

Agency Consultation Table  
 Epping Transmission Company, DAPL Connector Pipeline Project (PU-16-614)  
 November 8, 2016



Agency	Date of Consultation	Date of Response	Comments
U.S. Fish and Wildlife Service	July 19, 2016	10/26/2016	Concurrence that Project is not expected to have a significant impact on wildlife resources.
North Dakota State Historic Preservation Office	July 22, 2016 September 20, 2016	July 26, 2016 October 3, 2016	Concurrence provided with CR Report and CR Addendum Report recommendations.
North Dakota Mineral Trust Lands	July 19, 2016	July 20, 2016	Agency identified 1 tract of state owned land, which contained cultural resources that require avoidance. Subsequent correspondence confirmed that Epping Transmission had already properly engaged the Agency to obtain easement and routing avoided the sensitive cultural resource areas.
North Dakota School Trust Lands	July 19, 2016	July 20, 2016	No concerns identified by the Agency.
North Dakota Game and Fish	July 19, 2016	August 16, 2016	The Agency noted that there are various NWI mapped wetlands within the Study Area and steps should be taken to protect these features. Additionally, no alterations to existing drainage patterns should be made, and no aboveground appurtenances should be placed within wetlands. The Agency also stated that they do not believe the Project will have significant adverse effects to wildlife or wildlife habitat.
North Dakota Parks and Recreation	July 19, 2016	August 17, 2016	No concerns were identified.
North Dakota State Water Commission	July 19, 2016	Response Pending	

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<b>Agency</b>	<b>Date of Consultation</b>	<b>Date of Response</b>	<b>Comments</b>
Western Area Water Supply Authority	July 19, 2016	August 11, 2016	Agency concerns were associated with the Project crossing of existing and/or future (planned) water pipelines. Epping Transmission will coordinate with the agency regarding all line crossings.
Williams County Water Resource Board	July 19, 2016	August 10, 2016	Agency did not identify any concerns with the project rather pointed out the compliance with the USACE is required for all jurisdictional crossings. Project compliance with the William's County Water Resource District's Stormwater Rules and Stormwater Management Plan regulations is also required.
Williams County Weed Control Office	July 19, 2016	Response Pending	



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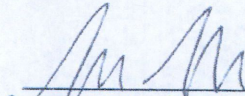
U.S. FISH AND WILDLIFE SERVICE  
ND Ecological Service Field Office

July 19, 2016

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

Project as described is not expected to have significant impact on fish and wildlife resources. Contact this office if changes to the project are made or new information becomes available.

10/26/16  
Date

  
for North Dakota State Supervisor

**Epping Transmission Company, LLC - DAPL Connector Pipeline Project  
Project Notification and Request for Review**

Epping Transmission Company (ETC) is planning the DAPL Connector Pipeline Project (Project). The Project will result in the construction of an approximately 3.6 mile, 12-inch diameter, crude oil pipeline. The pipeline will be entirely located within Williams County North Dakota and is under the jurisdiction of the North Dakota Public Service Commission. The Project centerline will traverse Township 155N Range 98W Section 6, Township 155N Range 99W Sections 1 & 36 and Township 156N Range 98W Sections 31 & 32. The Project alignment and 1-mile wide Study Area are depicted on the attached maps.

E3 Environmental, LLC (E3), on behalf of ETC, submits this information and respectfully requests the United States Fish and Wildlife Service (USFWS) to review a 1-mile wide study area, which is centered upon the Project alignment. Project location maps are enclosed.

On July 7, 2016, E3 reviewed the USFWS Information for Planning and Conservation (IPaC) system for the purpose of identifying threatened and endangered species, designated critical habitat, proposed critical habitat, Migratory Bird Treaty Act (MBTA) compliance, and other natural resource issues of concern that may occur within Williams County. The results include:

Federally Listed Species

Interior least tern (*Sternula antillarum*) - Endangered  
Whooping crane (*Grus americana*) - Endangered  
Pallid sturgeon (*Scaphirhynchus albus*) - Endangered  
Piping plover (*Charadrius melodus*) - Threatened  
Red Knot (*Calidris canutus rufa*) - Threatened  
Northern Long-eared Bat (*Myotis septentrionalis*) - Threatened  
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:

Interior least tern: The interior populations of the least tern have historically been associated with large river systems, such as the Missouri River, for breeding and



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*Governor of North Dakota*

October 3, 2016

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Claudia J. Berg  
*Director*

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Ms. Katie Schmidt  
E3 Environmental, LLC  
871 Jefferson Avenue  
St. Paul, MN 55102

NDSHPO REF.: 13-1335A ND PSC "Epping Transmission Company, LLC  
Addendum to the DAPL Connector Pipeline Project Class I and Class III  
Cultural Resources Inventory Williams County, North Dakota"

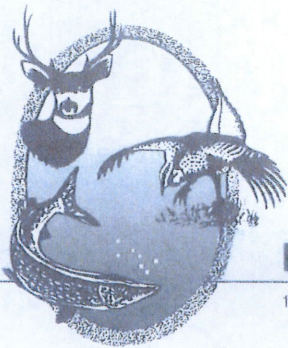
Dear Ms. Schmidt,

We reviewed NDSHPO REF.: 16-1335A ND PSC "Epping Transmission  
Company, LLC Addendum to the DAPL Connector Pipeline Project Class I and  
Class III Cultural Resources Inventory Williams County, North Dakota," and  
find the report acceptable. There has been a good faith effort to identify and avoid  
impacts to "Significant Sites," provided the project remains as described and  
mapped in this report dated September 2016.

Thank you for the opportunity to review the project. If you have questions please  
contact 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



"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 16, 2016

Katie Schmidt  
Senior Consultant  
E3 Environmental, LLC  
871 Jefferson Avenue  
St. Paul, MN 55102

Dear Ms. Schmidt:

RE: DAPL Connector Pipeline Project

Epping Transmission Company is proposing to construct an approximately 3.6-mile, 12-inch diameter crude oil pipeline in Williams County, North Dakota. The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

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

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 and disturbed areas are reclaimed to pre-project conditions.

Sincerely,

Greg Link  
Chief

Conservation & Communication Division

js



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](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

August 17, 2016

Katie Schmitt  
E3 Environmental, LLC  
871 Jefferson Ave.  
St. Paul, MN 55102

Re: Epping Transmission Company LLC DAPL Connector Pipeline Project

Dear Mr. Schmitt:

The North Dakota Parks and Recreation Department has reviewed the above referenced project for the proposed construction of 3.6 mile crude oil pipeline in Williams County.

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

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are no documented significant ecological community occurrences or plant and animal species of concern in our database within project area. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

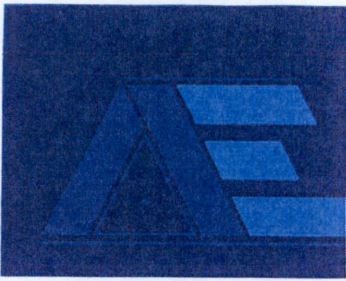
We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)). Thank you for the opportunity to comment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

Sincerely,

Kathy Duttonhefner, Coordinator  
Natural Resources Division

R.USNDNHI\*2016-220KD8/17/2016KD8/17/2016

.....  
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1907 17th Street Southeast  
Minot, ND 58701  
701.837.8737  
www.ackerman-estvold.com

August 10, 2016

Katie Schmidt, Senior Consultant  
E3 Environmental, LLC  
871 Jefferson Ave  
St. Paul, MN 55102

RE: Epping Transmission Company, LLC – DAPL Connector Pipeline Project

Project Notification and Review Request Memo – Williams County Water Resource District

Epping Transmission Company, LLC (ETC) is planning the DAPL Connector Pipeline Project (Project). The Project will result in the construction of an approximately 3.6 mile, 12-inch diameter, crude oil pipeline. The pipeline will be entirely located within Williams County, North Dakota and is under the jurisdiction of the North Dakota Public Service Commission.

The Williams County Water Resource District was requested to provide the following information:

- Locations of any county-regulated drains, ditches, and/or other drainage features;
- Any special requirements, restrictions, or specifications regarding constructing pipelines across or under county regulated drainage features;
- Any local ordinances related to drainage; and
- Any permits issued through your office, which may be applicable to the Project and a summary of the permit process and anticipated timeframes.

Regarding the request for the locations of any county-regulated drains, ditches, and/or other drainage features:

A ND State Water Commission search was conducted of the Study Area and no permitted drains were found during the search. The proposed pipeline will cross an unnamed tributary of Stony Creek.

Regarding any special requirements, restrictions, or specifications regarding constructing pipelines across or under county regulated drainage features:

The ND State Water Commission and U.S. Army Corps of Engineers should be consulted related to special requirements, restrictions, or specifications related pipeline construction impacts to the unnamed tributary stream.

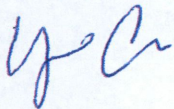
Regarding local ordinances related to drainage:

The Williams County Water Resource District's Stormwater Rules and Regulations can be found on the Williams County website, [www.williamsnd.com](http://www.williamsnd.com), under the Water Resource Board – Documents and Links.

Regarding permitting through the Water Board:

If the Project will be constructing buildings or improvements that add impervious surfaces, a Stormwater Management Plan (SWMP) or De Minimus Effect request may be necessary to be completed and approved by the Williams County Water Resource District. Please refer to the Stormwater Rules and Regulations or contact me if you have additional questions.

Regards,

A handwritten signature in blue ink, appearing to read 'Wayne Crow'.

Wayne Crow, PE

Ackerman-Estvold

**From:** Jacob Monson  
**To:** [Katie Schmidt](#)  
**Subject:** RE: Epping Transmission Company-DAPL Connector Pipeline Project Consultation Letter  
**Date:** Wednesday, August 10, 2016 9:11:19 AM  
**Attachments:** [image002.png](#)  
[DAPL-WAWSA Conflict Map.pdf](#)  
[Main Transmission.zip](#)  
[WRWDExistingMain.zip](#)

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Ms. Schmidt:

I am sorry for the delay in responding to your previous email about the DAPL project and its conflict with the Western Area Water Supply Project. Please see the attached map referencing the Epping location – as exhibited on the map you sent me – including rural distribution lines and a transmission main. The distribution lines were recently installed (between this year and last year) and, although the project has been mostly completed in that area, there is still some construction to be done in the area for the WRWD expansion. (If you are unaware, WAWSA is responsible for overseeing the expansion of Williams Rural Water District (WRWD) infrastructure, although the additional pipelines are – and will be – operated by WRWD). Nevertheless, portions remaining to be installed are minimal and hence the attached shapefile representing the WRWD rural pipelines should suffice in exhibiting the areas of conflict concerning the DAPL pipeline and the WRWD rural pipelines. Also included the map above (and attached in a .zip file) is a transmission main – this pipeline is also operated by WRWD.

Given your data and ours, it seems that there will be three main areas of conflict with regards to the centerline of your proposed routing. Please contact our office for any information regarding line crossings and let me know if there is any need for clarification or additional information. Thank you.

Sincerely,  
Jacob Monson

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**From:** Katie Schmidt [mailto:KSchmidt@go2e3.com]  
**Sent:** Thursday, July 21, 2016 8:58 AM  
**To:** Jacob Monson  
**Subject:** Epping Transmission Company-DAPL Connector Pipeline Project Consultation Letter

Mr. Monson

I am providing you notification for the Epping Transmission Company, LLC (ETC) DAPL Connector Pipeline Project (Project). The Project will result in the construction of a 3.6 mile, 12-inch diameter, crude oil pipeline. The Project will be entirely located within Williams County North Dakota and is under the jurisdiction of the North Dakota Public Service Commission. The Project centerline will traverse Township 155N Range 98W Section 6, Township 155N Range 99W Sections 1 & 36 and Township 156N Range 98W Sections 31 & 32. The Project alignment and 1-mile wide Study Area are depicted on the attached maps. Also attached you will find the supporting shapefile data (coordinate system WGS 84).

The purpose of this correspondence is to afford the Western Area Water Supply Authority (WAWSA)

the opportunity to review the Project and associated Corridor and provide comment as appropriate. In closing, E3 Environmental, LLC has been retained by ETC to provide environmental consulting support for the Project. Should you have any questions or require additional information, please contact me by phone or email. Per previous communication, E3 understands that no response from your agency indicates that the WAWSA has no concerns with the project.

Regards,

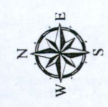
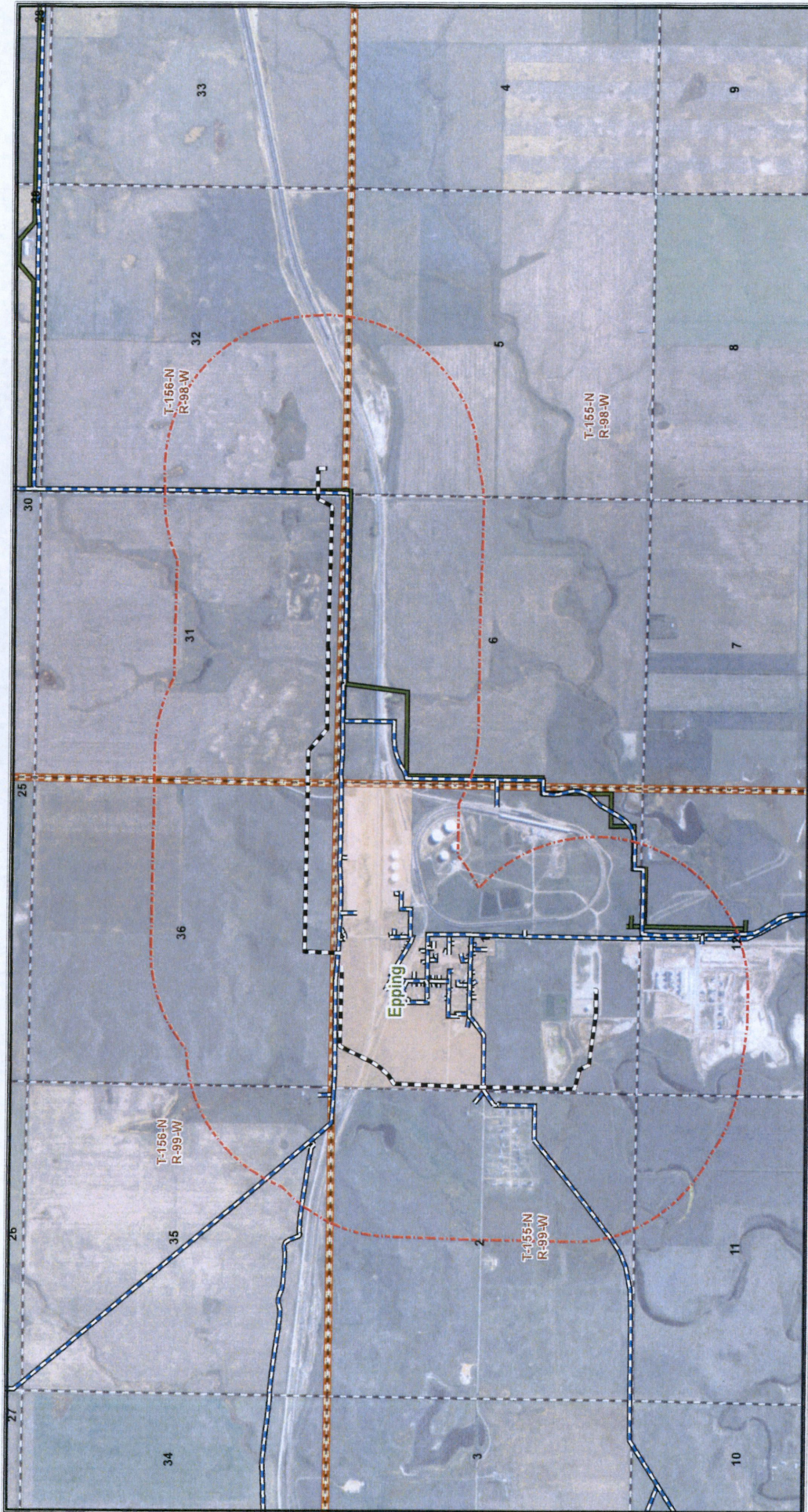
Katie





**Katie Schmidt, EIT**  
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-  DAPL Proposed Route
-  WRWD Existing Main
-  WAWBA Transmission Main
-  DAPL Corridor


**WESTERN AREA**  
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 Wickenburg, CO 80862  
 719.271.4600  
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Photos courtesy of: Jan Knudsen

**Addendum: Natural Resource  
Survey Report  
DAPL Connector Pipeline Project  
Williams County, North Dakota**

Prepared for:

**Epping Transmission Company, LLC**

Prepared by:

**E3 Environmental, LLC**

September 2016



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**OVERVIEW:**

E3 Environmental, LLC (E3), at the request of Epping Transmission Company, LLC (Epping Transmission), performed pre-construction natural resource surveys for a re-route and two HDD pull-back areas for the DAPL Connector Pipeline Project (Survey Area). Appendix A depicts the additional survey area addressed by this report. The original alignment and survey corridor was originally surveyed by E3, following North Dakota Public Service Commission (NDPSC) regulations, in June and July of 2016. These surveys included:

- Raptor nest documentation and status determination,
- Wetland and waterbody delineation and jurisdictional characterization,
- Woody vegetation delineation and inventory,
- Noxious weed inventory and delineation, and
- Protected species surveillance and habitat assessment

This report serves as an addendum to the DAPL Connector Pipeline Project Natural Resource Survey Report. The original report was submitted as Appendix D in the Consolidated Application filed with the NDPSC on August 25, 2016 (PU-16-614)

**SURVEY CORRIDOR:**

The Survey Area includes; a re-route and buffered survey corridor located in Section 6 T155N:98W and Section 31 T156N:R98W (0.54 acres); one pull-back area located in Section 6 T155N:98W (0.27 acres); and one additional pull-back area located in Section 31 T156N:R98W (0.27 acres). The total Survey Area is approximately 1.04 acres in size and is comprised of mostly agricultural fields and disturbed grassland. Refer to Appendix A for maps depicting Project alignment and Survey Corridor.

**METHODOLOGY:**

E3 biologists followed standard survey protocols which are consistent with those utilized during surveys conducted previously for the Project. One field visit was required to cover the entire Survey Area, on August 16, 2016.

**SURVEY RESULTS:**

**Raptor Nests**

No previously unrecorded raptor nests were identified within the Survey Area or within line-of-sight on August 16, 2016.



**Wetlands and Waterbodies**

No previously unrecorded wetland or waterbodies were identified or mapped within the Survey Area on August 16, 2016.

**Woody Vegetation**

No previously unrecorded woody vegetation patches were identified or mapped within the Survey Area August 16, 2016.

**Noxious Weeds**

No previously unrecorded woody vegetation patches were identified or mapped within the Survey Area August 16, 2016.

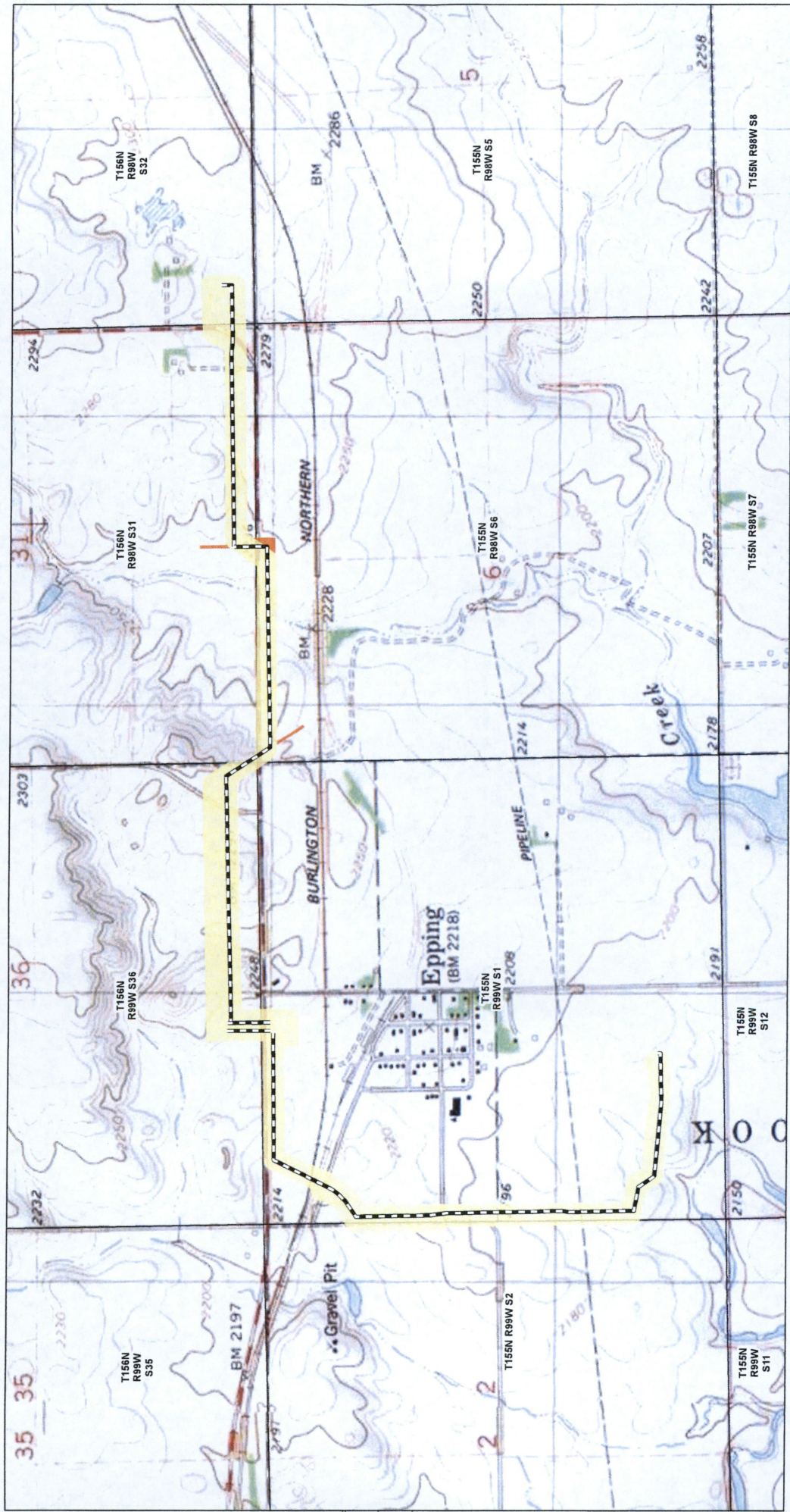
**Threatened and Endangered Species**

No threatened or endangered species or associated critical habitat were observed within the Survey Area.

**RECOMMENDATIONS:**

No natural resource features targeted for survey were present or mapped within the Survey Area on August 16, 2016. E3 does not have additional recommendations beyond those stated in the DAPL Connector Pipeline Project Natural Resource Report.

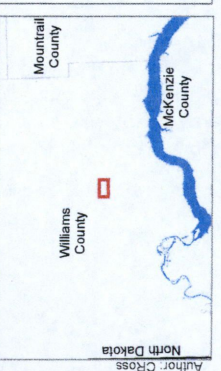
**Appendix A**  
**Natural Resource Maps**



**Epping Transmission Company, LLC**  
 DAPL Connector Pipeline Project  
 Survey Realignment  
 Williams County, ND



Map not to scale, for environmental review purposes only.



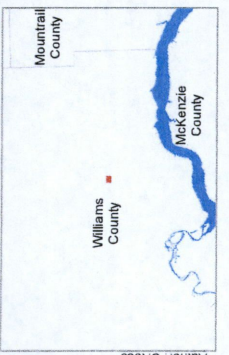


Document Path: F:\Summit\DAPL\WXDs\Survey\Survey Realignment LargeScale.mxd Date: 8/26/2016

**Epping Transmission Company, LLC**  
 DAPL Connector Pipeline Project  
 Survey Realignment  
 Williams County, ND

1:2,500

Map not to scale, for environmental review purposes only.



Author: Cross