gravel beaches or shoals
Red knot ( <i>Calidris canutus rufa</i> )	FT	Primarily in intertidal, marine habitats, especially near coastal inlets, estuaries, and bays.
Sprague's pipit ( <i>Anthus spragueii</i> )	CS	Dry grasslands with minimal human disturbance
Whooping crane ( <i>Grus americana</i> )	FE	Muskeg within the taiga during the summer and along the Gulf Coast during the winter
Pallid sturgeon ( <i>Scaphirhynchus albus</i> )	FE	Missouri and Mississippi Rivers in areas of moderate to swift currents and sandy substrates
Dakota skipper ( <i>Hesperia dacotae</i> )	FT	Moist bluestem prairie and dry upland needlegrass

<sup>1</sup> FE = Federal Endangered; FT = Federal Threatened; CS = Candidate Species for Listing

None of the listed species identified by USFWS for McKenzie County or suitable habitat was identified within the proposed Project area. A low likelihood of occurrence during migration seasons was noted for red knot, Sprague's pipit and whooping crane (Golder 2016).

The Golder report (2016) also documented areas of shrub and small tree habitats which contain suitable characteristics as potential nesting substrates for migratory birds. These areas should be mitigated using approved conservation measures such as avoidance, minimization, or clearing outside the breeding season. No trees large enough to provide suitable nesting opportunities for raptors in general, including bald and golden eagles, occur along the Project corridor.

Electronic or hardcopy versions of the Golder report can be provided to your office upon request.

Please direct any questions or correspondence concerning the project to:

Boe Gregson  
Arcadis, Senior Project Manager  
189 North Cedar Street  
Buffalo, Wyoming 82834  
307-684-5891  
[boe.gregson@arcadis.com](mailto:boe.gregson@arcadis.com)

Sincerely,

Boe Gregson

Enclosures: Figure 1

***Literature Cited***

Golder Associates, Inc. 2016. *Ecological Assessment Findings Report Alexander North Pipeline, McKenzie County, North Dakota*. Bismarck, North Dakota. January 14, 2016.



**From:** [Huber, David](mailto:Huber.David)  
**To:** [Huber, David](mailto:Huber.David)  
**Subject:** FW: FYI - WTT Pipeline Comment Period Letter  
**Date:** Monday, April 18, 2016 10:53:17 AM

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**From:** Jim Talbert [<mailto:jtalbert@co.mckenzie.nd.us>]  
**Sent:** Monday, April 18, 2016 10:36 AM  
**To:** Linda Svihovec <[lsvihovec@co.mckenzie.nd.us](mailto:lsvihovec@co.mckenzie.nd.us)>; Doug Nordby <[drd@ruggedwest.com](mailto:drd@ruggedwest.com)>; Kathy Skarda <[kskarda@firstintlbank.com](mailto:kskarda@firstintlbank.com)>; Richard Cayko <[rcayko@midrivers.com](mailto:rcayko@midrivers.com)>; Ron & Myra Anderson <[ronmyra@restel.com](mailto:ronmyra@restel.com)>; Vawnita Best <[vbest@co.mckenzie.nd.us](mailto:vbest@co.mckenzie.nd.us)>  
**Cc:** Suhail Kanwar <[skanwar@co.mckenzie.nd.us](mailto:skanwar@co.mckenzie.nd.us)>; Gene Veeder <[gveeder@co.mckenzie.nd.us](mailto:gveeder@co.mckenzie.nd.us)>; Gregson, Boe <[Boe.Gregson@arcadis.com](mailto:Boe.Gregson@arcadis.com)>  
**Subject:** RE: FYI - WTT Pipeline Comment Period Letter

Since they are coming from a third party tank it sounds like this is a transmission line and would need to get a CUP.

Jim

**Jim Talbert**

McKenzie County  
Planning and Zoning Director  
201 5<sup>th</sup> Street N.W. Suite 699  
Watford City, ND 58854  
Ph: (701) 444-3616 ext. 1035  
Fax: (701) 444-4113  
Email: [jtalbert@co.mckenzie.nd.us](mailto:jtalbert@co.mckenzie.nd.us)

---

**From:** Linda Svihovec  
**Sent:** Monday, April 18, 2016 9:58 AM  
**To:** Doug Nordby; Kathy Skarda; Richard Cayko; Ron & Myra Anderson; Vawnita Best  
**Cc:** Jim Talbert; Suhail Kanwar; Gene Veeder  
**Subject:** FYI - WTT Pipeline Comment Period Letter

**Linda Svihovec**  
**McKenzie County Auditor/Treasurer**  
201 5<sup>th</sup> St NW, Ste 543  
Watford City, ND 58854  
Phone: (701)444-3616 Ext. 3  
Fax: (701)444-4113



April 15, 2016

Boe Gregson  
ARCADIS Design & Consultancy  
189 North Cedar Street  
Buffalo, WY 82834

"Letter of Clearance" In Conformance with the North Dakota Federal Program Review System -  
State Application Identifier No.: ND160415-0490

Dear Mr. Gregson:

SUBJECT: NST Espresso, LLC: WTT Pipeline, McKenzie County, ND

The above referenced notice has been reviewed through the North Dakota Federal Program Review Process. As a result of the review, clearance is given to the project only with respect to this consultation process.

If the proposed project changes in duration, scope, description, budget, location or area of impact, from the project description submitted for review, then it is necessary to submit a copy of the completed application to this office for further review.

We also request the opportunity for complete review of applications for renewal or continuation grants within one year after the date of this letter.

Please use the above SAI number for reference to the above project with this office. Your continued cooperation in the review process is much appreciated.

Sincerely,

A handwritten signature in black ink that reads "Rikki Roehrich". The signature is written in a cursive style.

Rikki Roehrich  
Program Specialist  
Division of Community Services

cmh



May 5, 2016

Mr. Boe Gregson  
Arcadis, Senior Project Manager  
189 North Cedar Street  
Buffalo, WY 82834

Re: NTS Express, LLC: WTT Pipeline Project  
McKenzie County, North Dakota

Dear Mr. Gregson:

This department has reviewed the information concerning the above-referenced project submitted under date of April 11, 2016, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Oil and gas projects disturbing one or more acres are required to have a permit to discharge storm water runoff if runoff from the project will carry eroded material to a water of the state. A permit is not required for oil and gas projects if runoff from the project will not carry eroded material to a water of the state. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). In addition, cities or counties may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

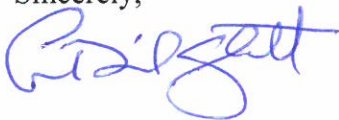
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.
5. Projects that involve construction of pipelines should select locations that minimize the potential for environmental damage during construction and in the event of a spill, restrict fluids from reaching surface waters. Environmental damage can be reduced by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup. Proper surveillance and monitoring of pipelines is necessary for the early detection of leaks.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc  
Attach.



## Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



# North Dakota Department of Transportation

Grant Levi, P.E.  
*Director*

Jack Dalrymple  
*Governor*

April 26, 2016

Boe Gregson  
Senior Project Manager  
Arcadis  
189 N. Cedar Street  
Buffalo, WY 82834

CONSTRUCT WTT PIPELINE, MCKENZIE COUNTY, NORTH DAKOTA

We have reviewed your April 11, 2016, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Joel Wilt at 701-774-2700.

A handwritten signature in black ink that reads "Robert Fode".

ROBERT A. FODE, P.E., DIRECTOR - OFFICE OF PROJECT DEVELOPMENT

57\rafjs

c: Joel Wilt, Williston District Engineer



"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

May 3, 2016

Boe Gregson  
Senior Project Manager  
Arcadis  
189 North Cedar Street  
Buffalo, WY 82834

Dear Mr. Gregson:

RE: WTT Pipeline Project

NST Express, LLC is proposing to construct approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities from a third-party's existing crude oil break-out tank at the southern end to NST Express' Alexander Facility at the northern extent in McKenzie County, North Dakota.

A primary concern with pipeline construction is the possible disturbance of native prairie. Avoidance of native prairie areas reduces impacts to a variety of grassland species including many of the species of conservation priority. We ask that work within native prairie be avoided to the extent possible, and disturbed areas be reclaimed to pre-project conditions.

The National Wetland Inventory indicates a variety of wetlands within the proposed project area. 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. Unavoidable destruction or degradation of wetland acres should be mitigated in kind.

We recommend that aerial surveys be conducted for raptor nests before construction begins. We recommend that a ½-mile construction buffer be implemented around active eagle nest sites (known occupied within the past 5 years). Ms. Sandra Johnson, Conservation Biologist, can be contacted at 701-328-6327 for additional information on golden eagle nests in the state.

We do not believe this project will have significant adverse effects on wildlife or wildlife habitat, including species of conservation priority, provided these recommendations are implemented where appropriate.

Sincerely,

Greg Link  
Chief  
Conservation & Communication Division

js



**TELEPHONE CONVERSATION RECORD**

DATE: 5-19-2016 TIME: 7:35 AM PROJECT: WY002751.0001 NST  
Express NDPSC Application

FROM: Sandra Johnson TO: David Huber

COMPANY: North Dakota Game & Fish Dept COMPANY: Arcadis

TELE NO: 701.328.6327 TELE NO: 307.684.5891

RE: Raptor Nest Information Request

Ms. Johnson stated she could provide raptor nest location GIS data if we would send her a shapefile of the project. Ms. Johnson indicated she would include data for other species in the area if they occur.

## Huber, David

---

**From:** Johnson, Sandra K. <sajohnson@nd.gov>  
**Sent:** Monday, May 23, 2016 2:29 PM  
**To:** Huber, David  
**Cc:** Gregson, Boe  
**Subject:** RE: GIS Data

Hi David,  
There are no known eagle or other raptor nests within 1 mile of the project. The closest known Golden Eagle nest is more than 3 miles away. Also, there are no known Black-tailed Prairie Dog towns, Bighorn Sheep, or other sensitive species within 1 mile.  
Let me know if you have any other questions,  
Sandy

*Sandy Johnson*  
*Conservation Biologist*  
*North Dakota Game and Fish Department*  
*100 N. Bismarck Expwy.*  
*Bismarck, ND 58501-5095*  
*Phone: 701-328-6382*  
[sajohnson@nd.gov](mailto:sajohnson@nd.gov)  
<http://gf.nd.gov/>

---

**From:** Huber, David [mailto:David.Huber@arcadis.com]  
**Sent:** Thursday, May 19, 2016 4:20 PM  
**To:** Johnson, Sandra K. <sajohnson@nd.gov>  
**Cc:** Gregson, Boe <Boe.Gregson@arcadis.com>; Huber, David <David.Huber@arcadis.com>  
**Subject:** GIS Data

Sandra,

Per your request, a shapefile of our proposed project is attached. We would appreciate GIS data for raptor nests (minimum of ½ mile) and any other pertinent species data you could provide.

Thanks again for responding to our inquiry.

**David Huber** | Project Scientist | [david.huber@arcadis.com](mailto:david.huber@arcadis.com)

**Arcadis**

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# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

April 20, 2016

Boe Gregson  
Arcadis Senior Project Manager  
189 North Cedar Street  
Buffalo, WY 82834

Dear Mr. Gregson:

This is in response to your request for review of environmental impacts associated with the NST Express's, LLC WTT Pipeline Project located in McKenzie County, ND. The project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There are no floodplains identified and/or mapped where this proposed project is to take place. The project takes place in an area of No Special Flood Hazard Area. No floodplain permits are necessary from McKenzie County relative to the National Flood Insurance Program.
- Please contact the Western Area Water Supply Authority at 701-774-6605 regarding Western Area Water Supply project infrastructure that may be located in the project area.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Linda Weispfenning  
Water Resource Planner

LW:dm/1570

## Tate, Kady

---

**From:** Tate, Kady  
**Sent:** Wednesday, May 4, 2016 4:12 PM  
**To:** 'Jacob Monson'  
**Subject:** RE: NST Express, LLC.: WTT Pipeline, McKenzie County, North Dakota  
**Attachments:** Fig 1 WTT Pipeline Route.pdf

Hello Jacob,

Attached is a map with the location of NST Express's, LLC proposed WTT Pipeline Project located in McKenzie County, North Dakota. The Project will consist of approximately 3.6 miles of 8-inch-diameter carbon steel pipe and associated facilities. The Project will transport crude oil from a third-party's existing crude oil break-out tank at the southern end to NST Express's Alexander Facility, which is permitted and currently under construction, at the northern extent. NST Express will maintain a 30-foot-wide permanent right of way, and may use additional temporary workspace during construction.

The Project analysis area (a 1 mile-wide corridor) is located within the following portions of McKenzie County, North Dakota:

- Sections 5 and, 6 Township (T) 151 North (N), Range (R) 101 West (W);
- Sections 18 – 20, and 29 – 32, T152N, R101W; and
- Sections 13 and 24, T152N, R102W.

The Project is scheduled to begin construction in the fall of 2016 or late spring of 2017. The North Dakota State Water Commission request we make contact with Western Area Water Supply Authority regarding Western Area Water Supply project infrastructure that may be located in the project area. Any information received will be used in conjunction with applying for a Certificate of Corridor Compatibility and Route Permit from the North Dakota Public Service Commission for the Project.

Thank you,

**Kady Tate** | Geologist | [Kady.Tate@arcadis.com](mailto:Kady.Tate@arcadis.com)

ARCADIS | 189 North Cedar Street , Buffalo WY 82834  
T: 307-684-5891 | M: 810-588-1488 | F: 307-684-5961



---

**From:** Jacob Monson [mailto:jacob.monson@wawsp.com]  
**Sent:** Wednesday, May 4, 2016 3:04 PM  
**To:** Tate, Kady <Kady.Tate@arcadis.com>  
**Subject:**

Sincerely,  
Jacob Monson  
GIS Technician  
Western Area Water Supply

## Tate, Kady

---

**From:** Jacob Monson <jacob.monson@wawsp.com>  
**Sent:** Monday, May 16, 2016 1:28 PM  
**To:** Tate, Kady  
**Subject:** WAWSP Data

Ms. Tate:

Perhaps it would be more beneficial to you to download the shapefile for our main transmission from our website. This will be the only pipeline of ours that will conflict with your project – please consult MCWRD for information regarding rural distribution pipelines in the area. I'm sorry for not referring you to this sooner.

<http://wawsp.com/wawsa-data/>

Sincerely,  
Jacob Monson  
GIS Technician  
Western Area Water Supply  
701-774-6605  
<http://wawsp.com>





**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

Jack Dalrymple  
*Governor of North Dakota*

April 18, 2016

North Dakota  
State Historical Board

Mr. Boe Gregson  
Senior Project Manager  
Arcadis  
189 North Cedar Street  
Buffalo, WY 82834

Margaret Puetz  
*Bismarck - President*

Gereld Gerntholz  
*Valley City - Vice President*

Albert I. Berger  
*Grand Forks - Secretary*

**ND SHPO REF.: 16-0918 PSC NST Express, LLC 3.6 miles crude oil pipeline from a bread-out tank to NST Express's Alexander Facility McKenzie County, North Dakota**

Calvin Grinnell  
*New Town*

Diane K. Larson  
*Bismarck*

Dear Mr. Gregson:

Chester E. Nelson, Jr.  
*Bismarck*

We reviewed your preliminary letter regarding ND SHPO REF.: 16-0918 PSC NST Express, LLC 3.6 miles crude oil pipeline from a bread-out tank to NST Express's Alexander Facility McKenzie County, North Dakota. We recommend a Class I (records search) and Class III (pedestrian) cultural resources survey of the entire project area as there are recorded eligible sites in the general area of the project.

A. Ruric Todd III  
*Jamestown*

Sara Otte Coleman  
*Director  
Tourism Division*

Thank you for the opportunity to review the project to date. We look forward to review of the Class III report prior to any earth work. If you have questions, please contact Susan Quinnell at (701) 328-3576 or [squinnell@nd.gov](mailto:squinnell@nd.gov)

Kelly Schmidt  
*State Treasurer*

Alvin A. Jaeger  
*Secretary of State*

Sincerely,

Mark Zimmerman  
*Director  
Parks and Recreation  
Department*

Claudia J. Berg  
Director, State Historical Society of North Dakota

Grant Levi  
*Director  
Department of Transportation*

Claudia J. Berg  
*Director*

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*Bismarck*

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Department*

Grant Levi  
*Director  
Department of  
Transportation*

Claudia J. Berg  
*Director*

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May 25, 2016

Cole Wandler  
Arcadis, US, Inc.  
189 North Cedar Street  
Buffalo, WY 82834

**NDSHPO REF.: 16-1146 PSC NST Express WTT Pipeline Project, McKenzie  
County, North Dakota**

Dear Cole:

We have received and reviewed reporting of project documentation for **16-1146**: "A Class I and Class III Cultural Resource Inventory of the NST Express WTT Pipeline, McKenzie County, North Dakota," by Rebecca Mashak (Arcadis, May 2016) and find it acceptable. Also, we concur with a "No Significant Sites Affected" determination for the project provided it is of the nature stated, it takes place in the plotted location documented in the report, and that monitoring by a professional archaeologist occurs in proximity to unevaluated sites 32MZ2336 and 32MZ2337 that are to be avoided and fenced as recommended in the report. Also, we concur that 32MZ1561, 32MZ2338, and 32MZ3059 are not significant and are not eligible for listing in the National Register of Historic Places.

Thank you for the opportunity to review the project. If you have questions please contact either Paul Picha at [ppicha@nd.gov](mailto:ppicha@nd.gov) or (701) 328-3574 or Susan Quinnell at [squinnell@nd.gov](mailto:squinnell@nd.gov) or (701) 328-3576.

Sincerely,

Claudia J. Berg  
Director, State Historical Society of North Dakota  
and  
State Historic Preservation Officer (North Dakota)

TRI TOWNSHIP RECOMMENDATION

Tri Township, McKenzie County, N.D.

Project Name/Company: 5-24-2016

Recommendation requested: NST EXPRESS, LLC

Current Land Use/Zone: TERRITORIAL LANDWORKS, LLC c/o Paul Forsting

Land description: Sec 5 Twp 152N R101W

Representative(s): Paul Forsting

Presentation date: 5-24-2016

A presentation was made to the Tri Township Board of Supervisors regarding the above noted information on the above stated date. The following recommendation was made by the Tri Township Board of Supervisors with conditions as noted below.

The following is the recommendation of the Tri Township Board regarding the above stated request:

- Recommend Approval
- Recommend Denial

The approval recommendation is to include:

- Zone Change
- Land Use Change



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12TH STREET  
BISMARCK ND 58504-6640

May 2, 2016

North Dakota Regulatory Office

[NWO-2016-0836-BIS]

Mr. Boe Gregson  
Arcadis  
189 North Cedar Street  
Buffalo, Wyoming 82834

Dear Mr. Gregson:

This is in response to your letter dated April 11, 2016, on behalf of NST Express, LLC, requesting US Army Corps of Engineers (Corps) comments concerning the proposed WTT Pipeline in McKenzie County.

The WTT Pipeline project includes the construction of approximately 3.6 miles of 8-inch carbon steel pipe to be used for transportation of crude oil. The project is located in several sections of Townships 151 and 152 North, Ranges 101 and 102 West, McKenzie County, North Dakota. The project has an approximate center point of Latitude 47.95530°, Longitude - 103.65754°.

Based on the information contained within your letter, it appears a Department of the Army permit may be required for your proposed project. In order for us to fully evaluate your project, please complete and submit the Corps permit application found using the website address below. Be sure to accurately describe all proposed work and construction methodology. Once the application is complete, mail it to the letterhead address.

Corps Regulatory Offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 regulates work impacting navigable waters. **This includes work over, through, or under Section 10 waters.** Section 10 waters in North Dakota are the Missouri River (including Lake Sakakawea and Lake Oahe), Yellowstone River, James River south of the railroad tracks in Jamestown, North Dakota, Bois de Sioux River, Red River of the North, and the Upper Des Lacs Lake. Section 404 regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

If the project requires a Section 10/404 permit, a permit application and instructions for completion may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.a>

spx. If you do not have access to a computer, you may call this office and request a copy of the permit application and instructions be sent to you.

A copy of this letter is being sent to Mr. Jim Berkley, US Environmental Protection Agency, Region VIII, 1596 Wynkoop Street, Denver, Colorado, 80202-1129.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015, extension 2001.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia L. McQueary". The signature is written in a cursive style with a large initial "P" and "M".

Patricia L. McQueary  
Regulatory Program Manager  
North Dakota