

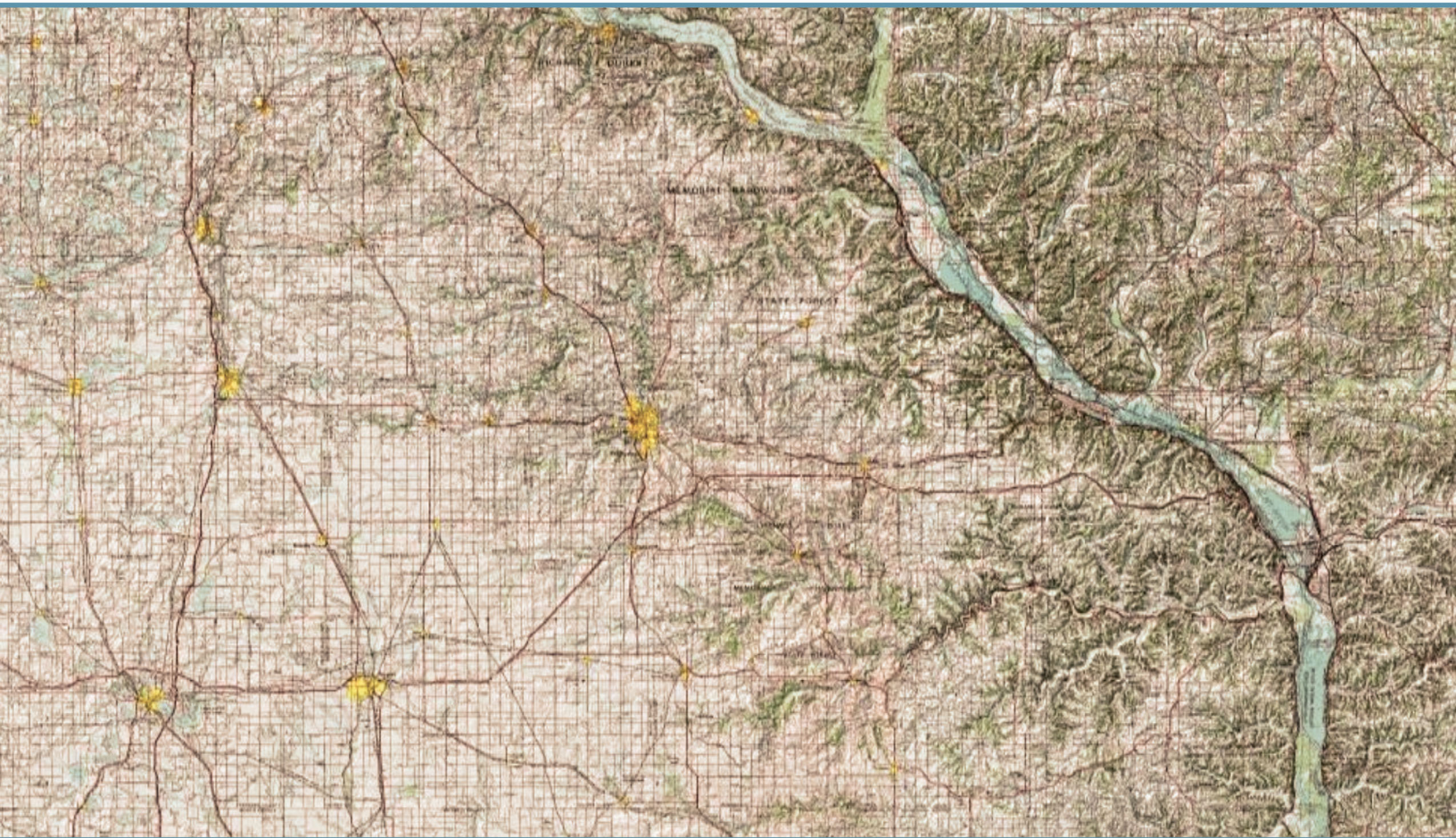
North Dakota Public Service Commission

Consolidated Siting Application

Hiland Crude, LLC

Epping Delivery Pipeline Project

July 2021





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Prepared by:
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INTRODUCTION

Hiland Crude, LLC (“Hiland”) is planning the Epping Delivery Pipeline Project (“Project”). The Project will result in the construction of approximately 2.9-miles of crude oil transmission pipeline. The Project will be entirely located within Williams County, North Dakota. The Project will transport crude from existing producers to existing infrastructure capable of delivering the product to various mid-continent markets. Refer to the maps in Appendix A for an overview of the Project.

Hiland submits to the North Dakota Public Service Commission (“PSC”) a single consolidated application for a Certificate of Corridor Compatibility and Route Permit for the Project.

The application provides the requisite information as stipulated by:

- North Dakota Century Code, Energy Conversion and Transmission Facility Siting Act, Chapter 49-22.1;
- North Dakota Administrative Code, Chapter 69-06-04, Certificate of Corridor Compatibility; and;
- North Dakota Administrative Code, Chapter 69-06-05, Transmission Facility Permit.

SECTION 1: TRANSMISSION FACILITY DESCRIPTION

1.1 TYPE OF TRANSMISSION FACILITY

The proposed Project will result in the construction of a crude oil transmission pipeline. The steel pipeline will meet U.S. Department of Transportation (“DOT”) regulations.

1.2 PURPOSE AND NEED FOR PROJECT

The Project will transport crude from existing producers to existing infrastructure which can deliver the crude oil to various mid-continent markets.

1.2.1 LOCATION OF FACILITY

The Project will be located in Williams County, North Dakota. Crude oil will be transported between existing facilities. Project maps are provided in Appendix A.

1.3 TECHNOLOGY TO BE DEPLOYED

The Project will be designed, constructed, and maintained in accordance with the DOT Pipeline and Hazardous Materials Safety Administration (“PHMSA”) regulations, industry standards, and company policies.

1.4 TYPE, SOURCE, AND FINAL DESTINATION OF PRODUCT

The Project will transport crude oil from Hiland’s Epping Station to existing pipeline infrastructure where the product can be delivered to various mid-continent markets.

1.5 WIDTH OF RIGHT-OF-WAY

A typical construction right-of-way (“ROW”) of 75-feet will be utilized for pipeline construction. Hiland will maintain permanent easements along the pipeline of 25-feet in width.

1.6 LENGTH OF FACILITY

The proposed Project is approximately 2.9-miles in length.

1.7 PIPE SPECIFICATIONS

The Project pipeline specifications are as follows:

- 8-inch nominal diameter steel pipe
 - 0.250-inch wall thickness (road crossings/bore pipe)
 - 0.188-inch wall thickness
 - 8.625-inch outside diameter steel pipe

1.8 DESIGNED OPERATING SPECIFICATIONS

- Normal Operating Pressure: 450-pounds per square inch (psi)
- Maximum Operating Pressure: 1,440 psi
- Normal Throughput: approximately 30,000 barrels per day (bpd)
- Maximum Throughput: approximately 62,800 bpd
- Maximum Operating Temperature: 80 degrees Fahrenheit

1.9 ABOVEGROUND FACILITIES

The Project will tie into existing aboveground facilities/block valves located at each terminus of the Project. No new aboveground facilities will be constructed for the Project.

No aboveground appurtenances will be constructed. Project tie-ins will occur within the existing facility fence line at each terminus.

1.10 PROJECT SCHEDULE

1.10.1 CERTIFICATE OF CORRIDOR COMPATIBILITY

Hiland seeks a Certificate of Corridor Compatibility by or before the end of the third quarter of 2021.

1.10.2 ROUTE PERMIT

Hiland seeks a Route Permit by the end of the third quarter of 2021.

1.10.3 COMPLETING RIGHT-OF-WAY ACQUISITION

Hiland has completed the acquisition of all ROW that will be required for this project.

1.10.4 CONSTRUCTION COMMENCEMENT

Hiland has scheduled construction activities to commence late in the third quarter quarter of 2021. It is estimated that construction activities will take approximately three months to complete. Pipeline commissioning will be initiated promptly after construction is complete. Restoration activities will take place during the following growing season (i.e., second quarter of 2022.)

1.10.5 ADDITIONAL PROJECT PERMITS OR AUTHORIZATIONS

The Project will be constructed in compliance with applicable federal, state, and local laws, regulations, or plans. Hiland will obtain necessary permits or approvals for the construction and operation of the Project.

SECTION 2: CORRIDOR, SURVEY CORRIDOR, AND ROUTE

2.1 CORRIDOR

The proposed corridor is a one-mile-wide area centered upon a proposed alignment (*i.e.*, one-half mile on either side of the proposed alignment) (“Corridor” or “Study Area”). This alignment was selected utilizing the proposed centerline and the location of existing facilities. The Corridor is illustrated on the maps in Appendix A.

2.2 SURVEY CORRIDOR

Field studies have been conducted of the Survey Corridor. The Survey Corridor was typically a 250-foot corridor centered upon the proposed Project centerline. The maps in Appendix A depict the Survey Corridor for the Project.

2.3 ROUTE

For the purpose of this application, the Route is the approximate centerline of the proposed pipeline¹. The maps in Appendix A depict the proposed Route.

¹ Hiland requests that the PSC authorize it to make minor adjustments to the Route to accommodate landowner requests, unforeseen conditions or general operations provided that the final alignment of the transmission line is located within the Survey Corridor with a tolerance of seven (7) feet on either side of the Project centerline.

SECTION 3: ENVIRONMENTAL STUDIES

To assess the potential Project impacts to sensitive environmental resources, Carlson McCain consulted with agencies, completed desktop studies of the Corridor, and augmented these efforts with field surveys of the Survey Corridor. The results of these efforts are discussed in more detail in the subsequent sections.

3.1 AGENCY CONSULTATIONS

A comprehensive desktop analysis of the Corridor included consultations with the federal, state, and local agencies identified below. These consultations were conducted for the purpose of an environmental resource assessment as stipulated by the PSC's siting requirements for a Transmission Facility. The results of the desktop environmental analysis are summarized below. Appendix B contains the Agency Consultation Summary Table as well as records of the agency consultations to date.

3.1.1 FEDERAL AVIATION ADMINISTRATION

The Federal Aviation Administration ("FAA") regulates all aspects of civil aviation in the country as well as over surrounding international waters. The FAA's powers include air traffic management. On July 9, 2021, Carlson McCain on behalf of Hiland sent a Project notification letter to the Bismarck, North Dakota FAA office, providing an opportunity for the review and comment on the Project. To date a response is pending.

3.1.2 U.S. FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service ("USFWS") administers several programs designed to identify and protect special status plant and animal species, critical habitats, and lands managed by the agency including administrative responsibilities for the Endangered Species Act ("ESA"), the Migratory Bird Treaty Act ("MBTA"), and the Bald and Golden Eagle Act ("BGEA".) Additionally, the USFWS administers National Wildlife Refuges and Waterfowl Production Areas ("WPAs"), as well as wetland and grassland easements throughout North Dakota.

Carlson McCain, on behalf of Hiland, submitted a Project notification letter to the USFWS on June 11, 2021. A response from the USFWS was received on June 25, 2021 providing concurrence with the conclusions that the Project will not adversely affect listed species.

3.1.2.1 FEDERALLY PROTECTED SPECIES REVIEW

The USFWS identifies and maintains a list of species and critical habitats that have been afforded protection by the ESA. The ESA provides a program for the conservation of threatened and endangered plants and animals and their critical habitats. Carlson McCain reviewed USFWS published data and identified the following listed species with the potential to occur within the Corridor.

- Whooping crane (*Grus americana*) – Endangered
- Red knot (*Calidris canutus rufa*) - Threatened
- Piping plover (*Charadrius melodus*) – Threatened, and final designated critical habitat

- Dakota skipper (*Hesperia dacotae*) – Threatened, and proposed critical habitat
- Northern long-eared bat (*Myotis septentrionalis*) - Threatened

Carlson McCain reviewed available information describing these species’ life history, critical habitats, and conservation measures associated with each species to assess the potential effects of the Project on these resources. The results of the assessment are discussed in Section 3.2 of this application.

3.1.2.2 MIGRATORY BIRD TREATY ACT

The management of MBTA concerns corresponds with the regional timing associated with annual phenology of migratory species. In North Dakota, species protected under the MBTA may be present throughout the year. However, it is generally acknowledged that the majority of protected species are seasonal migrants present in North Dakota during the annual breeding season which occurs from February 1st through July 15th. The proposed Project is scheduled to commence late in the third quarter of 2021 and will take approximately three months to reach completion. Project disturbance to nesting or breeding birds is not anticipated; however, if breeding bird activity is encountered within the Project, Hiland will implement appropriate avoidance measures.

3.1.2.3 BALD AND GOLDEN EAGLE PROTECTION ACT

The BGEA prohibits anyone without a permit from taking a bald or golden eagle, including its parts, nests, or eggs. The BGEA defines “take” as to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. The BGEA also addresses impacts resulting from human-induced alterations occurring around previously used nesting sites. Hiland will implement appropriate avoidance measures, as necessary, to avoid impacts to eagles if present within the Project Area.

3.1.2.4 U.S. FISH AND WILDLIFE SERVICE MANAGED LANDS

The USFWS administers National Wildlife Refuges and WPAs as well as wetland and grassland easements throughout North Dakota. A desktop review of information available in the public domain, including U.S. Geological Survey (“USGS”) 7.5-minute topographic quadrangle maps, USGS PAD-US dataset, and the USFWS Information for Planning and Consultation (“IPaC”) system has been completed for the Corridor. Desktop analysis indicates no USFWS managed lands are located within the Corridor.

3.1.3 U.S. DEPARTMENT OF DEFENSE-CABLE AFFAIRS

The U.S. Department of Defense – Cable Affairs (“USDOD”) administers various programs including missile defense systems. Carlson McCain, on behalf of Hiland, submitted a Project notification letter on June 11, 2021, requesting information regarding the presence or absence of USDOD assets within the Project area. A response from the agency is pending. Refer to Appendix B for a copy of the correspondence.

3.1.4 U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (“USACE”) administers various programs related to federally regulated wetlands or waterbodies. Carlson McCain, on behalf of Hiland, submitted a Project notification letter on June 11, 2021, to the agency offering the opportunity to comment on the Project. A response was received via email on June 23, 2021. The response noted that a Section 404 may be required and a copy of the Nationwide Permit #12 Utility Activities was provided for reference. Refer to Appendix B for a copy of the correspondence.

3.1.5 U.S. DEPARTMENT OF AGRICULTURE-NATURAL RESOURCES OF CONSERVATION SERVICE-BISMARCK OFFICE

The U.S. Department of Agriculture (“USDA”) administers various conservation programs that are related to agriculture. Carlson McCain, on behalf of Hiland, submitted a Project notification letter on June 11, 2021, to the agency offering the opportunity to comment on the Project. On June 15, 2021, the USDA Conservation Services responded noting that the Farmland Protection Policy Act does not apply and therefore no further action is required. The USDA also expressed its interest in wetland conservation via the Wetland Conservation Provisions of the 1985 Food Security Act, noting conservation measures to avoid permanent impacts and stating its preference to avoid impacts to wetlands. The Project will avoid impacts by boring major wetland features; and where conventional construction in wetlands occurs, impacts will be temporary with no loss of this resource. Refer to Appendix B for a copy of the correspondence.

3.1.6 USDA-NORTH DAKOTA FARM SERVICE AGENCY

The USDA Farm Service Agency (“FSA”), assist’s farmers and ranchers secure the greatest possible benefit from programs administered by the FSA such as farm loans, commodity price support, disaster relief, conservation and other available resources. On June 11, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. On June 28, 2021, an email response was received requesting Project shapefiles to aid in the agency’s review of the project. On June 30, 2021, Carlson McCain on behalf of Hiland responded to this email providing the requested data. To date, a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.7 JOB SERVICE OF NORTH DAKOTA

The Job Service of North Dakota provides workforce and unemployment services across the state. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date, a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.8 NORTH DAKOTA AERONAUTICS COMMISSION

The North Dakota Aeronautics Commission supports aviation activities in the state through communication with state, local and the FAA officials, congressional offices and national aviation groups. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.9 NORTH DAKOTA ATTORNEY GENERAL

The Attorney General represents the state in all legal matters where the state is named as a part or the state may have an interest in the outcome of the litigation. Additionally, the Attorney General provides legal services and opinions to state officials, agencies, boards and commissions. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.10 NORTH DAKOTA DEPARTMENT OF CAREER AND TECHNICAL EDUCATION

The North Dakota Department of Career and Technical Education provides career awareness, work readiness skill, occupational preparation and retraining of workers throughout the state. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.11 NORTH DAKOTA DEPARTMENT OF COMMERCE

The North Dakota Department of Commerce works to improve the quality of life for citizens by leading efforts to attract, retain and expand wealth. The department serves businesses and communities statewide through committed people and partners who offer valuable programs and services. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.12 NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY

The North Dakota Department of Environmental Quality (“NDDEQ”) administers regulatory programs that monitor and enforce compliance with state and federal laws related to air and water quality. Carlson McCain, on behalf of Hiland, submitted a Project notification letter on June 11, 2021 to the NDDEQ offering the opportunity to comment on the Project. A response from the agency was received on June 22, 2021. The response stated that the department believes that the environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods and best management practices (“BMPs”). Refer to Appendix B for a copy of the correspondence.

3.1.12.1 NDDOH POLLUTION DISCHARGE ELIMINATION SYSTEM

The North Dakota Pollution Discharge Elimination System (“NDPDES”) is the regulatory program administered by NDDEQ that regulates water discharges such as construction stormwater, site dewatering, and hydrostatic discharge permits.

Construction Stormwater: Ground-disturbing activities will likely exceed the threshold for a construction stormwater permit; however, runoff from the Project is unlikely to carry eroded materials to a water of the state. As such, formal coverage is not required. Hiland will implement industry standard BMPs, which will be designed to manage run-off and trench dewatering discharges in a manner that will minimize exposure to chemicals, waste, and petroleum products where ground-disturbing activities occur.

Hydrostatic test water discharges: Hiland will seek coverage under NDG070000 *Authorization to Discharge Under the North Dakota Pollutant Discharge Elimination* general permit if hydrostatic test water discharges will occur in conjunction with the Project.

3.1.13 NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

The North Dakota Department of Human Services provides aging, behavioral health, and children and family services to the state's residents. On July 9, 2021 Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.14 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION-WILLISTON DISTRICT

The North Dakota Department of Transportation-Williston District are responsible for monitoring the conditions of bridges and highways, maintaining state roadways, snow and ice control activities, traffic engineering, utility permits and highway sign maintenance. The Williston District has seven section shops throughout the district. On July 9, 2021 Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.15 NORTH DAKOTA DEPARTMENT OF TRUST LANDS

The North Dakota Department of Trust Lands ("NDDTL") is in charge of managing surface acres and mineral interests held in trust for various schools and institutions. On June 16, 2021, Carlson McCain sent a Project notification letter to the NDDTL requesting comments regarding the presence of school trust lands within the Corridor; to date a response is pending. See Appendix B for a copy of this correspondence.

On June 16, 2021, Carlson McCain sent a Project notification letter to the NDDTL requesting comments regarding the presence or absence of state mineral trust lands within the Corridor. To date, an agency response is pending. Refer to Appendix B for a copy of this correspondence.

3.1.16 NORTH DAKOTA ENERGY INFRASTRUCTURE AND IMPACT OFFICE

The North Dakota Energy Infrastructure and Impact Office ("EIIO"), formerly known as the Energy Development Impact office is a division within the Department of Trust Lands. The EIIO provides financial assistance to local units of government that are impacted by oil and gas activity. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending.

3.1.17 NORTH DAKOTA GAME AND FISH DEPARTMENT

The North Dakota Game and Fish Department ("NDGFD") has oversight of the state's game species. Carlson McCain, on behalf of Hiland, submitted a Project consultation letter on June 14, 2021, requesting information regarding the presence or absence of State Conservation Priority Species within the Corridor. A response was received via email on July 6, 2021. In the

response it was noted that there are several national wetland inventory (“NWI”) mapped wetlands that are located within the Project Area. Steps should be taken to protect wetlands that cannot be avoided. No alteration should be made to drainage patterns and aboveground appurtenances should not be placed in wetland areas. Refer to Appendix B for a copy of the correspondence.

3.1.18 NORTH DAKOTA GEOLOGIC SURVEY

The North Dakota Geologic Survey (“NDGS”) manages the geologic resources of the state. Carlson McCain, on behalf of Hiland, submitted a Project consultation letter on June 11, 2021, offering the NDGS the opportunity to comment on the geologic resources within the Project Corridor. A response from the agency is pending. Refer to Appendix B for a copy of the correspondence.

3.1.19 NORTH DAKOTA INDIAN AFFAIRS COMMISSION

The North Dakota Indian Affairs Commission acts as the liaison between the Executive Branch and the Tribes of the state. Services include mediation between the Tribes and the State and when with other state agencies regarding protocol when working with Indian people and Tribal government. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. A complete record of this correspondence can be found in Appendix B.

3.1.20 NORTH DAKOTA INDUSTRIAL COMMISSION-PIPELINE AUTHORITY

The North Dakota Industrial Commission Pipeline Authority facilitates the development of pipeline infrastructure to support in the transportation and utilization of state energy-related commodities. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. A complete record of this correspondence can be found in Appendix B.

3.1.21 NORTH DAKOTA LABOR DEPARTMENT

The North Dakota Labor Department is responsible for enforcing the human rights and labor laws, and public education regarding these laws. Additionally, the department issues licenses to employment agencies operating in the state and can verify the status of independent contractor relationships. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. A complete record of this correspondence can be found in Appendix B.

3.1.22 NORTH DAKOTA OFFICE OF THE GOVERNOR

The governor is the chief executive of the state and is responsible to ensure that the state’s business is well administered and that its laws are faithfully executed. Additionally, the governor supervises all necessary business of the state with the United States, the other states and the officers and officials of this state. On July 9, 2021, Carlson McCain on behalf of Hiland

submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. A complete record of this correspondence can be found in Appendix B.

3.1.23 NORTH DAKOTA PARKS AND RECREATION DEPARTMENT

The North Dakota Parks and Recreation Department (“NDPRD”) Natural Resource Division’s scope of authority and expertise covers recreation and biological resources (in particular, rare species and ecological communities). The NDPRD also maintains a database comprised of the location and recorded occurrences of plant and animal species of special concern. The NDPRD authority includes management of state park lands and Land and Water Conservation funded recreation projects.

Carlson McCain, on behalf of Hiland, sent a Project notification letter on June 11, 2021, to the NDPRD seeking confirmation regarding the presence or absence of managed lands, ecological resources, rare species, or their critical habitats within the Corridor. A response was received on July 8, 2021. The agency concluded that there are no properties that the NDPRD owns, leases, or manages affected by the Project. The Project will not affect any properties protected under Section 6(f) of the Land and Water Conservation Fund; and that the National Heritage Program database currently does not contain records of historical plants or animal species of concern or other significant ecological communities within the Project Area. Refer to Appendix B for a copy of the correspondence.

3.1.24 NORTH DAKOTA STATE SOIL CONSERVATION COMMITTEE-NORTH DAKOTA STATE UNIVERSITY EXTENSION

The North Dakota State Soil Conservation Committee provides assistance with administrative matters and provides program planning assistance to the soil conservation districts in the state. On July 9, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. To date a response is pending. Refer to Appendix B for a copy of the correspondence.

3.1.25 NORTH DAKOTA STATE WATER COMMISSION

The North Dakota State Water Commission (“NDSWC”) administers water appropriation, drainage, and sovereign lands permit programs and may have relevant information regarding rural water supply systems.

On June 11, 2021, Carlson McCain, on behalf of Hiland, initiated consultations with the NDSWC requesting comments regarding the presence or absence of sovereign lands and/or rural water systems within the Corridor. The agency responded on July 6, 2021 and provided the comments below. A full record of this correspondence is contained in Appendix B.

- No permits related to the National Flood Insurance Program (“NFIP”) required as there are no Federal Emergency Management Agency (“FEMA”) floodplains were identified within the Project Area;

- No drainage permits required as long as all watercourses are returned to their pre-disturbed conditions;
- No conditional use or temporary permit will be required for water appropriation provided that surface or groundwater will not be diverted for construction, if water will be diverted for construction a water appropriation permit may be required; and,
- Coordination with the agency is required if observation wells (have yellow protective aboveground casing) will be encountered.

3.1.26 NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

The North Dakota State Historic Preservation Office (“SHPO”) is responsible for managing the historic and archaeological resources of the state; as such, the SHPO maintains records of all previously recorded cultural inventories and resources within the state.

Class I and Class III field investigations have been completed of the Survey Corridor. Reports were prepared and submitted to the SHPO on June 1, 2021, and an Addendum report was filed on July 15, 2021; concurrence for the original survey report and conclusion of “no significant sites affected” was received on June 15, 2021. Concurrence for the Addendum Cultural Resource Report is pending. Appendix B contains a record of this communication, and Appendix D contains the Cultural Resource Reports.

3.1.27 WESTERN AREA WATER SUPPLY AUTHORITY

The Western Area Water Supply Authority (“WAWSA”) has jurisdiction over a five-county region which includes Burke, Divide, McKenzie, Mountrail, and Williams Counties. WAWSA utilizes a combination of the Missouri River water that is treated at the Williston Regional Water Treatment Plant and ground water treated by the R&T Water Supply Commerce Authority’s Water Treatment Plant in Ray, ND to supply and meet the needs of municipal, rural, and industrial water users in the five-county area.

On June 11, 2021, Carlson McCain, on behalf of Hiland, initiated consultation with the WAWSA requesting comments regarding the presence of reservoirs or municipal water supplies within the Study Area. A response from the agency is pending. A full record of this correspondence is contained in Appendix B.

3.1.28 WILLIAMS COUNTY COMMISSIONERS

County commissioners are elected officials that have both executive and legislative duties. Additionally, they approve budgets, oversee spending and the hiring of county employees. On July 6, 2021, Carlson McCain on behalf of Hiland submitted a Project notification letter providing an opportunity for the agency to review and comment on the Project. On July 19, 2021, an email response was received from Karen Prout inquiring as to who and what additional project information may be available. On July 23, 2021, K. Schmidt responded to Prout’s email informing her of the PSC’s involvement and providing an overall summary of the siting process including the availability of application materials and Public Hearing process. Refer to Appendix B for a copy of the correspondence.

3.1.29 WILLIAMS COUNTY PLANNING AND ZONING DEPARTMENT

The Williams County Planning and Zoning Department (“WCPZ”) has various responsibilities including the management of developments within Williams County. On June 11, 2021, Carlson McCain, on behalf of Hiland, provided notice of the Project to the WCPZ and offered the department the opportunity to comment on the Project. Agency response is pending. A full record of this correspondence is contained in Appendix B.

3.1.30 WILLIAMS COUNTY WATER RESOURCE DISTRICT

The Williams County Water Resource District (“WCWRD”) is responsible for managing drains, ditches, and other drainage systems regulated by Williams County. On June 11, 2021, Carlson McCain, on behalf of Hiland, initiated consultations with the WCWRD requesting comments regarding the presence or absence of WCWRD assets within the Corridor. A response was received via email inquiring as to if there will be aboveground structures associated with the Project. On June 30, 2021, an email response was provided stating that no aboveground structures will occur outside of existing fenced facilities. The agency has not provided a response. A full record of this correspondence is contained in Appendix B.

3.1.31 WILLIAMS COUNTY WEED CONTROL BOARD

The Williams County Weed Control Board (“WCWCB”) maintains records for the location and species of noxious weeds within Williams County. On June 11, 2021, Carlson McCain, on behalf of Hiland, initiated consultations with the WCWCB. Agency response is pending. Refer to Appendix B for a record of this correspondence.

3.2 WILDLIFE INVENTORY

3.2.1 CORRIDOR

Carlson McCain utilized various resources available in the public domain such as topographic maps, aerial photography, species life histories, agency websites, and data bases to evaluate potential impacts to wildlife resources within the Project Corridor.

3.2.1.1 FEDERALLY PROTECTED SPECIES REVIEW

The USFWS identifies and maintains a list of species and critical habitats that have been afforded protection by the ESA. The ESA provides a program for the conservation of threatened and endangered plants and animals and their critical habitats. Carlson McCain reviewed the USFWS IPaC system published data and identified the following listed species and assessed the potential for the species or their habitat to occur within the Corridor.

Common Name	Scientific Name	Federal Status
Piping plover	Charadrius melodus	Threatened
Rufa red knot	Calidris canutus rufa	Threatened
Whooping crane	Grus americana	Endangered
Dakota skipper	Hesperia decotae	Threatened

Common Name	Scientific Name	Federal Status
Northern long-eared bat	Myotis septentrionalis	Threatened

Piping plover: In North Dakota, the piping plover is a seasonal resident that can be found nesting along alkali wetlands as well as along the shores and sand flats of both Lake Sakakawea and the Missouri River. The Project is located approximately 11-miles to the northwest of Lake Sakakawea and the Missouri River. Therefore, due the lack of suitable habitat within Project, the Project will have no effect on piping plovers.

Rufa red knot: The rufa red knot is a seasonally transient species that passes through North Dakota when migrating between its breeding and wintering grounds. Preferred migratory habitat is closely associated with foraging and has been characterized as wetlands with mudflats and/or sandbars associated with larger waterbody features. No suitable habitat was identified within the Project Area during desktop review; and as such, the Project will have no effect on this species.

Whooping crane: The Aransas Wood Buffalo Population of whooping cranes engages in semi-annual migration through North Dakota. This flock breeds in the Wood Buffalo National Park in Alberta and Northwest Territories, Canada, and winters in the Aransas National Wildlife Refuge in Texas. North Dakota provides migratory habitat for the species, offering roosting and feeding opportunities during migration. During migration, the species is most closely associated with larger wetland complexes for roosting habitat, typically using adjacent uplands to forage. Desktop screening confirmed that the Project is located within the migratory corridor for the whooping crane. Construction activities will serve as a deterrent to cranes. The restoration of areas disturbed by the Project to its previous condition will avoid the loss of potential crane habitat. The implementation of these measures will avoid adverse impacts to whooping cranes.

Dakota skipper: The Dakota skipper is a butterfly species listed as federally threatened due to habitat conversion from native prairie to agricultural. The Dakota skipper is identified by its one-inch wingspan and thick body, with an orange-brown color and brown characteristic wing markings. The Dakota skipper is a low mobility species and therefore has short dispersal ranges. Suitable Dakota skipper habitat is described as native prairie grasslands with minimal degradation due to anthropogenic disturbance or encroachment by invasive species. Desktop studies of the Corridor found the absence of potentially suitable habitat; due to the lack of habitat, the Project will have no effect on this species.

Northern long-eared bat: The northern long-eared bat (“NLEB”) is a federally threatened species primarily due to the onset of white-nose syndrome (“WNS”), which affects multiple bat species in the United States. NLEBs are medium sized bats with a body length of 3-4 inches and a wingspan of 9-10 inches. Their fur color ranges medium to dark brown on the back and light brown on the underside. This bat is distinguished by its long ears. During the summer months, this small mammal roosts individually or in colonies underneath exfoliating bark of

standing trees or in any indentations on both live and dead trees (typically 3 inches or greater in diameter). Breeding begins in late summer or early fall. Currently, the NLEB is managed as threatened species under the Final 4(d) rule. Desktop studies identified potentially suitable summer roosting habitat within the Corridor, however there are no known maternal roost trees or winter hibernacula recorded in Williams County. Tree clearing will be minimized to the maximum extent practicable. Hiland intends to utilize the horizontal directional drill (“HDD”) method through areas where trees are present. Provided these measures are implemented, there will be no adverse impact to the NLEB.

3.2.1.2 MIGRATORY TREATY CONSULTATION

The proposed Project is scheduled to commence late in the third quarter of 2021 and is estimated to take approximately three months to complete. Due to the Project schedule, the breeding season will largely be avoided. Should the Project be initiated during the active breeding season, Hiland will implement appropriate measures to avoid impacts to breeding birds.

3.2.1.3 BALD AND GOLDEN EAGLE PROTECTION ACT

No bald or golden eagles or nests were identified during desktop analysis of the Corridor.

3.2.1.4 U.S. FISH AND WILDLIFE SERVICE MANAGED LANDS

Desktop analysis of the Corridor found no USFWS managed lands within the Corridor.

The USFWS identifies and maintains a list of species and critical habitats that have been afforded protection by the ESA. The ESA provides a program for the conservation of threatened and endangered plants and animals and their critical habitats. IPaC consultation confirmed the absence of USFWS designated critical habitat within the Corridor.

3.2.2 SURVEY CORRIDOR

Natural Resource field studies of the Survey Corridor included surveys for threatened or endangered species or their critical habitat. No occurrences of threatened or endangered species or their critical habitat were found within the Survey Corridor. Potential Project impacts to federally listed species are discussed below.

Piping plover: Field studies confirmed the absence of alkali wetlands with suitable plover breeding habitat within the Survey Corridor. Impacts to this species are not anticipated.

Rufa red knot: Field surveys have confirmed the absence of suitable foraging habitat within the Survey Corridor. Impacts to this species are not anticipated.

Whooping crane: Potentially suitable migratory habitat for the whooping crane is located within the Survey Corridor (wet fields and croplands). Construction activities will serve as a deterrent and the Project will not result in a loss of crane habitat. If a crane is spotted within 0.5-miles of the Project, mitigation measures will be implemented. Impacts to this species are not anticipated.

Dakota skipper: Field studies confirmed the absence of preferred skipper habitat within the Survey Corridor. Impacts to this species are not anticipated.

Northern long eared bat: Potential summer roosting habitat in the form of two planted tree rows occur within the Survey Corridor. Construction will be initiated after the typical pup rearing season has ended. Tree clearing will be minimized to the maximum extent practicable. The Project occurs within the USFWS designated WNS Zone, and therefore per the Final 4(d) Rule, the USFWS places no restrictions to tree-removing activities. Adverse impacts to this species are not anticipated.

3.3 WETLAND/WATERBODIES

3.3.1 CORRIDOR

To evaluate the location and extent of mapped wetlands and waterbodies within the Corridor, a desktop analysis of aerial photography, National Hydrography Data set (“NHD”), and NWI maps was completed. Desktop analysis identified approximately 87 mapped NWI features and six NHD mapped waterbodies/surface drainages within the Corridor.

3.3.2 SURVEY CORRIDOR

Field surveys identified four wetland features in total. No waterbodies were recorded during field survey of the Project. All wetland features are identified on the maps in Appendix A and discussed in detail in the Natural Resource Survey Report contained in Appendix C.

3.3.3 ROUTE

Of the four wetland features identified within the Survey Corridor, only three are crossed by the proposed Route. Refer to Appendix C for the Natural Resource Survey Reports and Appendix A for Project maps.

3.4 TREES AND SHRUBS

3.4.1 CORRIDOR

The density of the woody cover in this region is generally sparse, and typically associated with significant topographic relief such as defined banks or incised drainage channels or agricultural windrows.

3.4.2 SURVEY CORRIDOR

Hiland commissioned field studies to inventory the Survey Corridor for woody vegetation. In total, seven native, natural growth shrub communities were identified, and two planted tree rows were inventoried within the Survey Corridor. These results are depicted on the maps contained in Appendix A. The detailed results of the field studies are documented in Appendix C.

3.4.3 ROUTE

Of the woody vegetation identified during field surveys the proposed Route will cross 3 shrub areas and two planted tree rows. Hiland will minimize impacts to the maximum extent possible,

if trees or shrubs are removed they will be inventoried for future tree and shrub mitigation purposes.

3.5 NOXIOUS WEEDS

3.5.1 CORRIDOR

Noxious weeds are defined by the Federal Noxious Weed Act of 1974 as “a plant which is of foreign origin, is new to, or is not widely prevalent in the United States, and can directly or indirectly injure crops or other useful plants, livestock or the fish and wildlife resources of the United States, or public health.” The State of North Dakota defines noxious weeds as “weeds that are difficult to control, easily spread, and injurious to public health, crops, livestock, land, or other property.” North Dakota has County Weed Boards in all 53 counties, each of which has the opportunity to add noxious weeds to the state list for regulation only within their jurisdiction. Carlson McCain, on behalf of Hiland, provided a consultation letter to the Williams County Weed Control Board, a response is pending. Refer to Appendix B for a complete record of this communication.

3.5.2 SURVEY CORRIDOR

Field surveys conducted in May and July of 2021 identified five areas of noxious weeds totally approximately 0.24 acres. Refer to Appendix C for a complete record of the Natural Resource Field efforts.

3.5.3 ROUTE

Of the five areas of noxious weeds identified during field survey, none will be crossed by the proposed Route.

3.6 CULTURAL RESOURCES

3.6.1 CORRIDOR

In May of 2021, a Class I cultural resources inventory (literature review) was conducted of records from the State Historical Society of North Dakota to identify previously completed cultural resource investigations and recorded cultural resources within the Corridor. The Class I cultural resources inventory identified 34 previously completed investigations and documented eight previously recorded cultural resources within the Corridor. Of these eight previously recorded resources, all have been identified as “Not Eligible” for inclusion into the National Register of Historic Places (“NRHP”). None of these previously recorded cultural resources intersect with the Project Survey Corridor. Refer to the Cultural Resource Report in Appendix D for a detailed accounting of these previously recorded resources.

3.6.2 SURVEY CORRIDOR

Class I efforts were augmented with Class III Pedestrian Surveys of the Survey Corridor. The survey was conducted in May and July of 2021. Survey efforts did not find any cultural resources within the Survey Corridor. Refer to Appendix D for the complete Cultural Resource Survey Reports.

SECTION 4: SITING CRITERIA ANALYSIS

4.1 POLICIES AND COMMITMENTS TO LIMIT ENVIRONMENTAL IMPACT

Hiland is committed to conducting its business in compliance with all applicable environmental laws and regulations. These laws, regulations, and standards are designed to safeguard the environment, human health, wildlife, and natural resources. Hiland will conduct its activities with the objectives of providing a healthful and safe workplace for its employees and preventing accidents and environmental incidents. All persons and firms providing service to Hiland are required to conduct their work in compliance with environmental conditions, permit authorizations, and applicable regulations, and will be held accountable for their actions in that regard.

4.2 FACTORS ADDRESSED IN NORTH DAKOTA CENTURY CODE SECTION 49-22.1-09

4.2.1 FEASIBLE ALTERNATIVES TO THE PROPOSED CORRIDOR OR ROUTE

Implementation of the proposed Project will result in firm, reliable service for 30,000 barrels of crude oil per day to existing infrastructure capable of delivering the product to mid-continental markets. Hiland identified and evaluated several project alternatives; however, none of these alternatives effectively satisfied the Project objective. These alternatives included:

- No Action Alternative;
- Trucking Alternative; and
- Rail Alternative

4.2.1.1 NO ACTION ALTERNATIVE

This alternative will leave the region constrained by limited transport capacity for safe and reliable transmission of crude oil products to markets. A no action alternative could result in the curtailment of crude oil production. For these reasons, Hiland rejected a *No Action Alternative*.

4.2.1.2 TRUCKING ALTERNATIVE

This alternative was reviewed and eliminated due to the volume of crude oil to be transported. The normal daily throughput of the proposed Project will be approximately 30,000 barrels, or 1,260,000 gallons, of crude oil per day. The average load for a truck carrying crude oil is approximately 220 barrels (approximately 9,240 gallons) per truck. Thus, it would require 137 trucks per day, an average of approximately six trucks every hour for 24 hours a day to transport the volume of product. This level of truck activity is not logistically feasible as it would cause significant amounts of heavy vehicle traffic for area residents, as well as additional wear and tear on the infrastructure. Disruption in the trucking capacity due to seasonal load restrictions on roads, inclement weather, or road repairs would cause a delay in delivering this valuable resource to market. This alternative is not desirable; therefore, Hiland rejected a *Trucking Alternative*.

4.2.1.3 RAIL ALTERNATIVE

A rail alternative was also evaluated as a surface transportation alternative. However, this alternative was determined not feasible because of the associated environmental impacts and financial, logistic, and time constraints necessary to acquire land and construct the requisite rail infrastructure. This alternative would also require a third-party rail operator. For these reasons, Hiland rejected a *Rail Alternative*.

4.2.2 EFFECTS OF THE LOCATION, CONSTRUCTION, AND OPERATION OF TRANSMISSION FACILITY ON PUBLIC HEALTH AND WELFARE, NATURAL RESOURCES, AND THE ENVIRONMENT

The Project is designed to provide delivery throughput from the Epping Facility to existing pipeline infrastructure for distribution to mid-continental market hubs/centers and markets. Hiland owns and operates the Epping Terminal; as such, all routing was anchored from this location to potential destinations.

Field studies were conducted to identify environmental, biological, and cultural resources along the Route; the results of this effort are discussed in Section 3 of this document. The Natural Resource Reports are provided in Appendix C. Refer to Appendix D for the Cultural Resources Reports. The sections below discuss possible effects on the public health and welfare.

4.2.3 EFFECT OF NEW TRANSMISSION TECHNOLOGIES AND SYSTEMS DESIGNED TO MINIMIZE ADVERSE ENVIRONMENTAL EFFECTS

The Project does not include energy conversion or transmission technologies/systems specifically designed to minimize adverse environmental impacts.

The Project will result in the construction of a transmission pipeline as defined by the PSC. Refer to Section 5 of this document for a description of the mitigation measures to be employed.

4.2.4 ADVERSE DIRECT AND INDIRECT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Should the proposed Project be designated in the manner described herein, there will be no direct or indirect adverse environmental effects.

4.2.5 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF NATURAL RESOURCES SHOULD THE PROPOSED CORRIDOR BE DESIGNATED

Hiland is not aware of any irreversible or irretrievable commitments of natural resources that will result from the requested approvals.

4.2.6 DIRECT AND INDIRECT ECONOMIC IMPACTS

Construction of the Project will provide firm, reliable service for 30,000 bpd of crude oil for delivery to market.

4.2.7 EXISTING PLANS OF THE STATE, LOCAL GOVERNMENT, AND PRIVATE ENTITIES FOR OTHER DEVELOPMENTS AT OR IN THE VICINITY OF THE PROPOSED CORRIDOR OR ROUTE

Hiland is not aware of any other future development plans within or in close proximity to the Route.

4.2.8 EFFECTS OF ROUTE ON EXISTING SCENIC AREAS, HISTORIC SITES, AND STRUCTURES, AND PALEONTOLOGICAL OR ARCHAEOLOGICAL SITES

Hiland has commissioned Class I and Class III Cultural Resource Surveys of the Route. The survey reports can be found in Appendix D. Ground disturbance will be minimized to the maximum extent practicable and will not impact known cultural resources.

To date, Project-specific consultations with various federal, state, and local agencies did not identify any scenic areas within the Route. Agency correspondence can be found in Appendix B.

4.2.9 EFFECT OF THE PROPOSED ROUTE ON AREAS THAT ARE UNIQUE DUE TO BIOLOGICAL WEALTH OR BECAUSE THE ROUTE IS HABITAT FOR RARE OR ENDANGERED SPECIES

The proposed Route is not anticipated to result in permanent adverse impacts to the environment. No federally-or state-listed species or their critical habitats were identified during field surveys. Please see Section 3 for a comprehensive discussion of Hiland's efforts to identify sensitive environmental resources along the proposed Route. While there will be minimal ground-disturbing activities taking place outside existing facilities, this analysis, which utilized agency inputs, desktop analysis, and field studies, has concluded that the Project will not result in impacts to listed or sensitive species or their habitats. See Appendix B for a complete record of federal and state agency consultations. Detailed survey results can be found in Appendix C.

4.2.10 PROBLEMS RAISED BY FEDERAL, STATE, OR LOCAL AGENCIES OR ENTITIES

Hiland has consulted with federal, state, and local agencies to identify possible environmental resources within the Corridor and to provide them with an opportunity to raise any related agency concerns. To date, no concerns have been raised by agencies. A complete record of these consultations is provided in Appendix B.

4.3 EXCLUSION AREAS (NDAC 69-06-08-02.1)

Exclusion areas are geographical areas that must be excluded in the consideration of a route for a transmission facility. A buffer zone of a reasonable width to protect the integrity of the area must be included. Additionally, natural screening may be considered in determining the width of the buffer zone.

Exclusion Area	Within Corridor	Within Survey Corridor	Crossed by Route
Federal			
National Parks or Memorial Parks	No	No	No
Historic Sites, or Landmarks	No	No	No
Natural Landmarks or Monuments	No	No	No
Wilderness Areas	No	No	No
State			
Historic Sites, Monuments, or Historical Markers	No	No	No
Archaeological Sites	No	No	No
Parks	No	No	No
Nature Preserves	No	No	No
County			
Parks	No	No	No
Recreation Areas	No	No	No
Municipal Parks	No	No	No
Parks Owned/Operated by other Governmental Subdivisions	No	No	No
Other			
Areas Critical to the Life Stages of Threatened and Endangered Animal or Plant Species	No	No	No
Areas where Animal or Plant Species that are Unique or Rare to this State will be Irreversibly Damaged	No	No	No
Areas within 1,200 feet of a geographic center of an intercontinental ballistic missile (“ICBM”) launch or launch control facility.	No	No	No
Areas within 30 feet on either side of a direct line between (“ICBM”) launch or launch control facilities to avoid microwave interference.	No	No	No

4.3.1 FEDERAL EXCLUSION AREAS

Hiland has initiated consultations with appropriate federal agencies and conducted a comprehensive review of published information. Hiland concluded no national or memorial parks, natural landmarks, historic sites, archaeological sites listed on the NRHP, monuments, or wilderness areas will be crossed or affected by the Project.

4.3.2 STATE EXCLUSION AREAS

Hiland has initiated consultations with appropriate state agencies and conducted a comprehensive review of published information. Hiland confirmed the absence of state parks, monuments, historical markers, or nature preserves within the proposed Corridor, Survey Corridor, or crossed by the Route.

4.3.3 COUNTY EXCLUSION AREAS

Hiland has confirmed, through a combination of agency consultations and review of publicly available information, the absence of county parks or recreation areas, municipal parks, or parks owned by other subdivisions of government bodies within the proposed Corridor. Refer to Section 3 of this document for a comprehensive discussion of Hiland's consultations, and Appendix B for documentation of agency correspondence.

4.3.4 OTHER EXCLUSION AREAS

Areas Critical to the Life Stages of Threatened and Endangered Animal or Plant Species:

Hiland conducted a comprehensive desktop review of the Corridor; these efforts were augmented with agency consultations and additional field surveys to confirm the absence of critical habitat within the Corridor, Survey Corridor, or crossed by the Route.

Areas where Animal or Plant Species That are Unique or Rare to this State will be Irreversibly Damaged: Hiland conducted a comprehensive desktop review of the Corridor; these efforts were augmented with agency consultations and additional field surveys of the Survey Corridor to confirm the absence of critical habitat.

Refer to Appendix B for documentation of the agency consultations, and Section 3 of this Application for details of desktop and field studies.

Areas where Animal or Plant Species That are Unique or Rare to this State will be Irreversibly Damaged: Hiland has engaged in federal and state agency consultations, reviewed published information, and conducted a desktop analysis of the Corridor and commissioned subsequent field studies of the Survey Corridor to determine if areas of critical animal or plant habitat may occur. Based on these studies, Hiland has confirmed the absence of protected species and/or their critical habitats. Refer to Appendix B for supporting documentation of agency consultations and Appendix C for the Natural Resource Survey reports.

Areas Within 1,200-Feet of the Geographic Center of an ICBM Launch or Launch Control Facility: Upon review of tabular location data and aerial imagery compiled by the University of Wyoming, there are no areas of the Project within 1,200-feet of the geographic center of an ICBM launch or launch control facility. A Project notification letter was sent to the US DOD-Cable Affairs on June 11, 2021, to date a response is pending.

Areas Within 30-Feet on Either Side of a Direct Line Between ICBM Launch or Launch Control Facilities to Avoid Microwave Interference: Upon review of tabular location data and aerial imagery compiled by the University of Wyoming, it was confirmed that the Route is not within 30-feet on either side of a direct line between ICBM launch or launch control facilities within the Survey Corridor or crossed by the Route. A Project notification letter was sent to the US DOD-Cable Affairs on June 11, 2021, to date a response is pending.

4.4 AVOIDANCE AREAS (NDAC 69-06-08-02.2)

Avoidance areas are geographical areas that may not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative.

Avoidance Area	Within Corridor	Within Survey Corridor	Crossed by Route
Federal			
Historic Districts	No	No	No
Wildlife Areas	No	No	No
Wild, Scenic or Recreational Rivers	No	No	No
Wildlife Refuges	No	No	No
Grasslands	Yes	No	No
State			
Wild, Scenic, or Recreational Rivers	No	No	No
Game Refuges or Game Management Areas	No	No	No
Forests or Forest Management Areas	No	No	No
Grasslands	No	No	No
Other			
Other Historic Resources not meeting Exclusion or Avoidance Areas Criterion	Yes	No	No
Areas of Geologic Instability	No	No	No
Areas within 500 Feet of a Residence, School, or Place of Business*	NA	NA	Yes
Reservoirs and Municipal Water Supplies	No	No	No
Water Sources for Organized Rural Water Districts	No	No	No
Irrigated Land (not applicable to underground facilities)	NA	NA	NA
Areas of Recreational Significance which are not designated as Exclusion Areas	No	No	No

*Structures located within 500-feet of Route but not intersected by the Route.

4.4.1 FEDERAL AVOIDANCE AREAS

Hiland conducted agency consultations and a comprehensive review of publicly available information. This review indicated the absence of designated or registered historic districts, refuges, and wild, scenic, or recreational rivers within the Corridor. Grasslands are located within the Project Corridor; however, they are not present within the Survey Corridor nor are they traversed by the Route. Refer to Appendix B for documentation of agency consultations.

4.4.2 STATE AVOIDANCE AREAS

Hiland conducted a review of publicly available information and initiated project-specific agency consultations and through these efforts, has concluded there are no designated or registered management areas, forests, forest management lands, grasslands or wild, scenic, or recreational rivers within the Corridor, Survey Corridor, or crossed by the Route. Refer to Appendix B for documentation of agency consultations.

4.4.3 OTHER AVOIDANCE AREAS

Historical Resources not Meeting Exclusion Area Criteria: Hiland conducted a review of publicly available information, initiated project specific agency consultations, and augmented agency review with field studies. Through these efforts, Hiland has concluded there are eight historic resources not meeting exclusion area criteria within the Corridor. None of these resources are located within the Survey Corridor or are intersected by the Route. Refer to Appendix B for documentation of agency consultations and Appendix D for additional Cultural Resource Reports information.

Areas of Known Geologic Instability: Geologic instability generally refers to surface geology and areas where landslides have occurred. The NDGS landslide mapping data was consulted for information regarding areas of landslides near the Project Area. Review of landslide deposit data from the NDGS confirmed the absence of landslide deposits within the Corridor, Survey Corridor, or crossed by the Route. According to a review of the USGS abandoned mine data, no mining activities are located in the Corridor.

Areas Within 500-Feet of a Residence, School or Place of Business: Aerial photography was utilized to identify structures located within the Corridor. Thirty-four potentially occupied structures were identified within the Corridor. Of these potentially occupied structures, one is within 500-feet of the centerline of the Route. Hiland has obtained a landowner waiver for this one location. Appendix G contains executed landowner waiver.

Reservoirs and Municipal Water Supplies: Desktop analysis did not identify the presence of reservoirs and municipal water supplies within the Corridor, Survey Corridor, or crossed by the Route. To date, no known reservoirs or municipal water supplies have been identified by agencies.

Water Sources for Organized Rural Water Districts: Two wells that are located within the Corridor; these wells are used for domestic, stock, or observation purposes. One of these wells occurs within the Survey Corridor and is located approximately 25-feet west of the proposed Project Route. Refer to the maps in Appendix A for the location of the wells.

To date, no known water sources for organized rural water districts were identified during the agency consultation process.

Irrigated Land: This criterion does not apply to underground transmission facilities; as such, it is not applicable to this Project.

Areas of Recreational Significance that are not Designated as Exclusion Areas: Desktop review and agency consultations have not identified areas of recreational significance to date.

4.5 SELECTION CRITERIA (NDAC 69-06-08-02.3)

The selection criteria require assessments of the environmental impacts and alterations to land use that may result from the siting of the proposed project. Through this process, Hiland believes the Project will successfully avoid or minimize these effects to the maximum extent practicable.

4.5.1 AGRICULTURAL IMPACT

Agricultural Production: Approximately 93% of the land located within the project area can be characterized as agricultural or grassland. The Project will not have a measurable impact to agricultural land as Project impacts to these lands will be temporary in nature and disturbed areas would be fully restored upon completion of the Project.

Family Farms and Ranches: As ground-disturbing activities will be minimized to the maximum extent practicable, Project impacts to family farms and ranches are anticipated to be minimal and associated primarily with the initial construction of the Project.

Buried pipelines will not impact typical farm or ranch operations once in operation, and those areas directly impacted by construction will be restored to their pre-construction condition.

The location of pipeline markers is defined under 49 CFR 195 for pipelines. Hiland works with local landowners and county officials to ensure that pipeline markers are located where required but also in an acceptable location for these parties. These markers are to be placed in full view so that they are not accidentally damaged by, nor cause damage to, landowner or county equipment.

Lands Suitable for Irrigation: The Project will not result in temporary or permanent impacts to areas suitable for irrigation to the best of Hiland's knowledge.

Surface Drainage: As ground-disturbance will be minimized to the maximum extent practicable and all pre-construction conditions will be restored, there will be little to no change in surface drainage. Care will be taken throughout the construction process to minimize environmental impacts, including the avoidance of modifications to existing drainage patterns.

Ground Water: Ground disturbance will be minimized to the maximum extent practicable and pre-construction contours will be restored; as such, construction impacts on groundwater resources are not expected. No concerns, to date, have been raised by agencies during the consultation process regarding Project impacts to ground water.

4.5.2 THE IMPACTS UPON OTHER RESOURCES

Sound-Sensitive Land Uses: The Project is located in a rural setting, effectively isolating it from the majority of sensitive receptors. Construction activities associated with the Project will

be relatively short in duration and once in service, pipeline operations are not audible. As such, the Project will have no permanent impact on noise-sensitive resources.

Visual Effect on Adjacent Areas: The proposed Project does not include the addition of above-ground installations outside of existing facilities. The location of the pipeline will be clearly marked with a small placard that details ownership and contact information (i.e. pipeline markers.) These features are common throughout the landscape and are not obtrusive. No other permanent aboveground features are to be installed outside of existing fenced in facilities.

Extractive and Storage Resources: This Project will not affect any extractive or storage resources.

Wetlands, Woodlands, and Wooded Areas: A comprehensive desktop review of published data, including aerial photography, NHD and NWI data, was conducted to assess the presence or absence of wetlands, woodlands, and wooded areas. The review of the proposed Corridor confirmed the presence of these resources. Hiland commissioned field surveys to identify and record the locations of these resources within the Survey Corridor. Refer to Section 3 in this document for a comprehensive discussion of the field study results, as well as Appendix B for copies of agency consultations.

Radio and Television Reception, and other Communication or Electronic Control Facilities: Hiland does not anticipate the Project affecting radio, television, or other electronic control facilities.

Human Health and Safety: Hiland's Health and Safety Policy meets or exceeds federal and state laws, rules, and regulations, and is enforced equally with respect to both Hiland and contractor employees. The implementation of this policy promotes a safe and healthy workplace during construction and operation of all Hiland assets. In addition, the operation of the pipeline will be monitored in accordance with DOT regulations.

Animal Health and Safety: It is likely that there are some common forms of wildlife currently inhabiting the Corridor; these species are mobile and typically roam the landscape freely. Local wildlife inhabitants may potentially be temporarily displaced by the Project during construction and restoration; however, this impact will have no measurable impact to the viability to local populations. Hiland does not anticipate species of special concern to experience direct impacts due to construction or operation of the proposed Project.

Plant Life: There will be minimal impacts to plant life associated with the construction or operation of the pipeline. No species of special concern will be impacted by the Project.

4.6 POLICY CRITERIA (NDAC 69-06-08-02.4)

Hiland selects pipeline corridors and routes to minimize impact as required by the statutes, rules, and regulations of the Commission. As appropriate, Hiland may employ local environmental consultants and archaeologists to assist with planning. Local farmers may also be employed for restoring cropland to tillable condition following construction. Hiland is proud

of its safety record in the operation of facilities in North Dakota and is prepared to meet any emergency that should arise in order to minimize the impact of any pipeline failure.

The operation of the pipeline conforms to DOT standards; as such, Hiland maintains a rigid pipeline integrity program and periodically runs internal line inspection tools to find anomalies, and perform repairs as required.

4.6.1 LOCATION AND DESIGN

The Project will be located in Williams County, North Dakota and will result in the construction of a transmission pipeline. Project maps are provided in Appendix A.

The Project will be designed to the minimum specifications outlined in Section 1 of this application. The proposed pipeline will meet DOT regulations.

4.6.2 TRAINING AND UTILIZATION OF AVAILABLE LABOR IN THIS STATE FOR THE GENERAL AND SPECIALIZED SKILLS REQUIRED

Project construction will require a specialized niche construction market and the labor force needed to complete the Project will be primarily comprised of a specialized workforce. The primary labor force will be contracted, supplying specialized skilled labor. The workforce is anticipated to reach a peak of approximately 60 personnel.

4.6.3 ECONOMIES OF CONSTRUCTION AND OPERATION

Hiland will invest approximately \$5.4 million dollars to develop this Project. The continued costs of maintenance and operation of the pipeline are minimal.

4.6.4 USE OF CITIZEN COORDINATING COMMITTEES

Hiland has established and maintains a good relationship with the local community officials and the local population. These relationships provide multiple grass roots communication channels to inform local residents regarding the developments associated with the Project.

4.6.5 COMMITMENT OF A PORTION OF THE TRANSMITTED PRODUCT FOR USE IN THIS STATE

The proposed Project will interconnect with existing facilities. The products currently handled, transferred, and shipped are currently delivered to markets located primarily out of the state.

4.6.6 LABOR RELATIONS

Hiland maintains positive labor relations with its staff and contract work force and does not anticipate encountering any adverse labor relations on this Project. The labor market in the region is generally supportive of the oil and gas industry.

4.6.7 THE COORDINATION OF FACILITIES

Hiland will own and operate the Project which, once in service, will provide transportation services for locally produced crude oil currently staged at its existing Epping Facility to existing pipeline infrastructure which will in turn deliver the crude to mid-continent markets. As such, coordination is expected to be seamless.

4.6.8 MONITORING OF IMPACTS

Hiland has established and maintained positive landowner and community relationships throughout the region through its open communication and commitment to corporate citizenship standards that are based on integrity. Hiland will monitor landowner concerns through its ROW department and will respond to all reasonable requests. In a similar manner, Hiland will also monitor community concerns and will respond to all reasonable concerns brought to its attention by local community leaders.

4.6.9 UTILIZATION OF EXISTING AND PROPOSED RIGHTS-OF-WAY AND CORRIDORS

Hiland chose the preferred Project alignment as it minimizes the Project's impact on existing environmental resources while achieving the Project objectives. Several utilities are collocated throughout the alignment.

SECTION 5: MITIGATIVE MEASURES

5.1 LOCATION

The location of the proposed Route is a function of the locations of the existing crude oil pipeline infrastructure. Hiland commissioned field surveys to address specific agency concerns expressed during consultations, inventory the resources present throughout the Survey Corridor, and define the location and boundaries of resources that intersect the proposed Route.

Trees and shrubs: Hiland will comply with the Commission's tree and shrub mitigation specifications. Field surveys included a pre-construction tree and shrub inventory. As ground-disturbing construction activities will be minimized to the maximum extent possible, it is Hiland's intent to minimize the clearing or removal of trees or shrubs. If trees or shrubs are removed, an inventory will be maintained.

Wetlands and Waterbodies: Hiland will utilize the HDD method of construction to cross all wetlands and waterbodies. As such, there will be no ground-disturbing activities within wetlands or waterbodies. No wetlands and waterbodies will be impacted.

Migratory Bird Treaty Act: Hiland, in the interest of maintaining full compliance with the MBTA, consulted with the USFWS on June 11, 2021. Agency concurrence has been received, a record of the agency correspondence is contained in Appendix B. However, due to the preferred project schedule with a projected Project commencement late in the third quarter of 2021, construction-related impacts to breeding birds arising from the Project are not anticipated.

5.2 CONSTRUCTION

Construction of the transmission line is estimated to require approximately three (3) months.

5.3 OPERATION

Once constructed and put in service, the proposed Project will operate continuously, delivering crude oil from the Epping Facility to existing crude oil infrastructure. Normal pipeline operations are imperceptible to the public, as they are silent, buried, and therefore not visible and require only minimal aboveground activity. Standard operating procedures for the regulated portions of the system will conform to DOT standards and requirements and as such, periodic inspection and maintenance of the ROW will be required.

SECTION 6: DESCRIPTION OF RIGHT-OF-WAY PREPARATION, CONSTRUCTION, AND RECLAMATION PROCEDURES

6.1 PIPELINE CONSTRUCTION

Construction will be an assembly-line process and will include the following general tasks: surveying and staking, clearing and grading, trenching, pipe stringing, pipe bending, welding, coating, hydrostatic testing, lowering in, tie-ins, backfilling, rough grading, and final restoration (*e.g.*, topsoil replacement, final grading, seeding and mulching, where required). The Pipeline may be placed into service before final restoration has been completed.

Generally, construction activities will require approximately three months to complete from start to finish, except when weather-related delays affect the schedule. However, construction activity at any location may not be continual, but will typically occur in distinct phases often with several days or weeks between each phase. For example, clearing and grading may require ten hours to progress for one mile along the pipeline ROW, but trenching may not follow in the area for several weeks. During the interim, activity in the area may be completely lacking or limited to occasional vehicular or pedestrian traffic.

Surveying and Staking: Prior to construction activities, Hiland will stake the centerline and establish the boundaries of the approved work areas (*e.g.*, the construction ROW boundaries and temporary extra workspace areas) and flag the location of approved access roads and foreign utility lines. Wetland boundaries and other environmentally sensitive areas may also be marked or fenced for protection at this time.

Clearing and Grading: Prior to clearing, landowner fences will be braced and cut, and temporary gates will be installed. A clearing crew will clear the work area of vegetation and obstacles that may be encountered (*e.g.*, remaining trees, stumps, logs, brush, and rocks) in the work area.

The ROW will be graded, where necessary, to provide a reasonably level work surface and to segregate topsoil. Topsoil will be carefully removed and stored along the edge(s) of the ROW in a manner that allows for a haul road and trench line. The topsoil depth in the area is variable, but generally, the topsoil is the deepest in valleys and the thinnest on hillsides and hilltops. The topsoil depth and the layer removed will be determined in the field; upon completion of pipeline construction, the trench will be backfilled, and topsoil will be returned to the upper soil horizon. All disturbed areas shall be graded to restore the original contours.

Concurrent with grading, erosion and sediment control devices will be installed according to industry BMPs. Waterbodies will be bored using the HDD method to place pipe under the waterbody without disturbing it. The pipeline will be placed such that adequate cover from the bottom of the waterbody would be in place. This will be individual to the waterbody but will be no closer than five feet to the bottom of the waterbody. Construction mats will also be installed across saturated wetlands to prevent rutting due to equipment travel along the ROW. Erosion and sediment control devices, which may include silt fences, straw wattles, straw bales, and

road access pads will be installed where necessary to prevent soil and sediment from leaving the construction work area.

Following installation of the pipe and backfilling of subsoil in the trench, the ROW will be returned to the original grade with the redistribution of topsoil over the work area.

Trenching: The trench will be excavated by using backhoes to a depth that provides sufficient cover over the pipeline after backfilling. The bottom width of the trench will be sufficient to accommodate the 8.625-inch diameter pipe. Typically, a trench is excavated to a depth of approximately five feet deep to allow for a minimum of four feet of cover after construction. In cultivated areas, sufficient depth of cover will be provided to maintain the top of the pipe safely below the maximum tillage depth. Additional cover requirements may be applicable at public road crossings and section lines.

Trench spoil will be stored adjacent to, but will not be mixed with, topsoil on the non-working side of the ROW. In some cases, however, where sufficient space is lacking on the non-working side, trench spoil may be side cast on the travel lane and spread over the working side of the ROW.

Pipe Stringing, Bending, and Welding: Sections of externally coated pipe up to 60-feet long (*e.g.*, joints) will be transported over public roads to the ROW by truck and placed or “strung” along the ROW parallel to the trench in a continuous line. After the pipe sections are strung along the trench and before they are welded together, individual sections of the pipe may be bent, where necessary, so the finished pipeline sections conform to the natural contours of the land. Typically, a track-mounted, hydraulic pipe-bending machine is used. Where multiple or complex bends greater than what can be properly bent in the field are required, a factory made “fitting” is used.

After the pipe sections are bent, the joints will be welded together into sections and placed on temporary supports. Welding will comply with requirements listed in Title 49 CFR Part 195. Each weld will be tested by using non-destructive radiographic examination to verify the integrity the welds. Welds that do not meet standards and specifications will be repaired.

A third-party contractor certified in non-destructive inspection will be used and inspections will be performed as outlined in Title 49 CFR Part 195. After the welds are approved, a protective epoxy coating will be applied to the welded joints. The pipeline will subsequently be electronically and visually inspected for defects in the epoxy coating. Damage to or defects in the coating will be repaired prior to lowering-in the pipeline. Cathodic protection systems will also be directly bonded to the pipe at that time.

Lowering-in and Backfilling: The trench will be inspected for the presence of rocks and other debris, which could damage the pipe or protective coating. If rocks or other obstructions are observed, these will be removed, or the pipeline trench bottom will be padded with subsoil or sand prior to the pipeline lowered into the trench.

If the trench bottom is obscured by water, the trench will be dewatered. Where dewatering may be required, Hiland will pump water from the trench into well-vegetated upland areas or into sediment filtration/energy dissipation devices.

In areas of steep slopes, breakers consisting of sandbags or foam will be installed to prevent ‘piping’ from occurring along the pipe in the trench after the area is backfilled.

The trench will be backfilled using the native material removed and compacted; however, the trench may be crowned slightly to accommodate settling.

Hydrostatic Testing: Hiland will hydrostatically test the pipeline. Hydrostatic testing will conform to DOT standards and will establish the maximum operating pressure (“MOP”) for the pipeline when it is operational. Testing involves installation of test headers, which control the pressure applied. The test headers will be removed upon the completion of a successful pressure test. Once testing is complete, the test water will be evacuated; the line is dried and prepared for commissioning. Hiland will either procure discharge permit(s) from the NDDEQ and the ensuing discharge would conform to the conditions stipulated in the permit or Hiland will capture the water and transport it offsite for disposal.

Final Tie-in and Commissioning: Following successful pressure testing the final pipeline tie-ins will be made and the pipeline will be commissioned. Commissioning involves activities to verify equipment is properly installed and working, the controls and communications systems are functional, and the pipeline is ready for service. The pipeline will be cleaned and dried using mechanical devices; the line will be purged of air and then loaded with product.

Cleanup and Restoration: Final cleanup will begin after backfilling as soon as weather and site conditions permit. During cleanup, construction debris remaining on the ROW will be collected and disposed of properly. Work areas will be graded and restored to preconstruction contours as closely as practical.

During restoration, topsoil will be spread over the surface in conjunction with final grading, and permanent erosion controls will be installed, as necessary. After permanent erosion control devices are installed, disturbed, non-cultivated areas will be seeded, and slopes mulched where required. Seed mixes will be approved in advanced by the landowner, and seeding will occur within the recommended seeding dates for the Project Area.

For cultivated areas, no seed or mulch will be applied after the topsoil is replaced unless specifically requested by the landowner.

Markers showing the location of the pipeline will be installed at fence and road crossings in order to identify the owner of the pipeline and convey emergency information in accordance with applicable governmental regulations, including DOT safety requirements. Special markers providing information and guidance to aerial patrol pilots will also be installed.

Horizontal Directional Drill: The HDD is a specialized construction technique that avoids surface impacts and is often employed to cross sensitive land features such as wetlands or

waterbodies. The HDD method involves setting a horizontal drill rig at one or both ends of the bore area. If the drill rig is located on or near the stream bank, erosion countermeasures will be installed to minimize bank disturbance and prevent further erosion during the drilling operation. The drill bores underneath the waterbody and the main pipe, known as the string pipe, will be pulled into place once the bore has been completed. The string pipe will then be connected to the main pipeline.

Following installation of the pipeline crossing, the entry and exit points will be restored. Sediment control barriers will be installed where necessary to prevent sediment generated from the ROW from entering the waterbody. These barriers will remain in place until disturbed areas are adequately revegetated.

**SECTION 7: EASEMENT ACQUISITION, LANDOWNER NOTIFICATION, AND EASEMENT
COMPENSATION PLAN**

Hiland's practice for determining landowner compensation for easements is based upon research of comparable fair market pricing and prior experience negotiating easement locally. All easements have been obtained for the Project.

SECTION 8: LIST OF PREPARERS

William McCarthy, C.W.B.

Senior Environmental Compliance Analyst

Carlson McCain, 15650 36th Ave. N, Suite 100, Plymouth MN 55449

M.S. Wildlife Biology, University of Minnesota – Twin Cities; and B.S. Wildlife Biology, Michigan State University. Mr. McCarthy is an environmental compliance analyst with over 20 years of environmental consulting experience working with various energy assets and regulatory agencies. As a compliance analyst, he has managed the environmental requirements for facility siting, pipeline routing, federal licensing, and various federal, state, and local permits. Mr. McCarthy is a certified wildlife biologist, and in this role, conducts and coordinates field studies, agency consultations, mitigation, and avoidance plans.

Katie Schmidt, EIT

Environmental Engineer and Senior Consultant

Carlson McCain, 15650 36th Ave. N, Suite 100, Plymouth MN 55449

B.S. Civil Engineering with an emphasis in Environmental Engineering-Iowa State University. Ms. Schmidt is a Senior Environmental Consultant with over 15 years of experience working with various energy assets and regulatory agencies. As a consultant, she has managed multiple pipeline projects supporting clients through the construction permitting and siting processes, which included coordination with various federal, state, and local agencies.

Eric Jensen

Project Manager

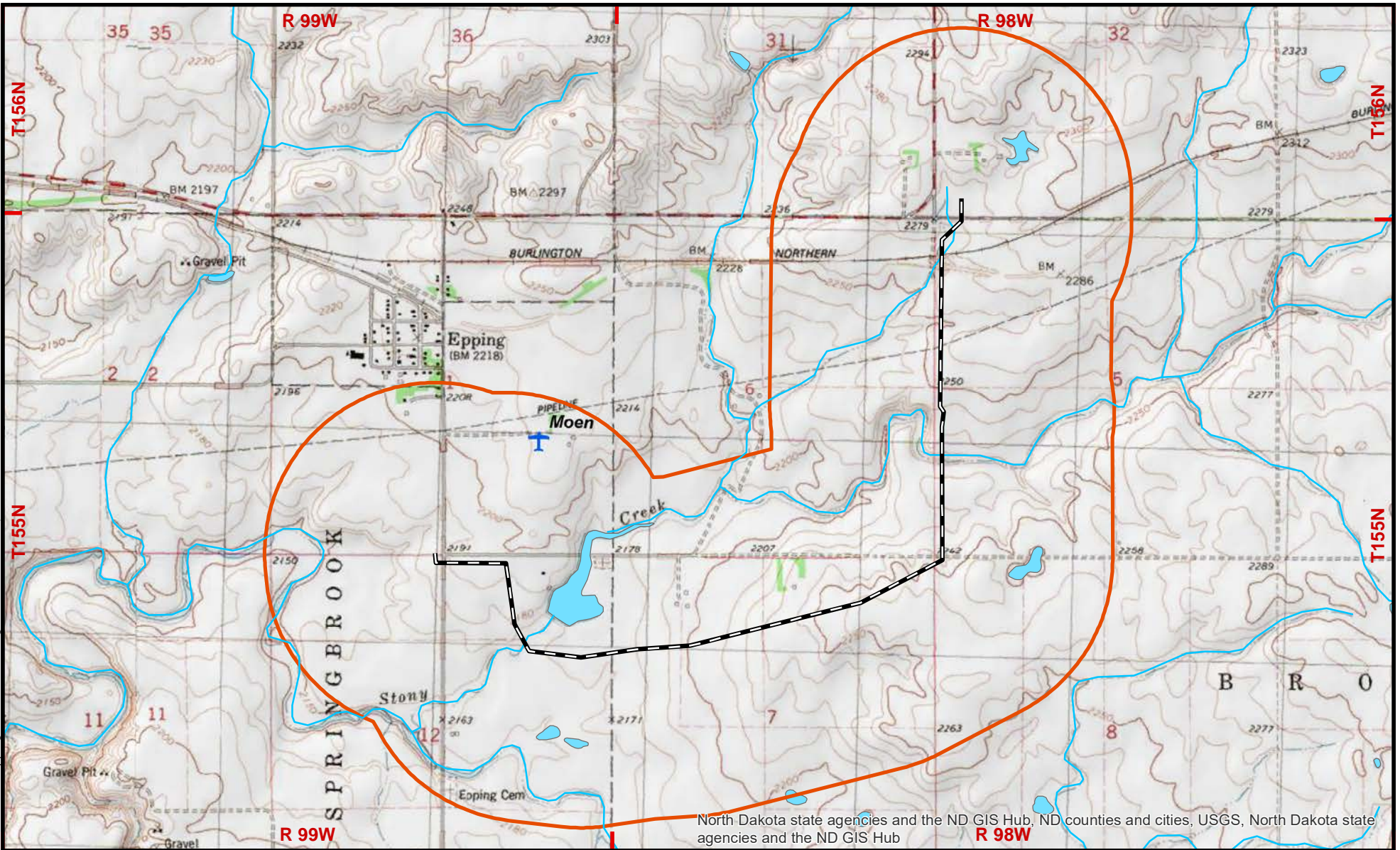
Kinder Morgan, 8811 South Yale Ave, Suite 200, Tulsa, OK 74137

B.S. Mechanical Engineering from University of Saskatchewan. Mr. Jensen is a Senior Project Manager with over 25 years of experience in project management in the Oil and Gas Industry in various aspects related to construction, engineering, operations and maintenance activities. He has managed multiple pipeline projects that have been regulated with various federal, state and local agencies

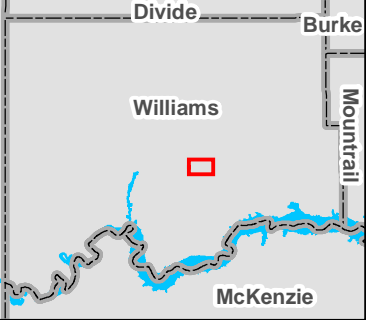
APPENDIX A: PROJECT MAPS

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July 2021



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

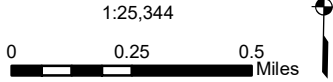


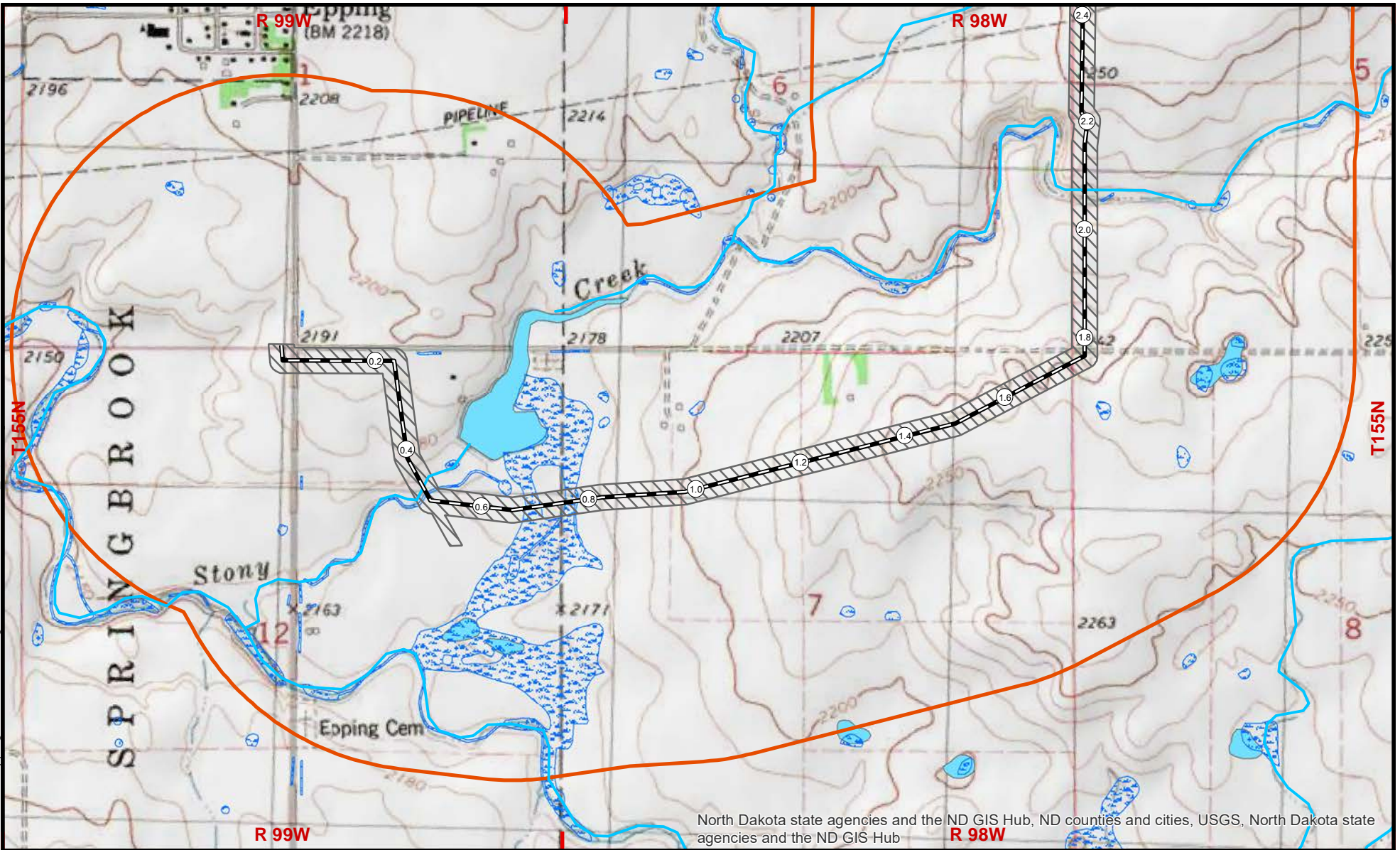
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- Centerline
- NHD Stream
- Corridor (1-Mile)
- NHD Waterbody

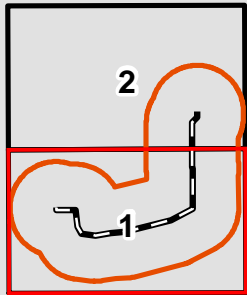


Hiland Crude, LLC
Epping Delivery Pipeline Project
Overview Map
Williams County, North Dakota



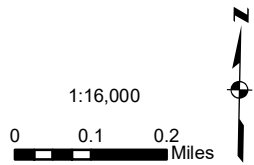


North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

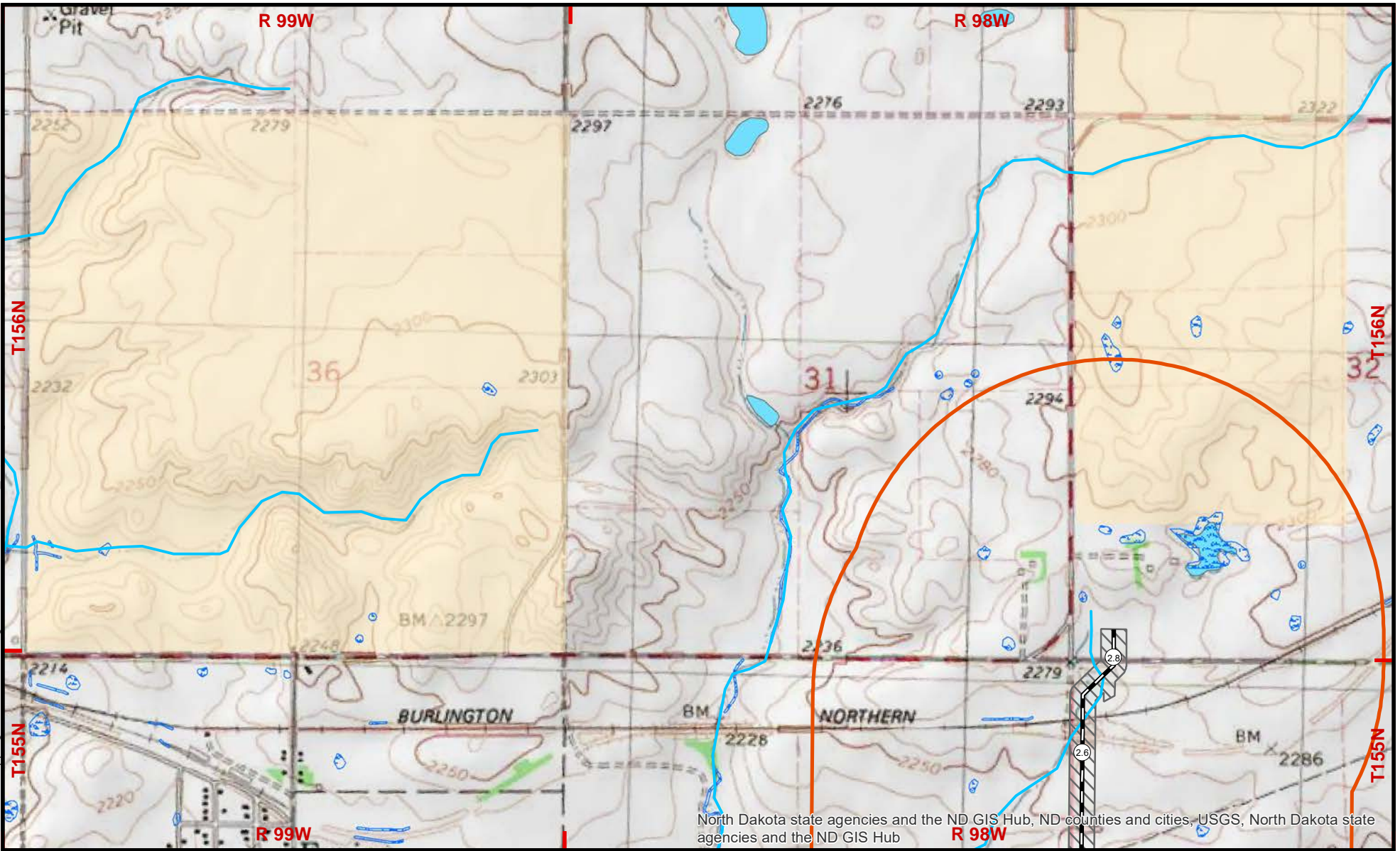


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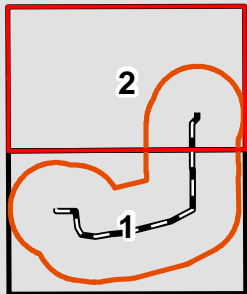
- Mile Post
- Centerline
- NHD Stream
- ▨ Environmental Survey Corridor
- ▭ Corridor (1-Mile)
- ▨ NWI Wetland
- ▭ NHD Waterbody
- ▨ NDGS Landslide Deposits
- ▭ Mineral Trust Lands



Hiland Crude, LLC
Epping Delivery Pipeline Project
Natural Resource - Topo Map 1 of 2
Williams County, North Dakota

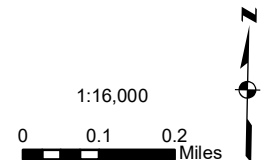


North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Legend

- Mile Post
- Centerline
- NHD Stream
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- ▭ Corridor (1-Mile)
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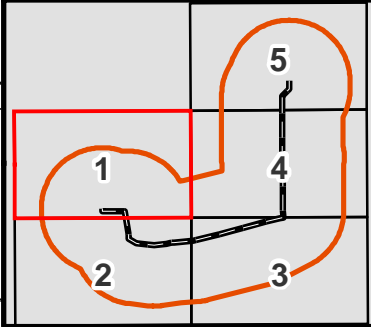
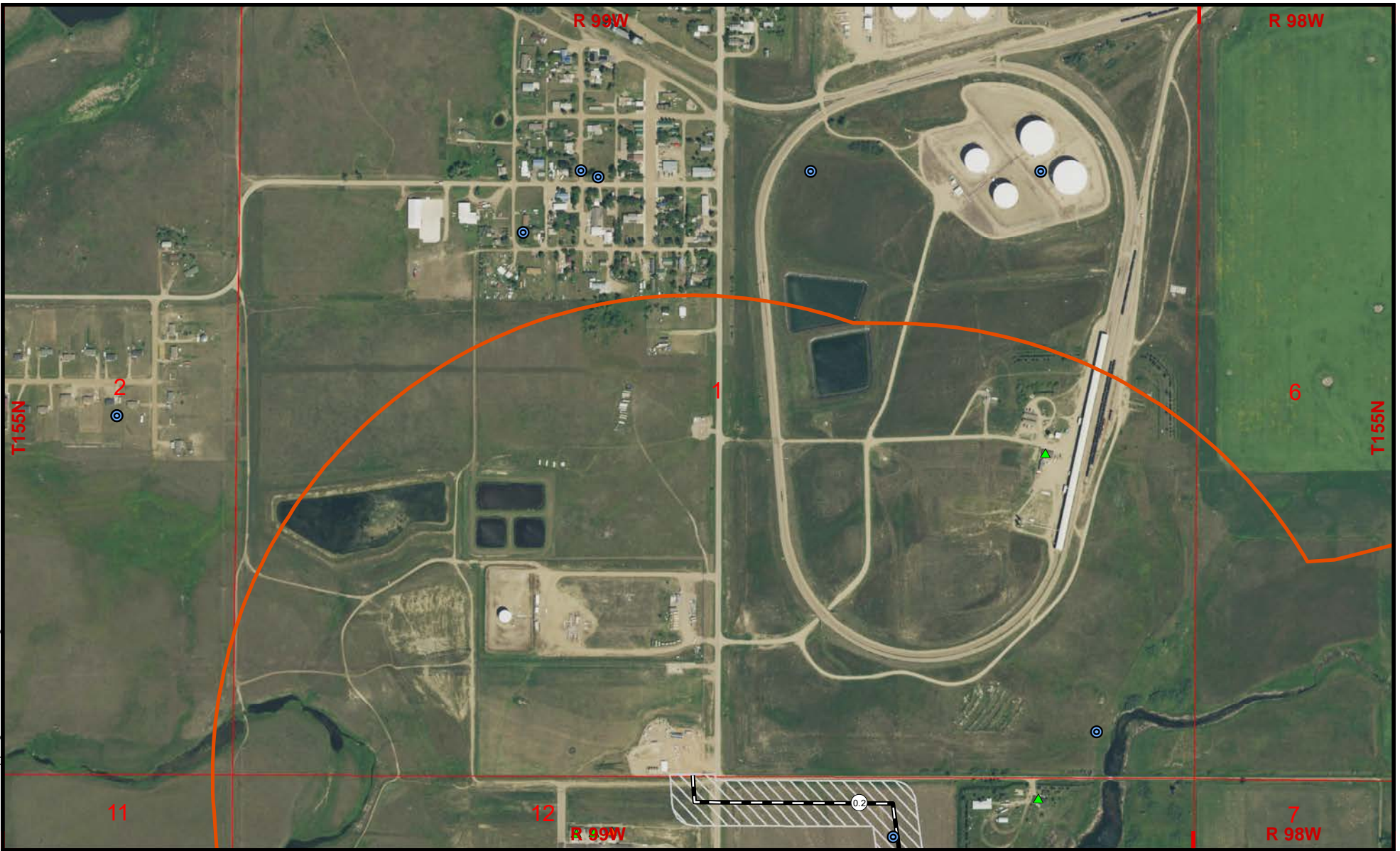


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Epping Delivery Pipeline Project

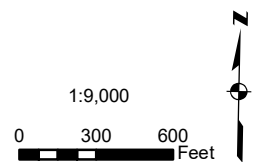
Natural Resource - Topo Map 2 of 2

Williams County, North Dakota



Legend

- ND Well Data
- Mile Post
- ▲ Potentially Occupied Structure
- ▲ Potentially Occupied Structure within 500 ft. of Centerline
- Centerline
- ▨ Environmental Survey Corridor
- ▭ Corridor (1-Mile)
- ▨ Surveyed Wetland
- ▨ Surveyed Woody Vegetation - Shrubs
- ▨ Surveyed Woody Vegetation - Trees
- Noxious Weeds

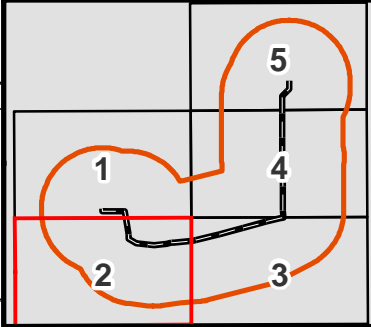
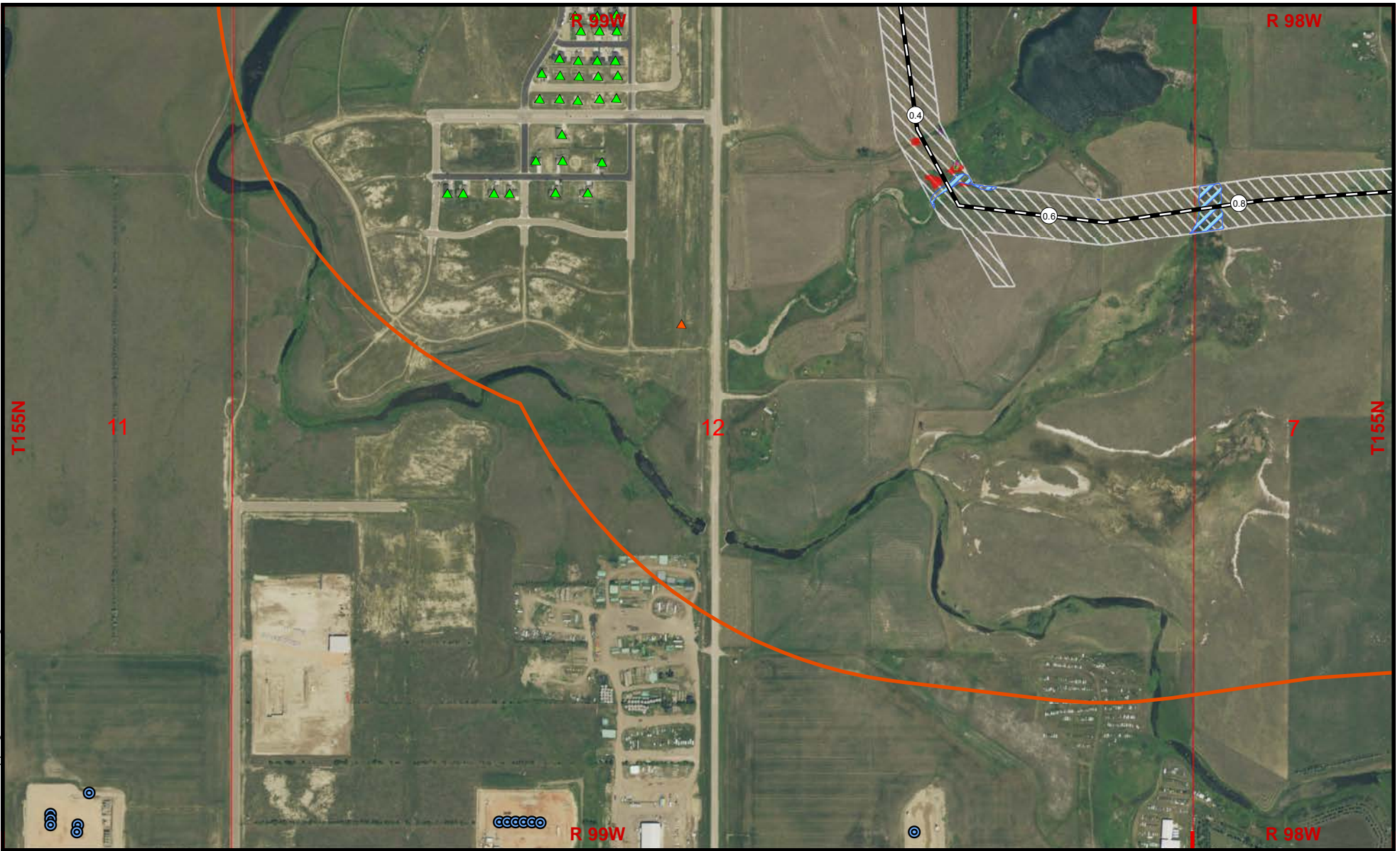


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Epping Delivery Pipeline Project

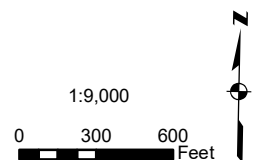
Natural Resource - Aerial Map 1 of 5

Williams County, North Dakota

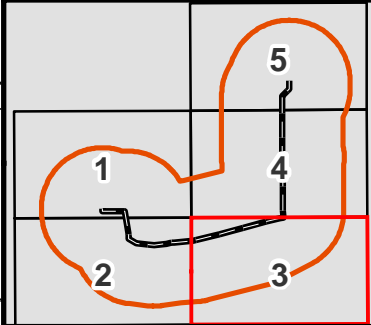


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- ND Well Data
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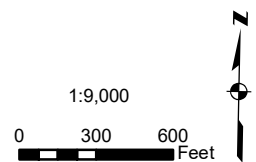


Hiland Crude, LLC
Epping Delivery Pipeline Project
Natural Resource - Aerial Map 2 of 5
Williams County, North Dakota



Legend

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- ▨ Surveyed Woody Vegetation - Trees
- ▨ Noxious Weeds

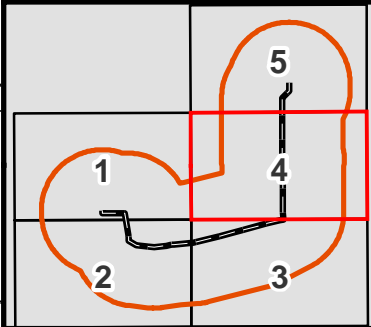
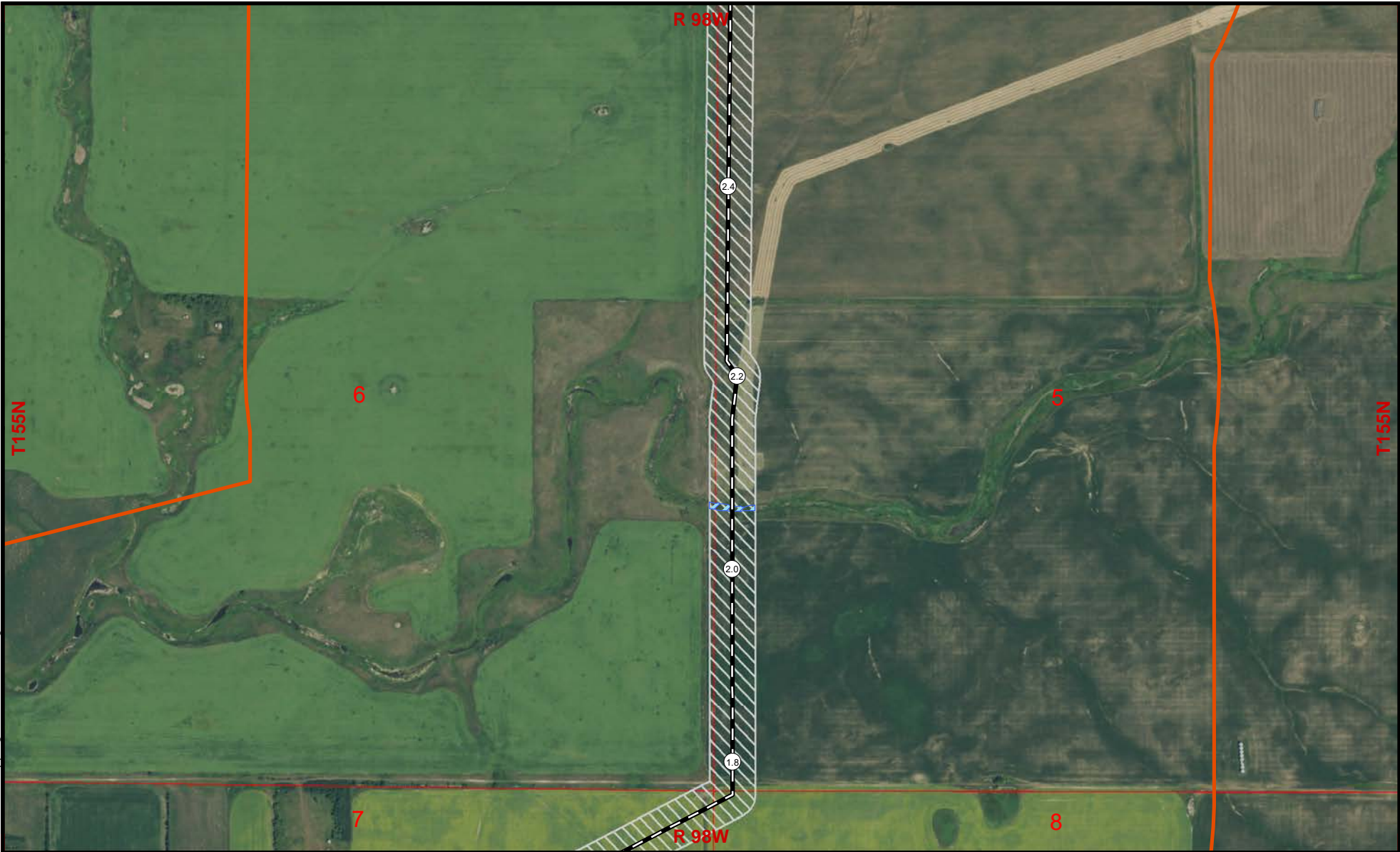


Hiland Crude, LLC

Epping Delivery Pipeline Project

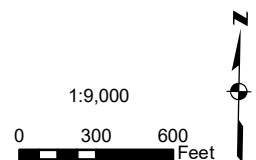
Natural Resource - Aerial Map 3 of 5

Williams County, North Dakota



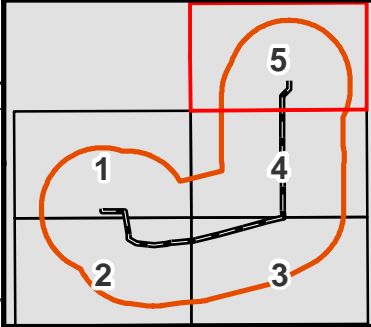
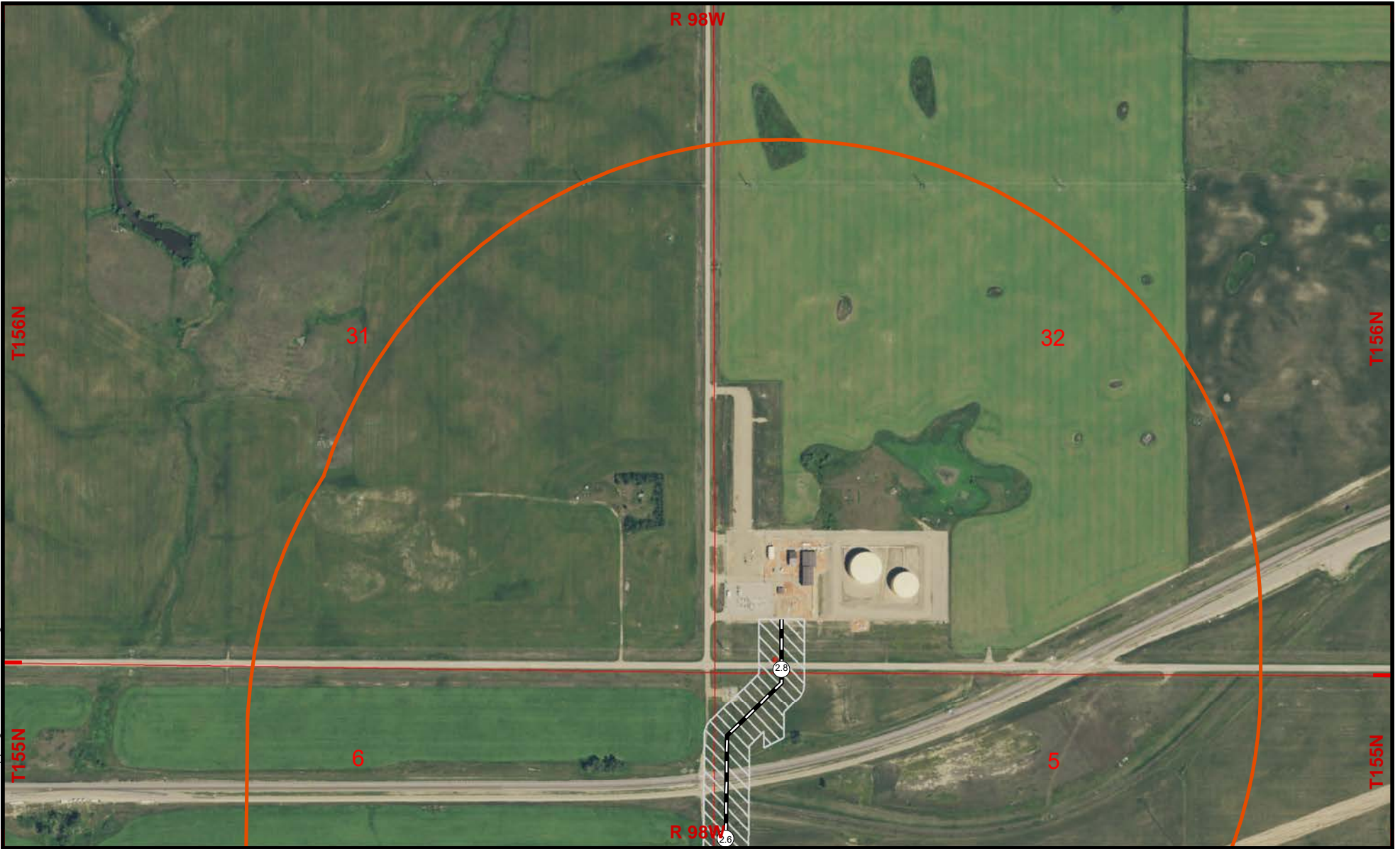
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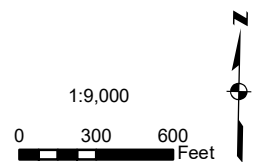
Hiland Crude, LLC
Epping Delivery Pipeline Project
Natural Resource - Aerial Map 4 of 5
Williams County, North Dakota

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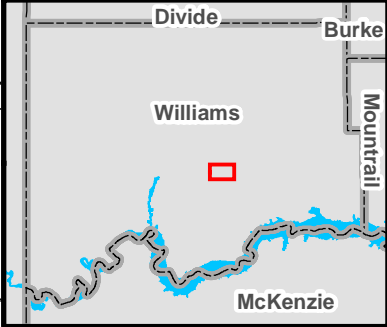
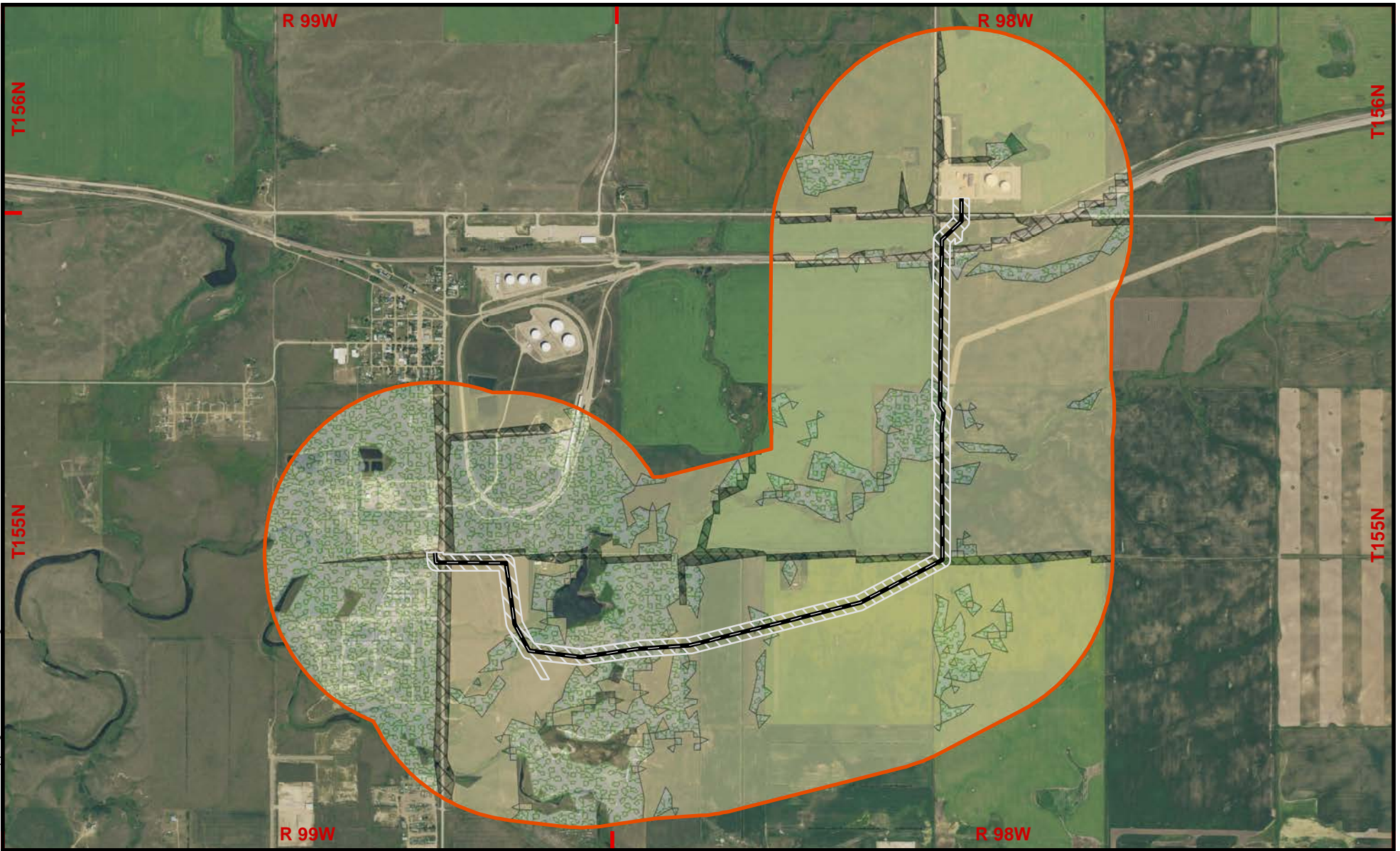
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- Surveyed Woody Vegetation - Trees
- Noxious Weeds



Hiland Crude, LLC
Epping Delivery Pipeline Project
Natural Resource - Aerial Map 5 of 5
Williams County, North Dakota

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July 2021

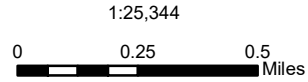


Legend

- Centerline
- Environmental Survey Corridor
- Corridor (1-Mile)

GAP Land Cover

- Agriculture Vegetation
- Developed and Other Human Use
- Forest and Woodland
- Shrubland and Grassland
- Wetland and Waterbody



Hiland Crude, LLC
Epping Delivery Pipeline Project
Land Cover Map
Williams County, North Dakota

APPENDIX B: AGENCY CONSULTATIONS AND
CONSULTATION SUMMARY TABLE

Hiland Crude, LLC
Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
Federal Aviation Administration	7/9/21	Pending				
U.S. Fish and Wildlife Services North Dakota Ecological Services Field Office	6/11/21	6/14/21	6/25/21	Concurrence provided.	NA	
US Department of Defense-Cable Affairs	6/11/21	6/14/21	Pending			
USACE-Regulatory Office Omaha District	6/11/21	6/14/21	6/23/21	Response received via email from Jeremy Nygard, Regulatory Permit Assistant: a USACE Section 404 Permit may be required. Provided a copy of NWP 12 and blank application form for review.		
USDA-Natural Resources of Conservation Service-Bismarck Office	6/11/21	6/14/21	6/15/21	Response received via mail from Mr. Bott stating that since there is no Federal funding the Farmland Protection Policy Act applies and no further action is needed. Additionally, they recommend that impacts to wetlands are avoided. If they cannot be avoided disturbance should be minimized, temporary, drainage of the wetland be avoided, and original elevations are restored.		
USDA-North Dakota Farm Service Agency	6/11/21	6/14/21	6/28/21	Response received via email from Beau Peterson, Conservation/Livestock Disaster Program Specialist requestion project shapefiles of centerline.	6/30/21	Email response to Mr. Peterson containing the requested shapefiles.
Job Service of North Dakota	7/9/21	7/12/21				

Hiland Crude, LLC
 Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
North Dakota Aeronautics Commission	7/9/21	7/12/21				
North Dakota Attorney General	7/9/21	7/12/21				
North Dakota Department of Career and Technical Education	7/9/21	7/12/21				
North Dakota Department of Commerce	7/9/21	7/12/21				
North Dakota Department of Environmental Quality-Environmental Health Section	6/11/21	6/14/21	6/22/21	Written response was received from Mr. Glatt. The response stated that the department believes that the environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. The department went on to provide a list of BMPs that are recommended to minimize environmental impacts.		
North Dakota Department of Human Services	7/9/21	7/12/21				
North Dakota Department of Transportation-Williston District	7/9/21	7/12/21				
North Dakota Department of Trust Lands-School/Surface Lands	6/16/21	6/21/21	Pending			
North Dakota Department of Trust Lands-Minerals Management	6/16/21	6/21/21	Pending			
North Dakota Energy Development Impact Office	7/9/21	7/12/21				

Hiland Crude, LLC
 Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
North Dakota Game and Fish Department-Conservation and Communication Division	6/11/21	6/14/21	7/6/21	7/6/21: Email response received from J.D. Schumacher. Several NWI mapped wetlands are located within the Project corridor. Steps should be taken to protect wetlands that cannot be avoided. No alterations should be made to drainage patterns and above-ground appurtenances should not be placed in wetland areas. Unavoidable destruction or degradation of wetland areas should be mitigated in-kind.		
North Dakota Geological Survey	6/11/21	6/14/21	Pending			
North Dakota Indian Affairs Commission	7/9/21	7/12/21				
North Dakota Industrial Commission-Pipeline Authority	7/9/21	7/13/21				
North Dakota Labor Department	7/9/21	7/12/21				
North Dakota Office of the Governor	7/9/21	7/12/21				

Hiland Crude, LLC
 Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
North Dakota Parks and Recreation Department	6/11/21	6/14/21	7/8/21	<p>7/8/21: Letter received from Kathy Duttonhefner. The NDPRD's authority and expertise covers properties that the NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); and rare plants and ecological communities established through the Natural Heritage Program. There are no properties that NDPRD owns leases or manages affected by the Project. The Project does not affect any properties protected under Section 6(f) of the LWCF. The National Heritage biological conservation database currently does not contain records of historical plants or animal species of concern or other significant ecological communities within the Project area.</p>		
North Dakota Soil Conservation Committee-NDSU Extension	7/9/21	7/13/21				

Hiland Crude, LLC
 Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
North Dakota State Water Commission	6/11/21	6/14/21	7/6/21	7/6/21: Response letter received from Steven Best, Planner III. No permits related to NFIP required as no FEMA floodplains were identified within the Project corridor. No drainage permits required as long as all watercourses are returned to their pre-disturbed conditions. No conditional use or temporary permit will be required for water appropriation provided that surface or groundwater will be diverted for construction. I water appropriation will be conducted a permit will be required. The Commission maintains several observation wells, they have a yellow protective aboveground casing. If an observation well will be encountered by the Project, coordination with the Commission is required.		
State Historical Society of North Dakota-Archaeology Historic Preservation Office	6/1/21 7/15/21	Unknown	6/15/21 Addendum Response Pending	6/15/21: Concurrence letter received from William D. Peterson, State Historic Preservation Officer 7/15/21: Addendum report submitted to SHPO.		
Western Area Water Supply Authority	6/11/21	6/14/21	Pending			

Hiland Crude, LLC
 Epping Delivery Pipeline Project

Agency	Date Mailed	Delivery Date via USPS	Agency Response Date	Agency Comments	Response to Agency	Response Summary
Williams County Commissioners	7/6/21	7/9/21	7/19/21	Email received from Karen Prout requesting additional information pertaining to who and what additional documents may be available for the Project.	7/23/21	K. Schmidt provided a response to Ms. Prout's email providing her with an overview of the ND PSC siting process including public hearing scheduling and where she could find a copy of the application materials once docketed. Schmidt also offered to provide a copy of the application for her agency.
Williams County Planning & Zoning Department	6/11/21	6/14/21	Pending			
Williams County Water Resources Board	6/11/21	6/14/21	6/14/21	Response received via email from Kevin Ploof inquiring as to if there will be any associated permanent structures associated with the project.	6/30/21	Email response confirming there will be no permanent aboveground structures.
Williams County Weed Board	6/11/21	6/14/21	Pending			

FEDERAL AVIATION ADMINISTRATION

July 8, 2021

Federal Aviation Administration
2301 University, Drive #23A
Bismarck, ND 58504

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

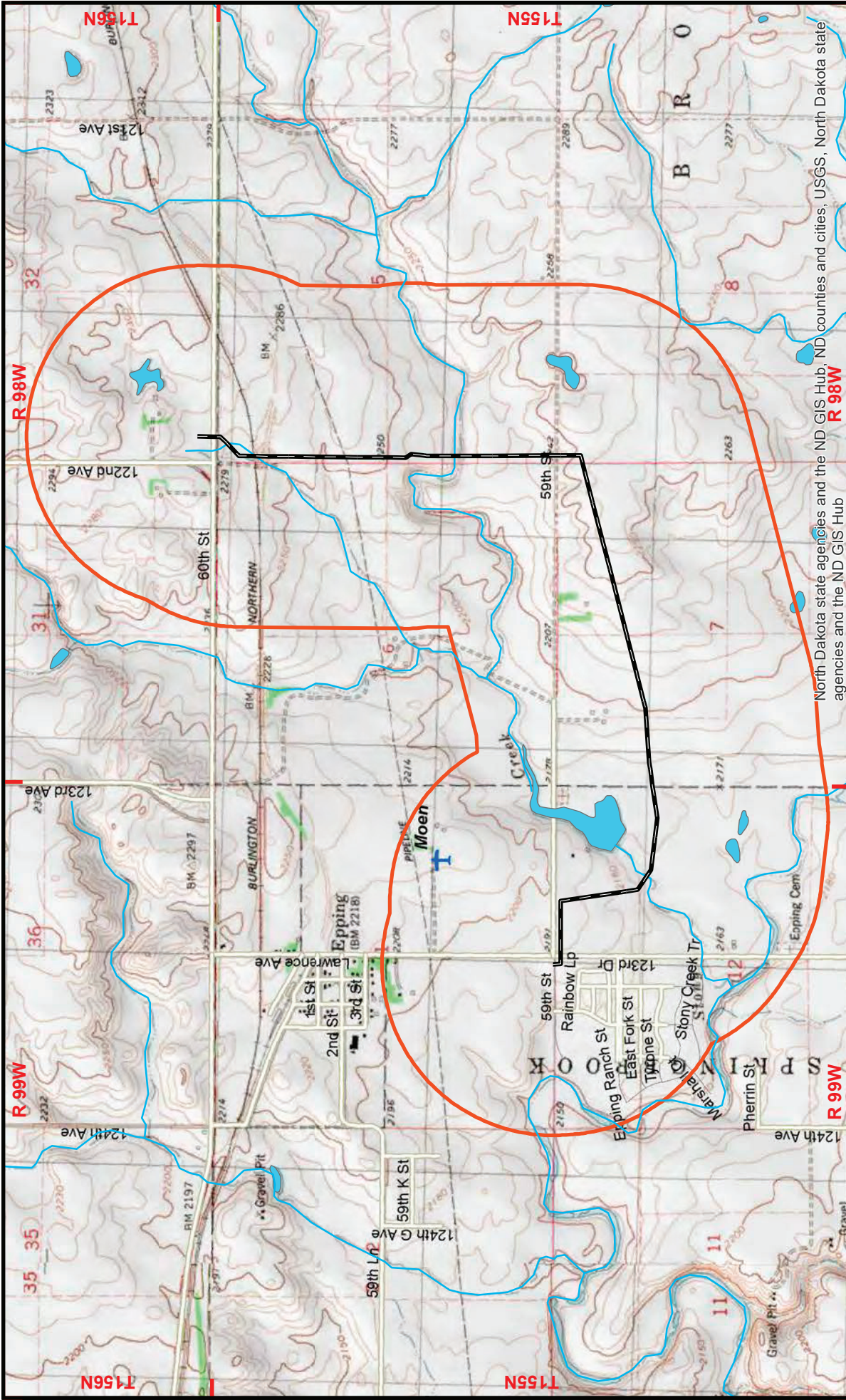
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

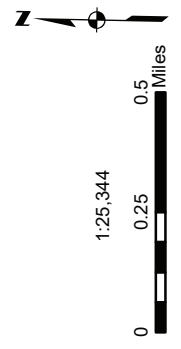
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



U.S. FISH AND WILDLIFE SERVICE



June 11, 2021

Drew Becker
U.S. Fish and Wildlife Service
North Dakota Ecological Services-Field Office
3425 Miriam Ave.
Bismarck, ND 58501-7926

RE: Hiland Crude, LLC:
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Becker,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 10-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached map.

The purpose of this request is to provide the U.S. Fish and Wildlife Service (USFWS) with notification of the proposed Project and to share Hiland's analysis of the environmental topics relevant to the Commission's siting requirements. The siting process allows agencies to participate in the regulatory process should you choose to comment on the Project or the analysis contained herein.

On May 20, 2021, Carlson McCain conducted a web-based consultation using USFWS's IPaC system. The species addressed in this analysis is based upon results of the project specific query of the IPaC system.

Federally Listed Species Analysis:

The results of the search of the USFWS's IPaC system on May 20,2021 found the following:

- Northern long-eared bat (*Myotis septentrionalis*) – threatened
- Piping plover (*Charadrius melodus*) – threatened
- Red knot (*Calidris canutus rufa*) –threatened
- Dakota Skipper (*Hesperia docatoae*) – threatened
- Whooping crane (*Grus americana*) – endangered

Northern long-eared bat:

The northern long-eared bat (NLEB) roosts underneath bark, in cavities, or in crevices of both live and dead trees. Populations have also been found in cool environments such as caves and mines and prefer to spend winter hibernating in locations with high humidity and no air currents. Breeding females will congregate and form colonies in May to late July for pup rearing. White-nose syndrome (WNS) is the predominant threat to the northern long-eared bat. North Dakota is included in the current extent of WNS zone per the Final 4(d) Rule. Field survey recorded two planted tree rows located in the NW1/4 of Section 7, T155N, R98W the trees were mature and may provide suitable summer roosting habitat. The tree rows were comprised of 11 Russian olive (*Elaeagnus angustifolia*) and 15 green ash (*Fraxinus pennsylvanica*), all greater than 3" DBH. No potential winter hibernacula were observed within the Survey Corridor and there are no known bat hibernacula in Williams County (NDGFD 2021). It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the northern long-eared bat.

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 percent of the area. Breeding season in North Dakota occurs mid-April through August. The Missouri River and Lake Sakakawea, approximately 7 miles south of the site at its nearest point, are the closest designated critical habitats for the piping plover. Desktop analysis supported with field studies have concluded that no suitable habitat is present within the Project area. On this basis we conclude that the Project will have **no effect** on the piping plover.

Red knot

The red knot migrates between breeding grounds in Canada and wintering grounds in South America. A significant factor threatening the red knot is destruction and modification of its habitat due to beach erosion and shoreline protection and stabilization projects. Migratory behavior and habitat requirements of this species are

poorly understood particularly for those populations utilizing the midcontinent flyways. Inland stopovers include the Mississippi Valley, Great Lakes, and Great Plains. Desktop analysis supported with field studies have concluded that no suitable habitat is present within the Project area; on this basis we conclude that the Project will have **no effect** on the red knot.

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 limited population. North Dakota is located within the migratory route 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.

Precautionary measures will be implemented if whooping cranes are sighted in or near the Project area. Hiland will 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 will resume upon the departure of the individual(s). Construction activities would likely serve as a deterrent for migrating cranes. Once the Project has been constructed and disturbed areas restored, the Project would largely resemble surrounding landscape and would be available for crane utilization. The Project would not result in a loss of crane habitat. Provided the mitigation measures are fully implemented, we concluded that the Project would have **no effect** on the whooping crane.

Dakota skipper

The Dakota skipper is a diminutive butterfly of the prairie. The species is an obligate resident of high-quality prairie grasslands whose range includes the prairies of Canada in Manitoba and Saskatchewan, and North Dakota, South Dakota and Minnesota; the species is considered to be native to these areas (USFWS, 2019). The historic range may have previously extended south to include portions of Illinois and Iowa, locations where the species is now considered extirpated (USFWS, 2016). The preferred habitat ranges from wet-mesic tall grass prairie to dry-mesic mixed grass prairie of high quality (Larson, 2019). Additionally, they prefer habitats which have wood lily (*Lilium philadelphicum*) and mountain deathcamas (*Zigadenus elegans*), and where nectar sources are present. Based upon field survey and desktop analysis, the Project is located on cultivated agricultural land and therefore provides no suitable habitat for the Dakota skipper; on this basis we conclude that the Project will have **no effect** on the Dakota skipper.

USFWS Managed Lands:

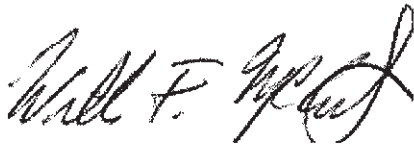
Conservation programs such as Waterfowl Production Areas and wetland and grassland easements represent an important tool used by USFWS to identify and manage high quality wildlife habitat. A review of public records failed to identify any of these USFWS managed lands in the Project study area. Hiland requests that USFWS notify Hiland of any USFWS managed lands located within the proposed study area.

Migratory Bird Consultation:

USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). Hiland 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. Hiland also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15. Construction is scheduled to take place in the third quarter of 2021 and as such would avoid the breeding season. Project timing would avoid impacts to breeding birds.

Carlson McCain has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 952-346-3872 or wmccarthy@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

Sincerely,



William F. McCarthy, CWB
Carlson McCain, Inc.

Attachment: Project Map

cc: Hiland Project Files

June 11, 2021

Drew Becker
U.S. Fish and Wildlife Service
North Dakota Ecological Services-Field Office
3425 Miriam Ave.
Bismarck, ND 58501-7926

RE: Hiland Crude, LLC:
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Becker,

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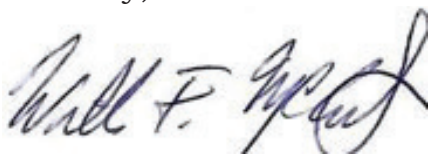
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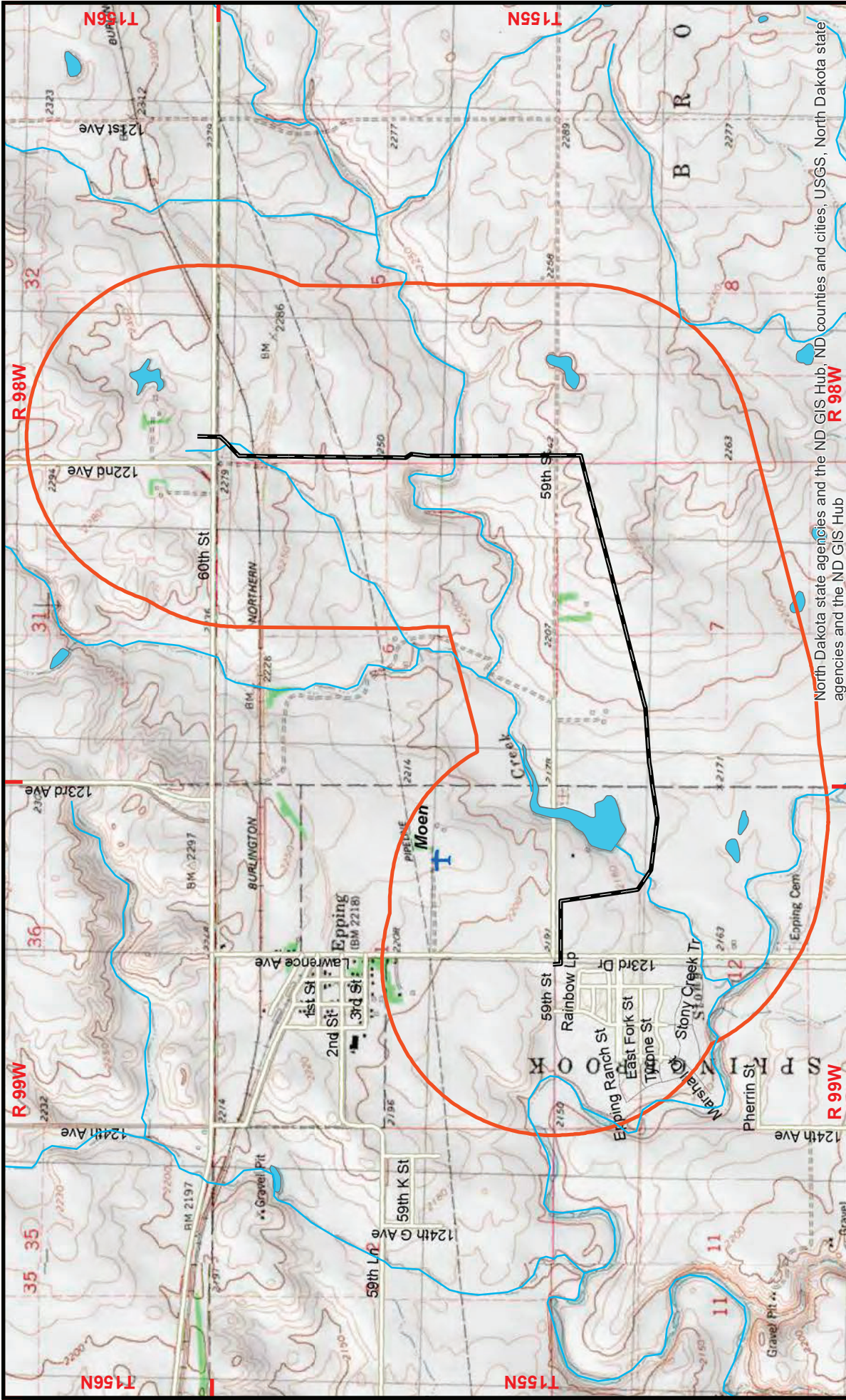
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William F. McCarthy, CWB
Carlson McCain, Inc.

Attachment: Project Map

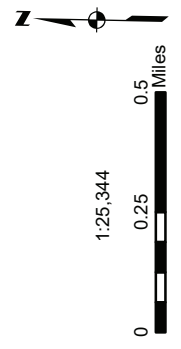
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

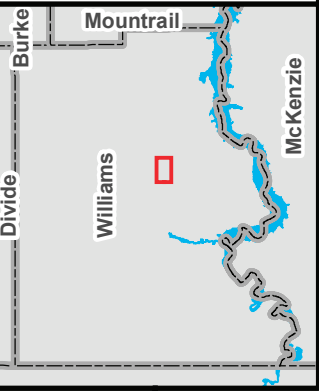


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



U.S. DEPARTMENT OF DEFENSE-CABLE AFFAIRS

June 11, 2021

Cy Munos, Chief
U.S. Department of Defense-Cable Affairs
Minot Air Force Base
91 MMXS/MMXSFK
DSN: 453-6053
Minot, ND 58705

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Munos,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; and to identify the location of intercontinental ballistic missiles and launch facilities within the Project Study Area, should they occur.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

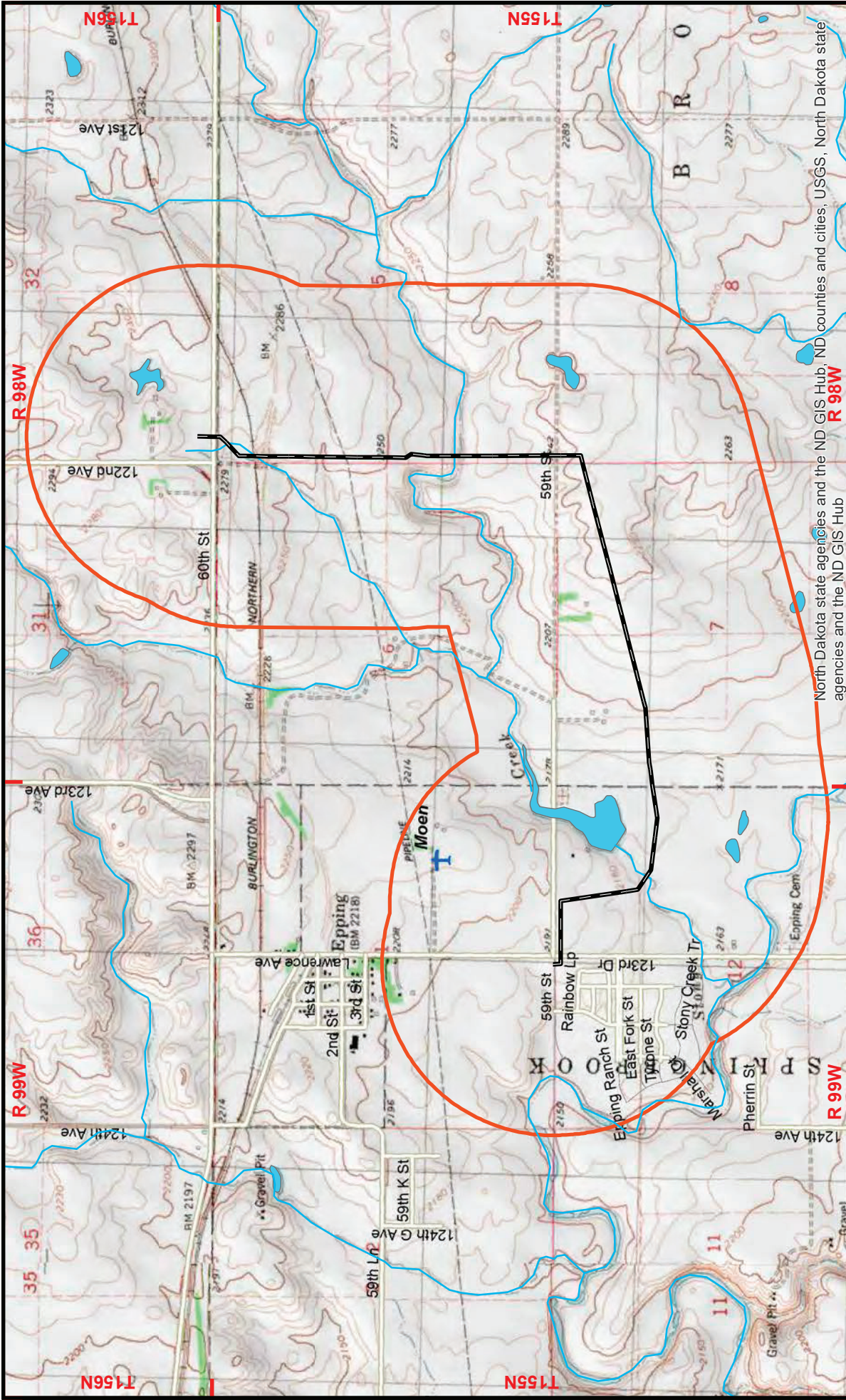
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

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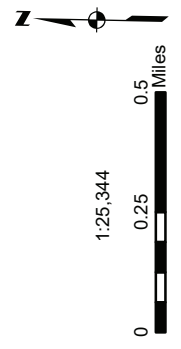
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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U.S. ARMY CORPS OF ENGINEERS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

June 22, 2021

NWO-2021-01126-BIS

Carlson McCain
Attn: Ms. Katie Schmidt
15650 - 36th Avenue North, Suite 110
Plymouth, Minnesota 55446

Dear Ms. Schmidt:

This is in response to your solicitation letter dated June 11, 2021 requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Hiland Crude LLC, Epping Delivery Pipeline Project. The project site is located in Section 12, Township (T) 155 North (N), Range (R) 99 West (W), Sections 5, 7, and 8, T155N, R98W and Section 32, T156N, R98W, Williams County, North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act 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.

Enclosed for your information is the fact sheet for Nationwide Permit 12, Utility Line Activities. Utility lines are already authorized by Nationwide Permit 12 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 2 of the fact sheet. If a project involves any one of the notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 23 thru 30 of the fact sheet.

In the event your project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will

be required. A project that requires a Standard or Individual Permit is intensely reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If this project requires a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 6082) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, North Dakota 58504 or to the email address below. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

The North Dakota Regulatory office can accept (and prefers) electronic submissions to the following email: CENWO-OD-RND@usace.army.mil.

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.

Sincerely,



Toni R. Erhardt
Senior Project Manager
North Dakota Regulatory Office

Enclosure



June 11, 2021

Patricia McQueary
State Program Manager
U.S. Army Corps of Engineers-Omaha District
3319 University Street
Bismarck, ND 58504

**Re: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request**

Dear Ms. McQueary:

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., the owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; and advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-216-6881 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

*Hiland Crude, LLC-Epping Delivery Pipeline
Williams County, North Dakota*

June 11, 2021

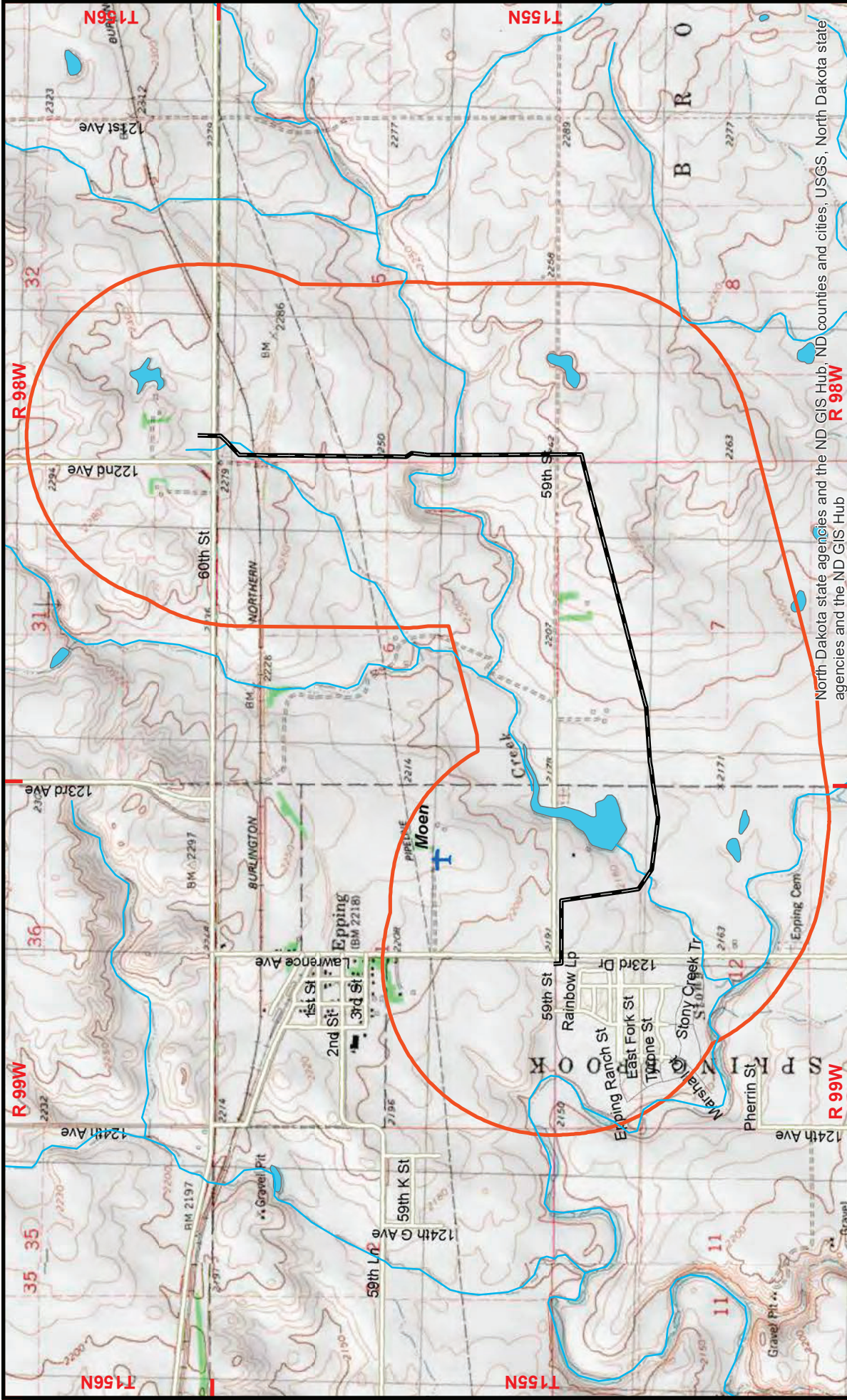
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

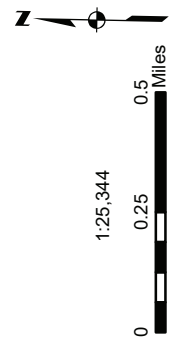
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES OF CONSERVATION SERVICE
BISMARCK OFFICE



June 15, 2021

Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

Katie Schmidt, Senior Consultant
Carlson McCain, Inc.
15650 36th Avenue North, Suite 110
Plymouth, MN 55446

Dear Ms. Schmidt:

The Natural Resources Conservation Service (NRCS) has reviewed your letter date June 11, 2021 concerning the Epping to DAPL Delivery Pipeline Project.

Farmland Protection Policy Act

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use. It appears the Epping delivery pipeline project is not supported by federal funding; therefore, FPPA does not apply and no further action is needed.

Wetlands

The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose or to have the effect of making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines for the installation of permanent structures where wetlands occur. If these guidelines are followed the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches must be backfilled to the original wetland bottom elevation.

NRCS recommends that impacts to wetlands be avoided.

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota, at (701) 530-2021 or email to wade.bott@usda.gov.

WADE BOTT

Digitally signed by WADE BOTT
Date: 2021.06.15 13:31:51 -05'00'

WADE D. BOTT
State Soil Scientist

Helping People Help the Land



June 11, 2021

Wade D. Bott
State Soil Scientist
USDA-Natural Resources Conservation Service
Bismarck State Office
PO Box 1458
Bismarck, ND 58502-1458

RE: Hiland Crude, LLC
Epping to DAPL Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Bott,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
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Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

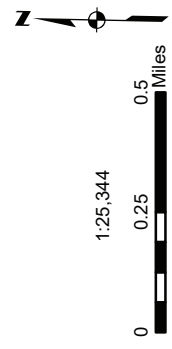
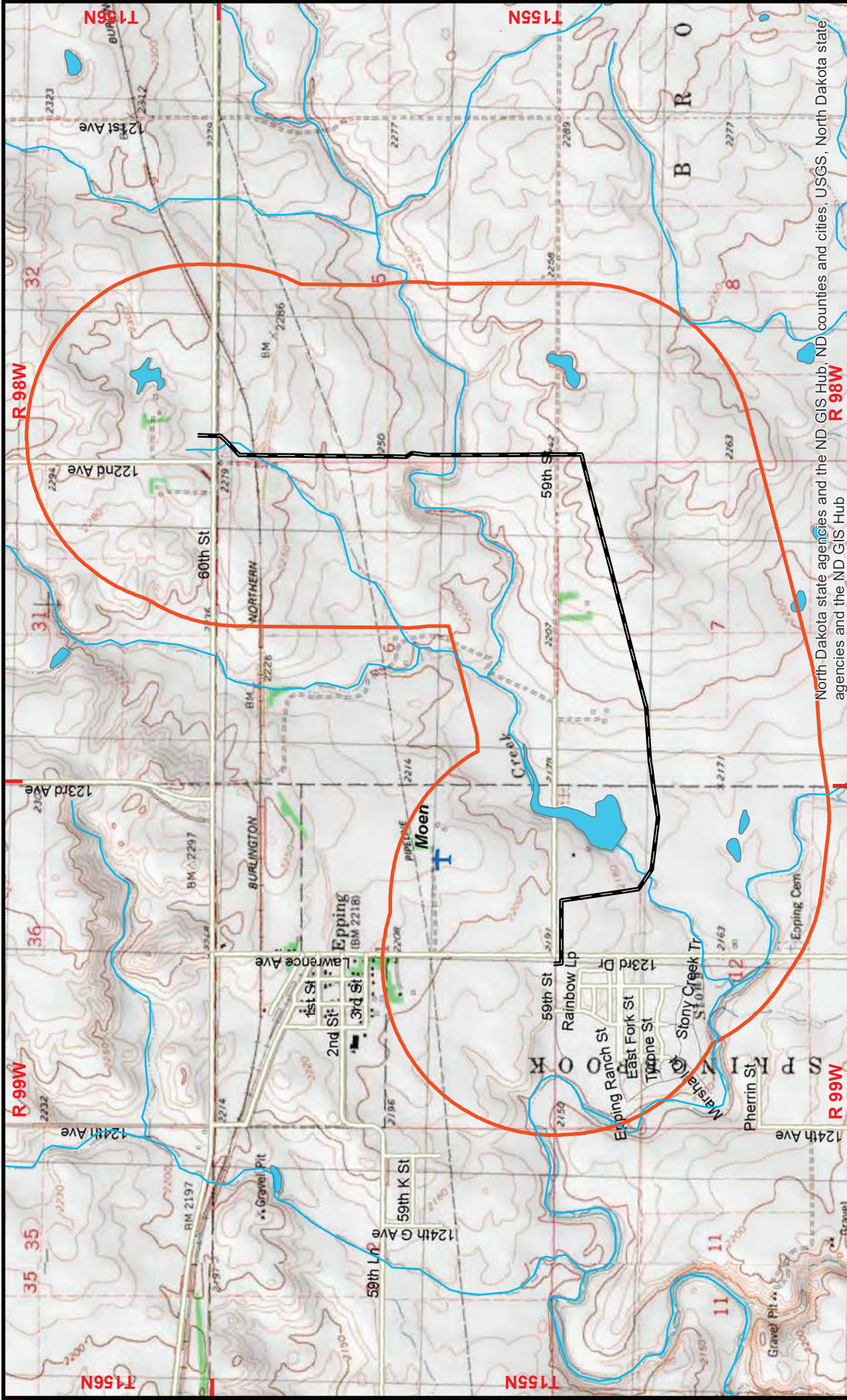
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

cc: Hiland Project Files



Hiland Crude, LLC
Epping Delivery Pipeline Project
Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

U.S. DEPARTMENT OF AGRICULTURE
NORTH DAKOTA FARM SERVICE AGENCY

Katie Schmidt

From: Katie Schmidt
Sent: Wednesday, June 30, 2021 2:54 PM
To: 'Peterson, Beau - FPAC-FSA, Fargo, ND'
Cc: Braton, Wanda - FSA, Fargo, ND; William McCarthy (wmccarthy@carlsonmccain.com)
Subject: RE: Pipeline Project in Williams County, ND
Attachments: Epping_to_DAPL_Shapefiles_6302021.zip

Mr. Peterson,

Thank you for your quick response. Attached you will find the shapefiles requested. The attached contain files for the current pipeline centerline, survey corridor (250' centered on centerline) and the 1-mile project buffer (Study Area). Please include the entire Study Area in your analysis.

Upon review should you have any additional questions please let me know.

Regards,

Katie Schmidt, EIT

Environmental Engineer/Sr. Consultant



15650 36TH AVENUE N, SUITE 110 \ PLYMOUTH, MN 55449
TEL 952-346-3873 \ CELL 651-216-6881 \ FAX 952-346-3901
CARLSONMCCAIN.COM

This message is intended for the individual or entity named above. If you are not the intended recipient, please do not read, copy or disclose this communication to others. Thank you.

From: Peterson, Beau - FPAC-FSA, Fargo, ND <Peterson.Beau@usda.gov>
Sent: Monday, June 28, 2021 10:23 AM
To: Katie Schmidt <kschmidt@carlsonmccain.com>
Cc: Braton, Wanda - FSA, Fargo, ND <wanda.braton@usda.gov>
Subject: Pipeline Project in Williams County, ND

Hello Carlson McCain

ND FSA has received your notification letter of the Epping Pipeline Project along with a detailed map of the area that will be affected. May I request a shapefile to be emailed of this mapped line for use in our software(s)? This would simply allow us to accurately identify any of our participants that need to be notified of any additional steps that relate to FSA programs. I appreciate your willingness and look forward to working with you!

Thank you for your time,

Beau Peterson
Conservation/Livestock Disaster Program Specialist
ND State FSA Office
USDA – Farm Service Agency
1025 28th St. S
Fargo, ND 58103
701-524-2840 ext. 105

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June 11, 2021

Brad Thykeson
State Executive Director
USDA-North Dakota Farm Service Agency
1025 28th St. South
Fargo, ND 58103

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Thykeson,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; and advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

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me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

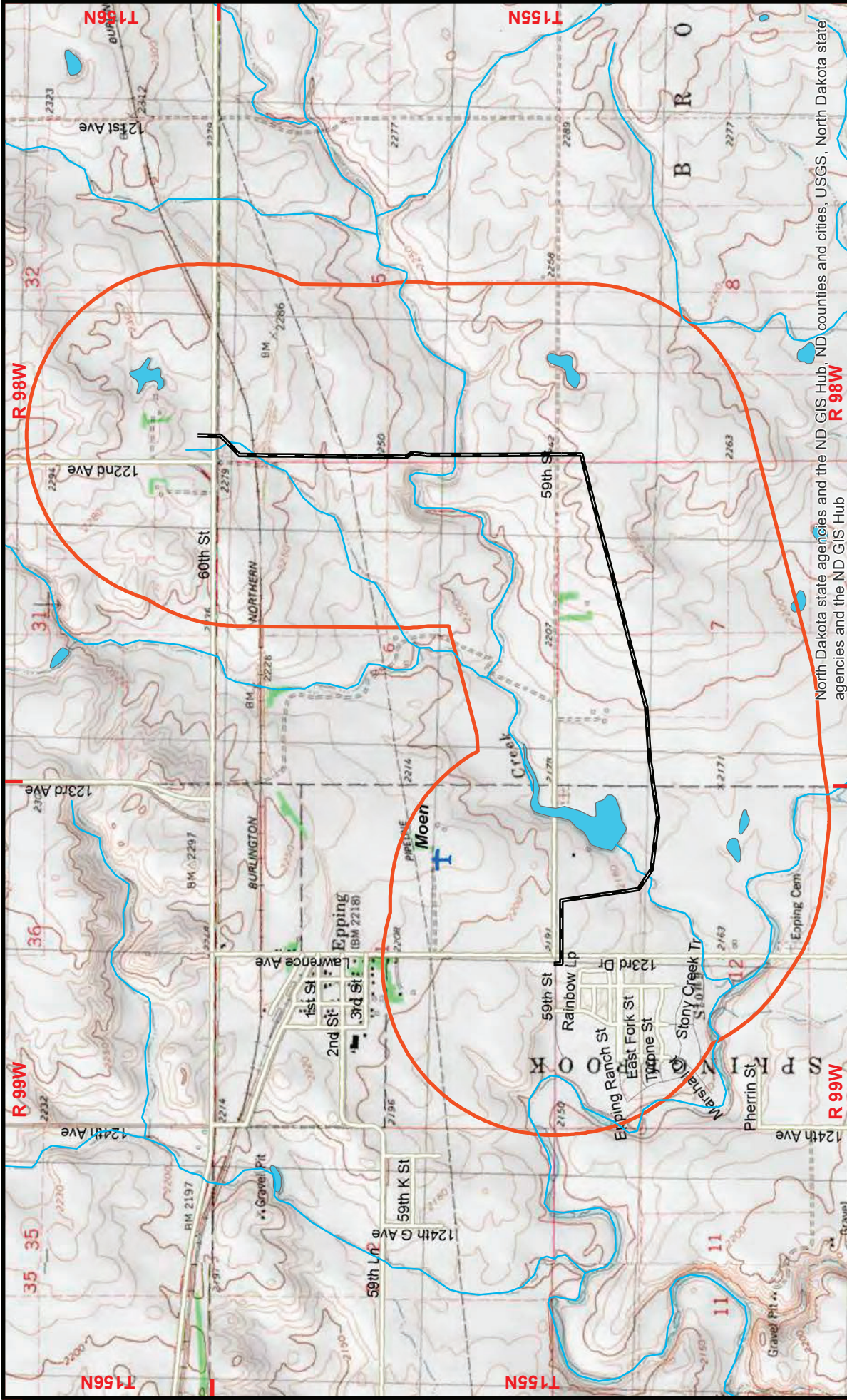
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

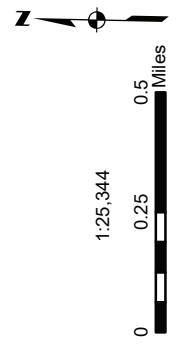
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



JOB SERVICE OF NORTH DAKOTA

July 8, 2021

Job Service of North Dakota
1000 East Divide Avenue
Bismarck, ND 58506

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
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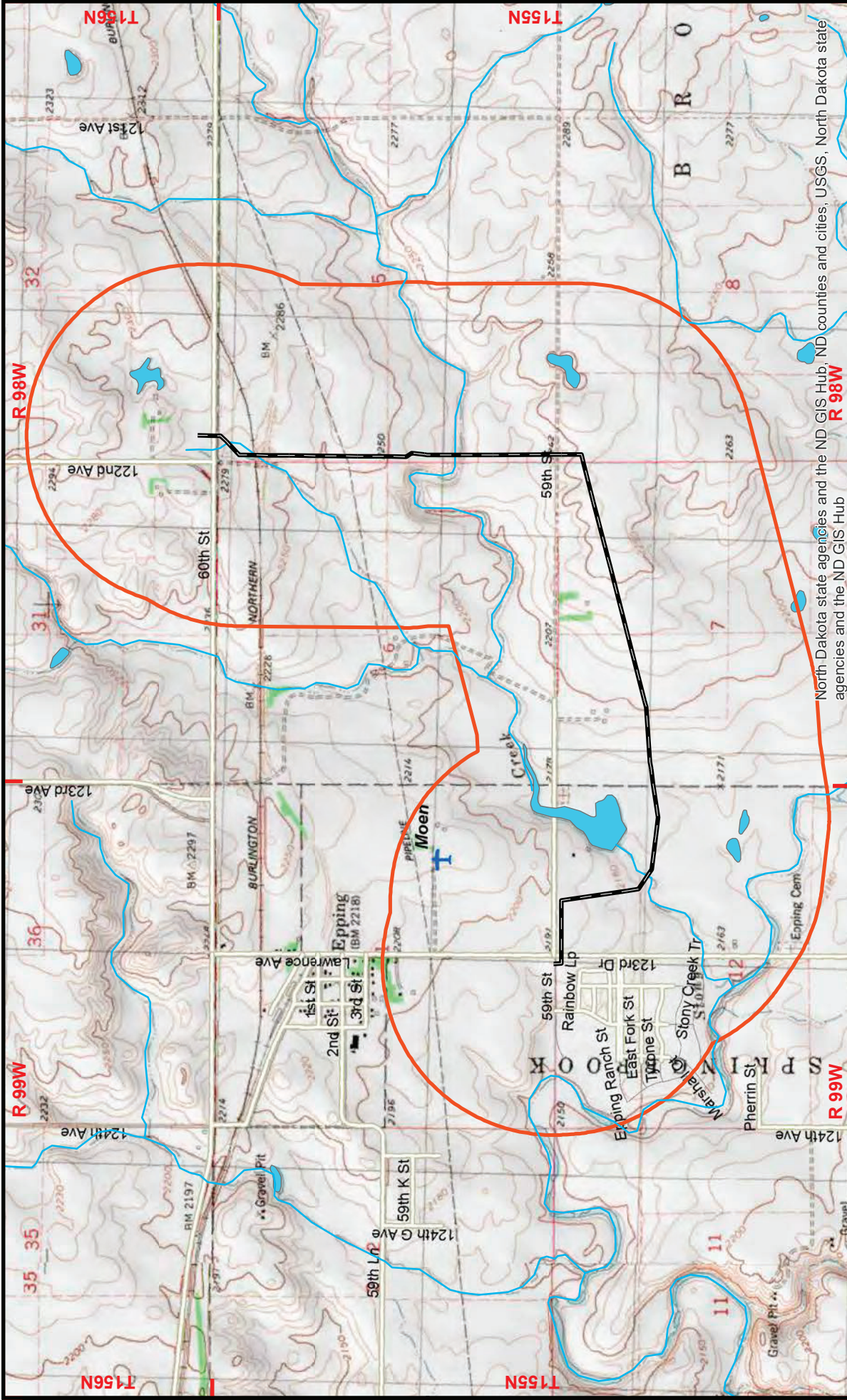
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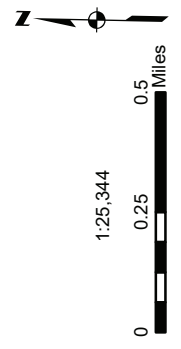
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA AERONAUTICS COMMISSION



July 8, 2021

North Dakota Aeronautic Commission
PO Box 5020
Bismarck, ND 58502

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

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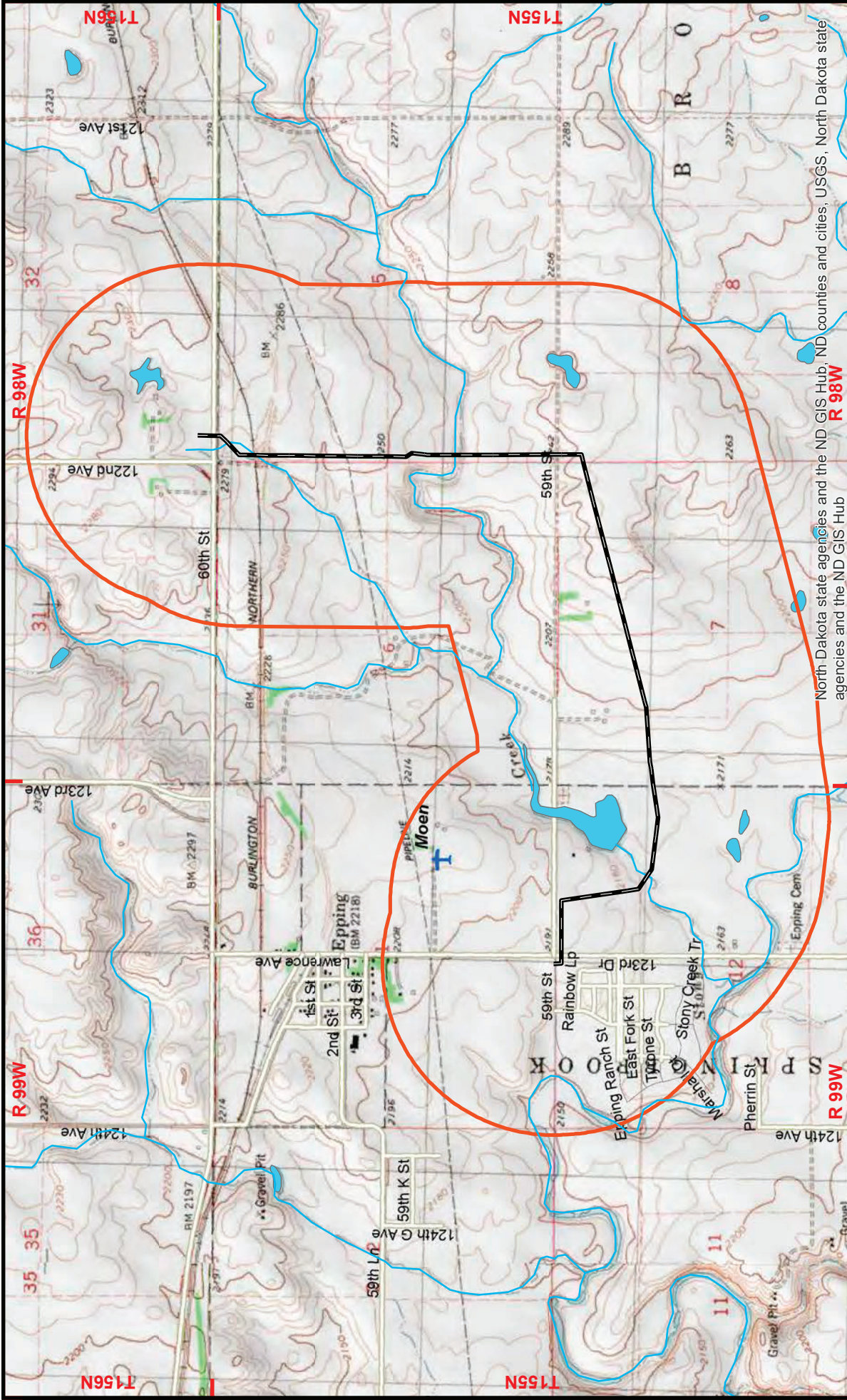
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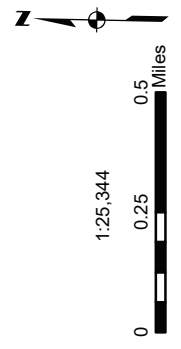
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Hiland Crude, LLC
Epping Delivery Pipeline Project



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NORTH DAKOTA ATTORNEY GENERAL



July 8, 2021

North Dakota Attorney General
600 East Boulevard Avenue, Department 125
Bismarck, ND 58505-0040

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

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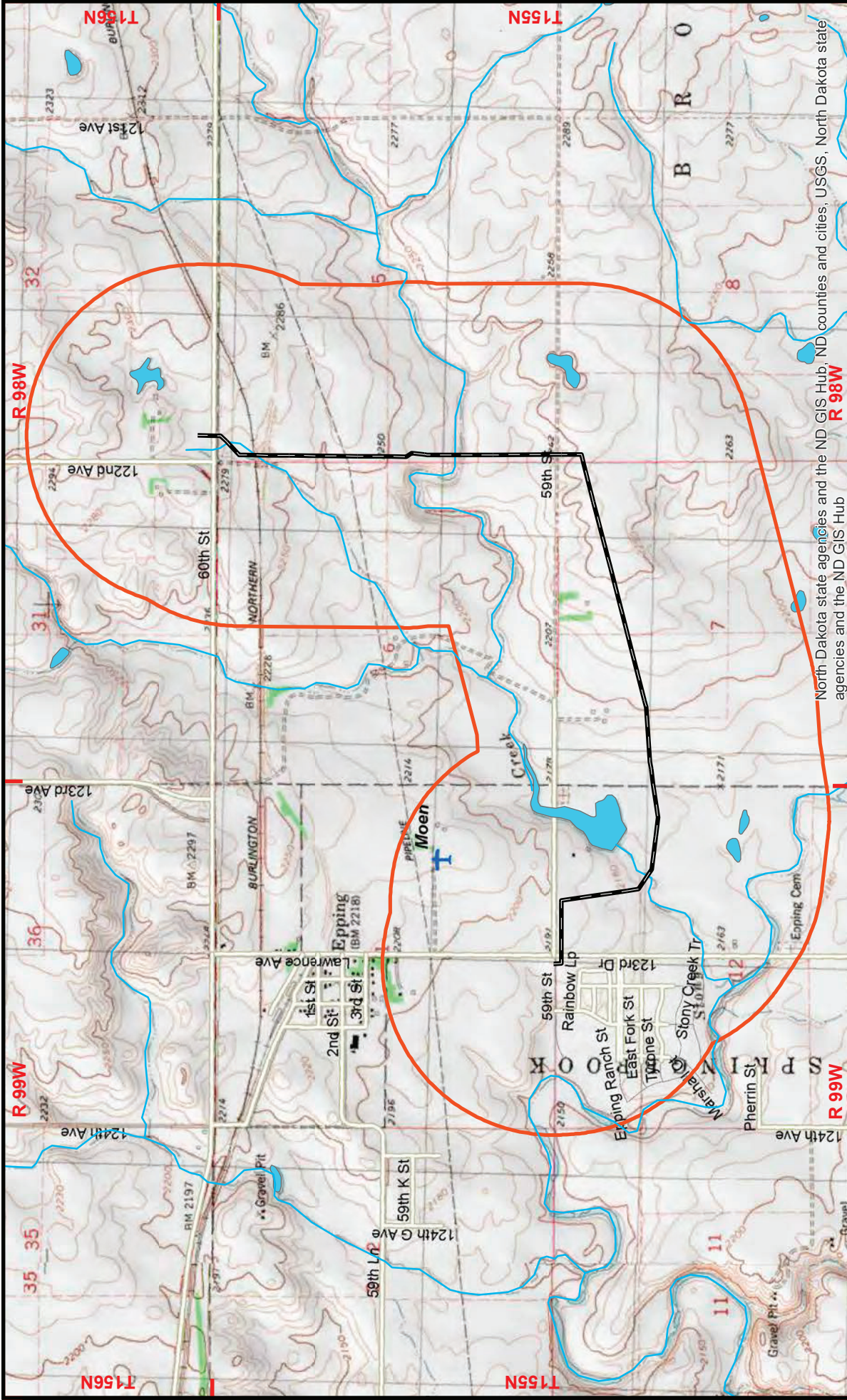
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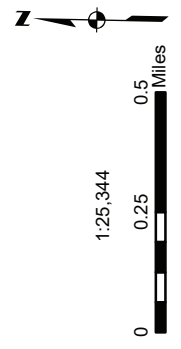
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Hiland Crude, LLC
Epping Delivery Pipeline Project



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 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF CAREER AND
TECHNICAL EDUCATION

July 8, 2021

North Dakota Department of Career and Technical Education
600 East Boulevard Avenue, Department 270
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

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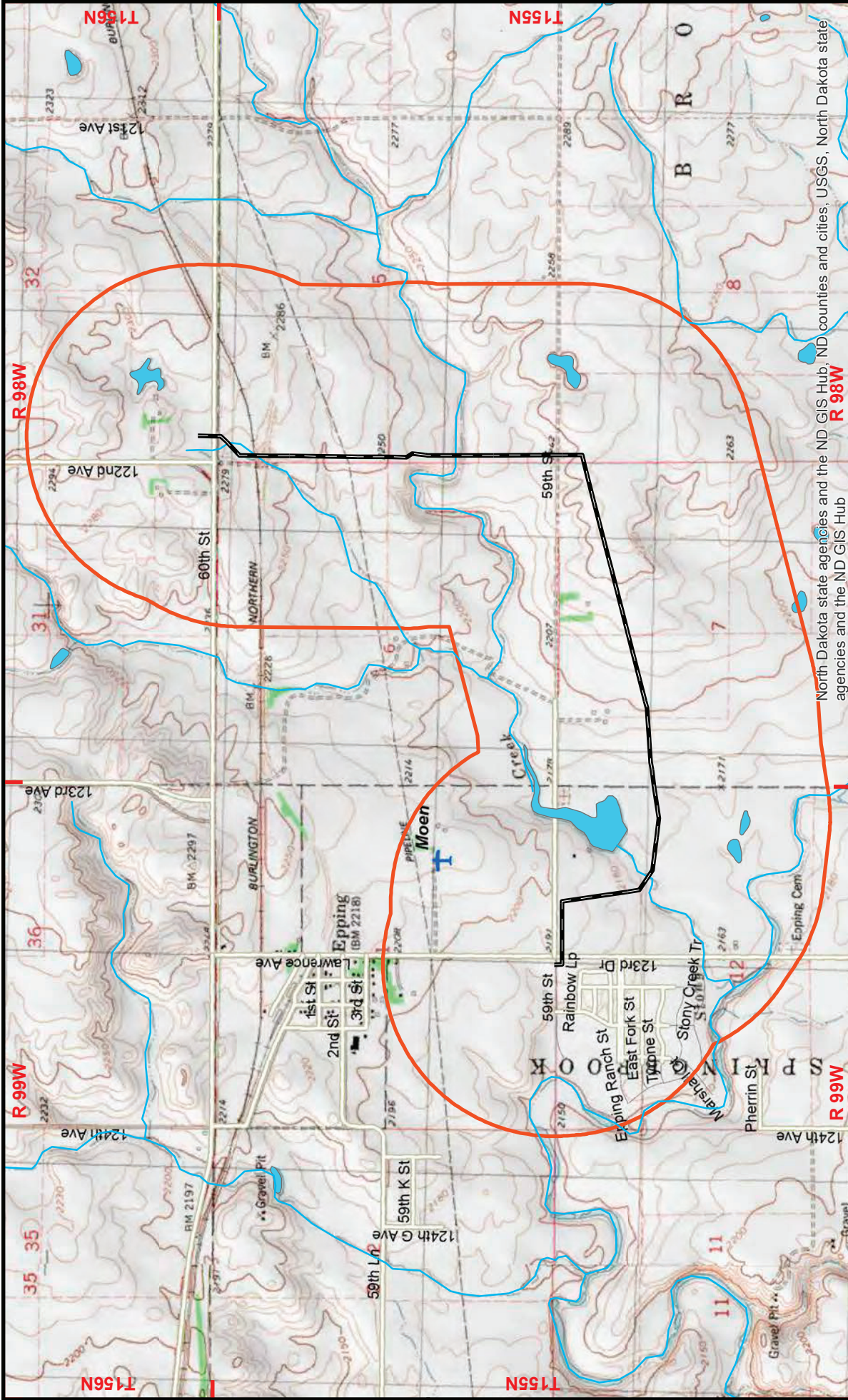
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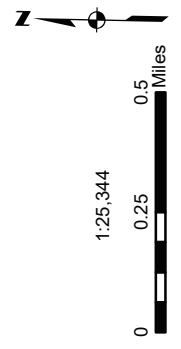
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Hiland Crude, LLC
Epping Delivery Pipeline Project



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Williams County, North Dakota

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 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF COMMERCE

July 8, 2021

North Dakota Department of Commerce
1600 East Century Avenue #2
Bismarck, ND 58503

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

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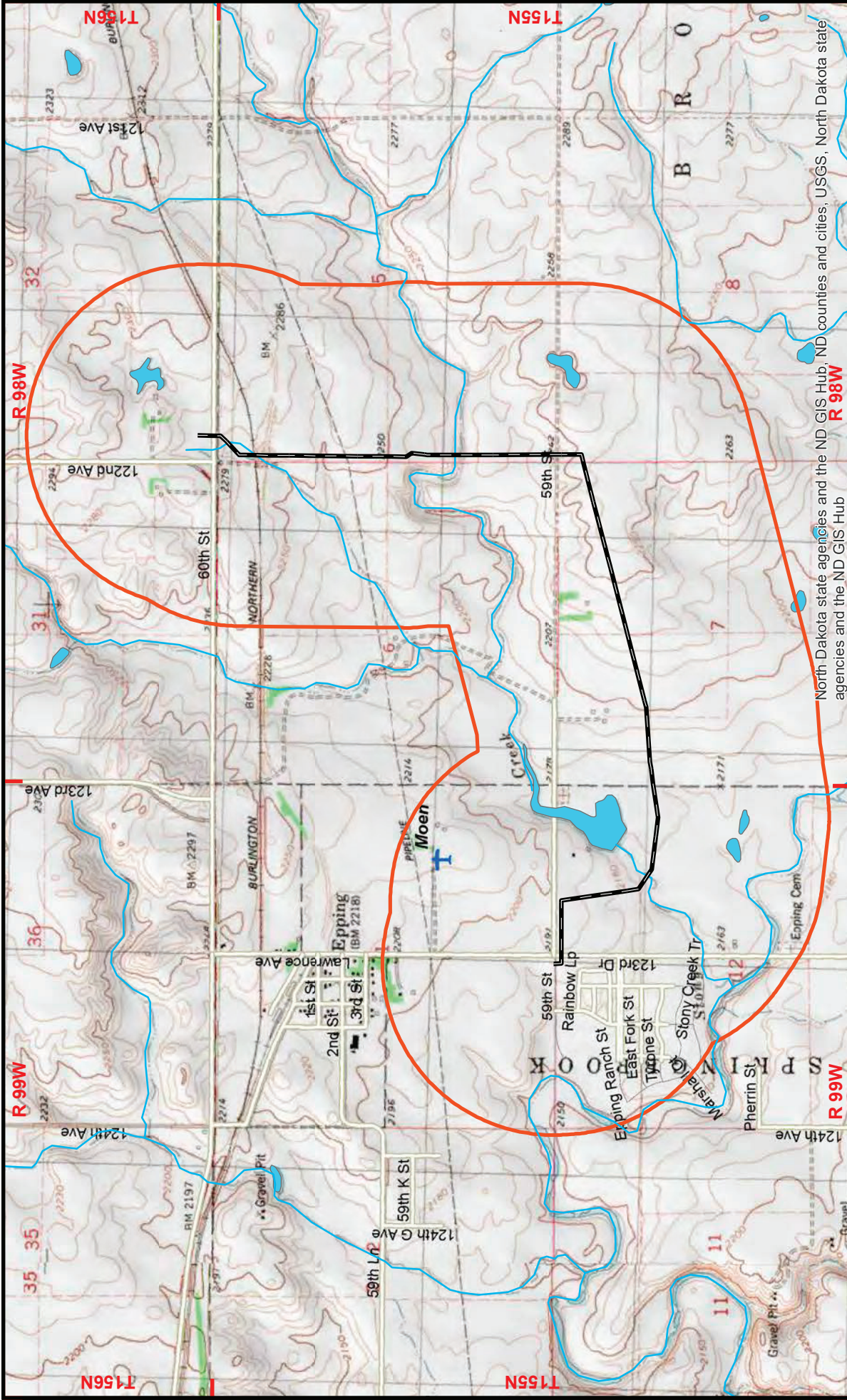
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Katie Schmidt, Senior Consultant
Carlson McCain Inc.

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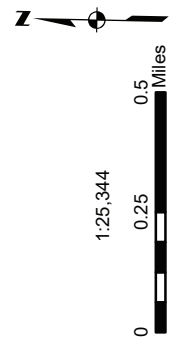
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

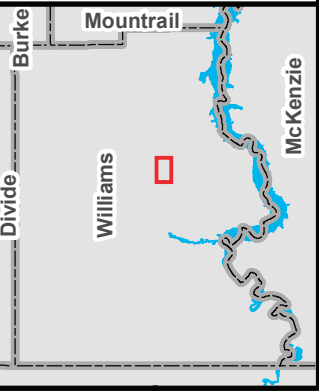


Hiland Crude, LLC
Epping Delivery Pipeline Project



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 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL HEALTH SECTION

June 22, 2021

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

Re: Hiland Crude Epping Delivery Pipeline Project in Williams County

Dear Ms. Schmidt:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on June 14, 2021 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. 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.
2. Oil and gas projects disturbing one or more acres are required to obtain a permit to discharge storm water 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.
3. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | deq.nd.gov

Director's Office
701-328-5150

Division of
Air Quality
701-328-5188

Division of
Municipal Facilities
701-328-5211

Division of
Waste Management
701-328-5166

Division of
Water Quality
701-328-5210

Division of Chemistry
701-328-6140
2635 East Main Ave
Bismarck ND 58501

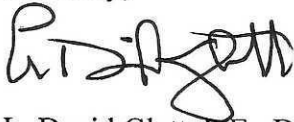
4. Projects that involve construction of pipelines should select locations that minimize the potential for impacts to human health and the environment during and after construction by avoiding, when possible, source water protection areas and sensitive surface and groundwater environments. Additionally, when possible, pipeline routes should select areas with natural barriers to both surface and ground waters. Human health and the environment should be further protected by developing a spill response plan that emphasizes rapid deployment of prepositioned assets necessary to contain spills and subsequent cleanup. Proper surveillance and monitoring for early detection of leaks should be required.

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.

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.

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

Sincerely,



L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction or environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of soil and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be controlled to minimize silt movement, nutrient upsurges, plant dislocations, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill materials. All temporary fill must be removed. Debris and solid wastes must be properly disposed or recycled. Impacted areas must be restored to near original condition.

June 11 2021

David L. Glatt, PE, Chief
ND Department of Environmental Quality
Environmental Health Division
Gold Seal Center
918 E. Divide Ave.
Bismarck, ND 58501-1947

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Glatt,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; and advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

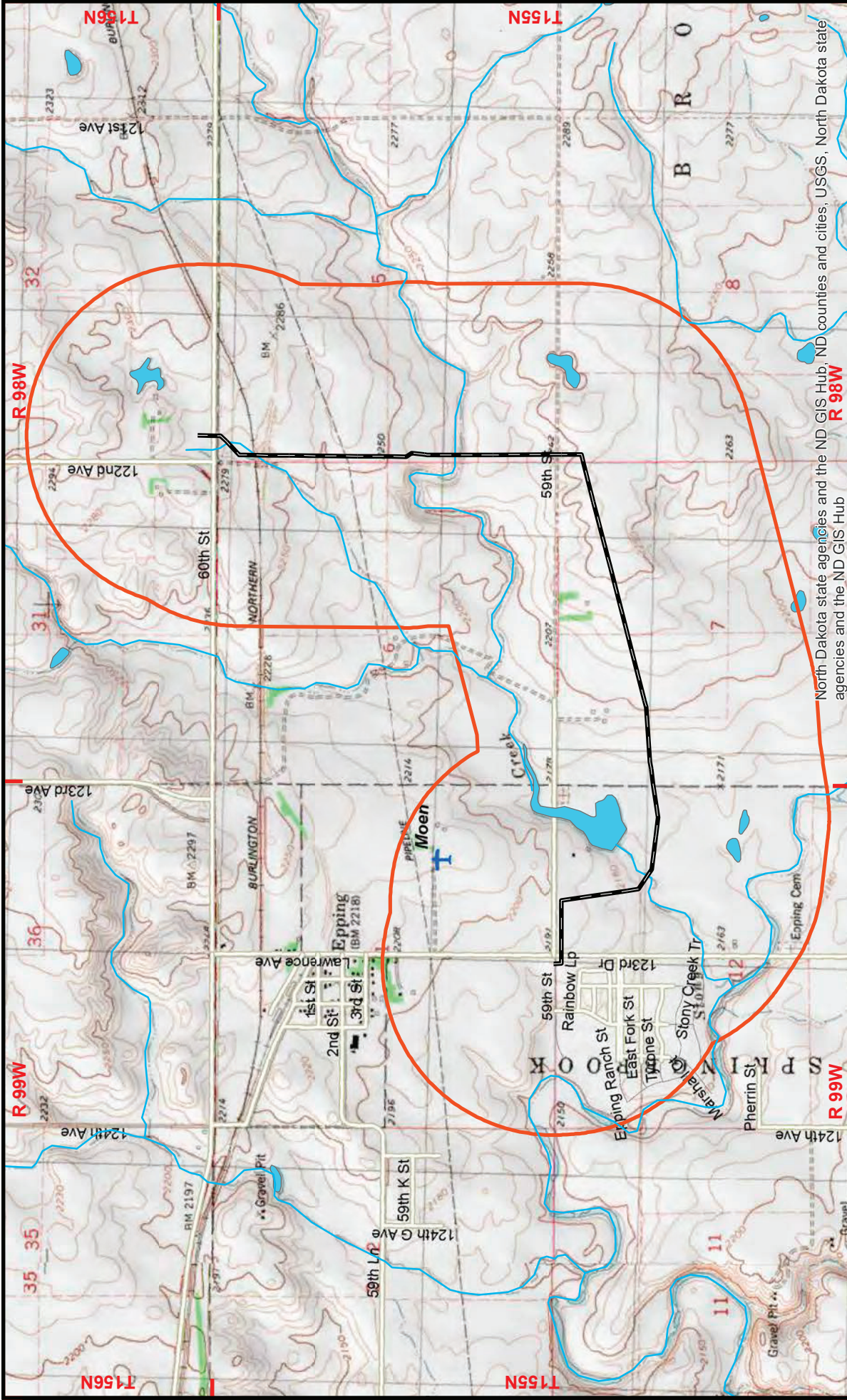
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

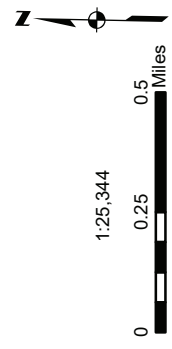
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

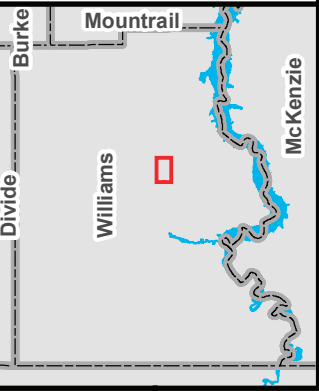


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

July 8, 2021

North Dakota Department of Human Services
600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

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me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

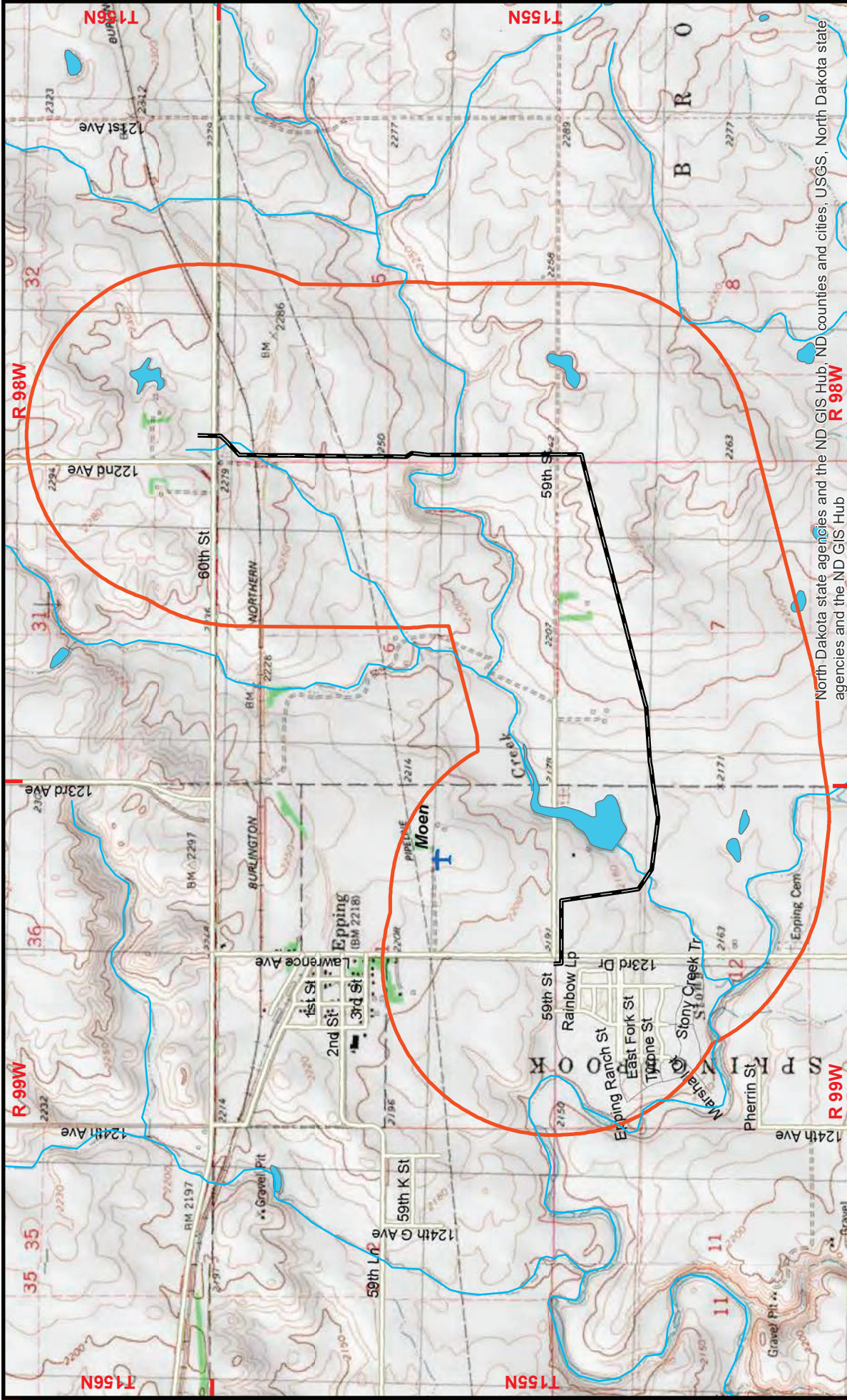
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

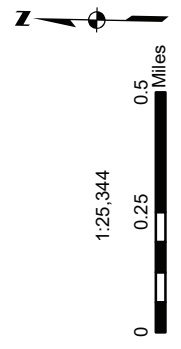
cc: Hiland Project Files







North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
-  Centerline
 -  NHD Stream
 -  Corridor (1-Mile)
 -  NHD Waterbody



NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
WILLISTON DISTRICT

July 8, 2021

District 7-Williston
North Dakota Department of Transportation
605 Dakota Parkway West
Williston, ND 58802-0698

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To Whom it may Concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

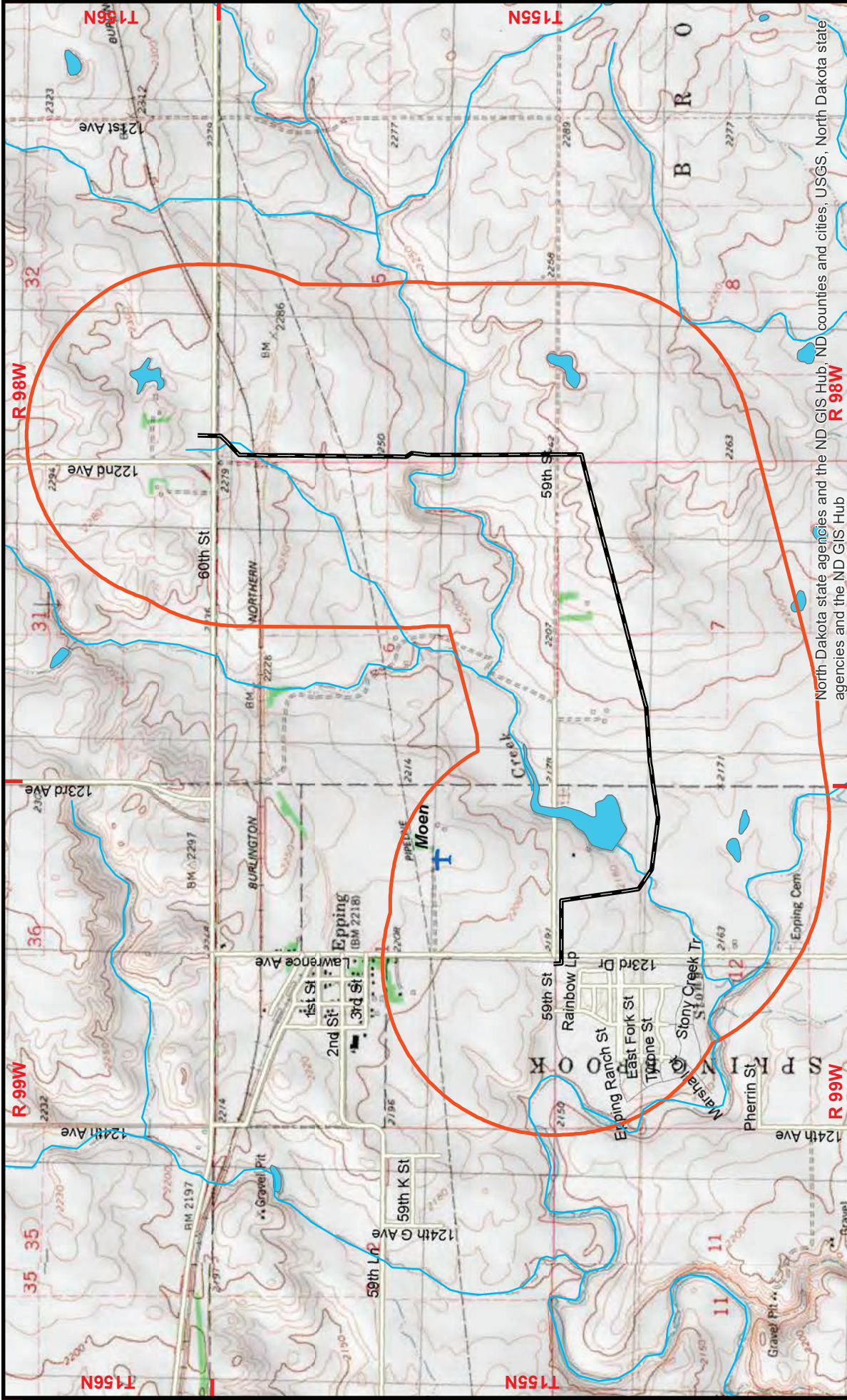
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

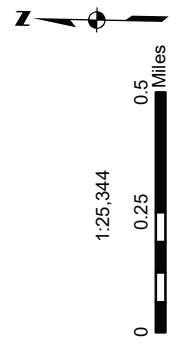
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF TRUST LANDS
SCHOOL/SURFACE TRUST

June 16, 2021

Mike Humann, Director
ND Department of Trust Lands
School/Surface Trust Lands
1707 North 9th Street
Bismarck, ND 58501

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Humann,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project, and to identify if school trust lands are present within the Project Study Area.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

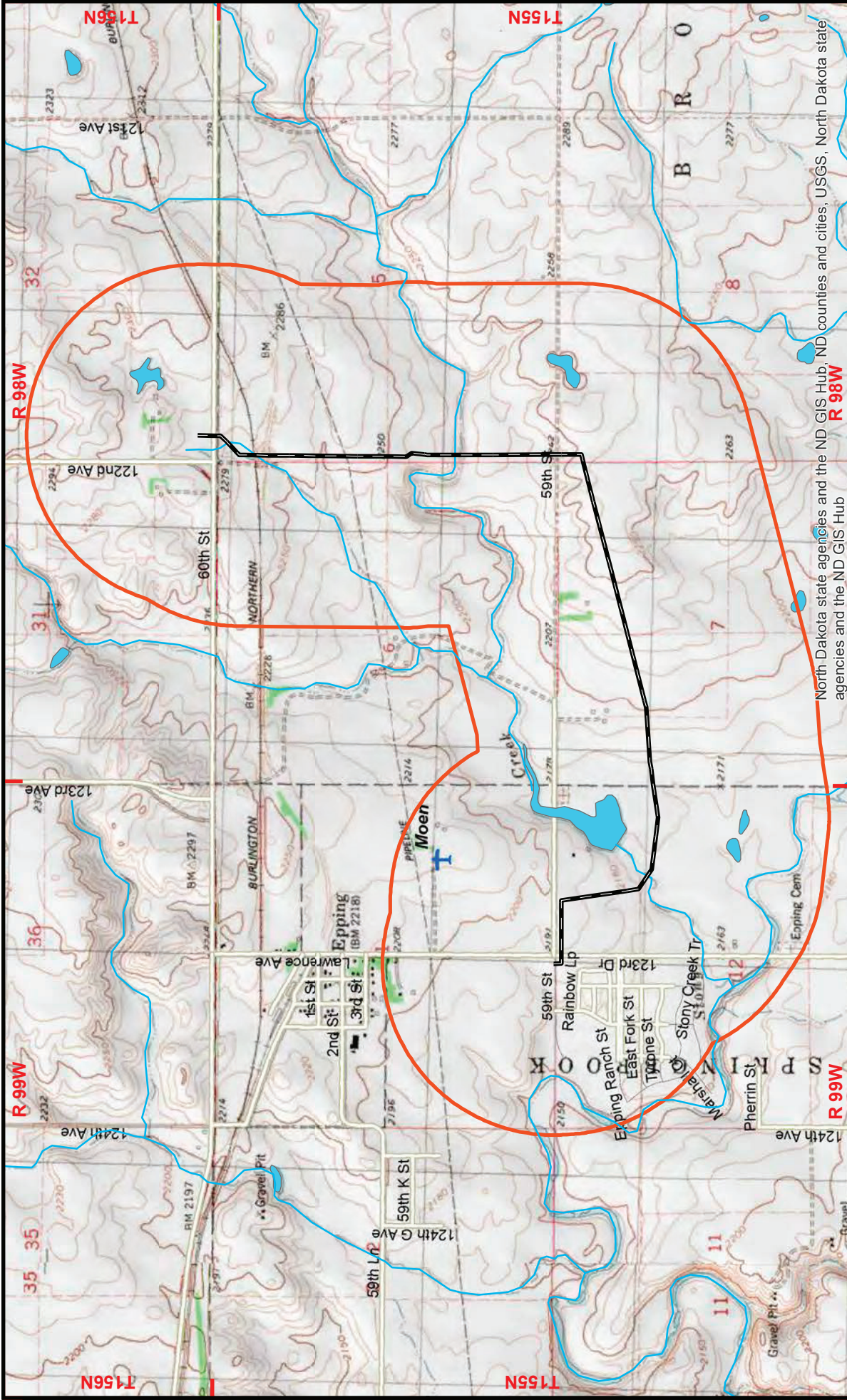
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

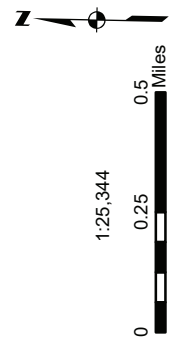
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA DEPARTMENT OF TRUST LANDS
MINERALS MANAGEMENT



June 16, 2021

David Shipman, Director
ND Department of Trust Lands
Minerals Management
1707 North 9th Street
Bismarck, ND 58501

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Shipman

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project, and to identify if mineral trust lands are present within the Project Study Area.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

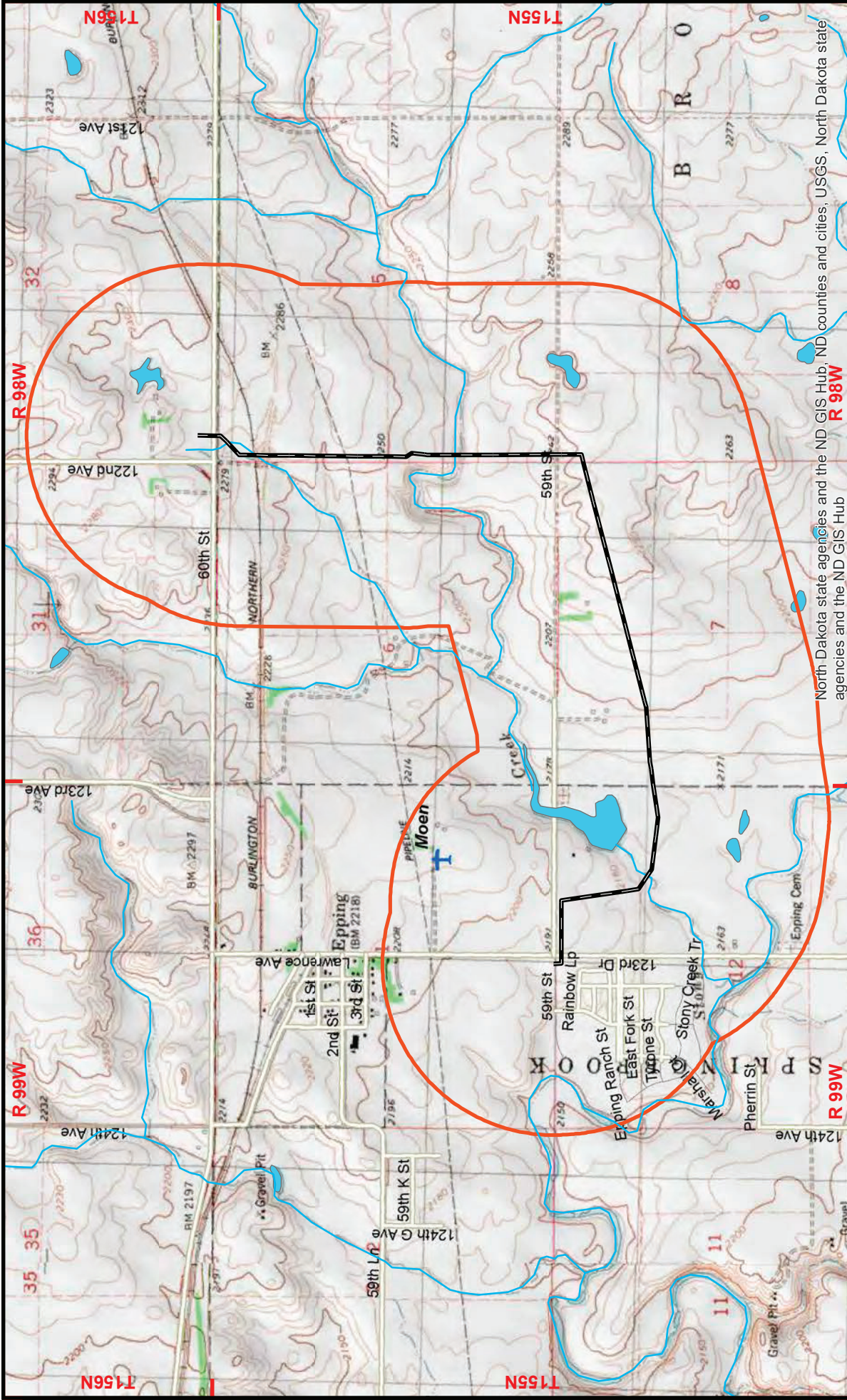
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

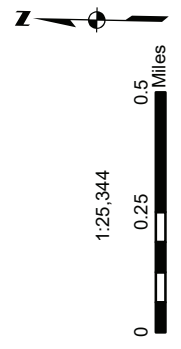
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA ENERGY DEVELOPMENT IMPACT OFFICE



July 8, 2021

North Dakota Energy Development Impact Office
1707 N 9th Street
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

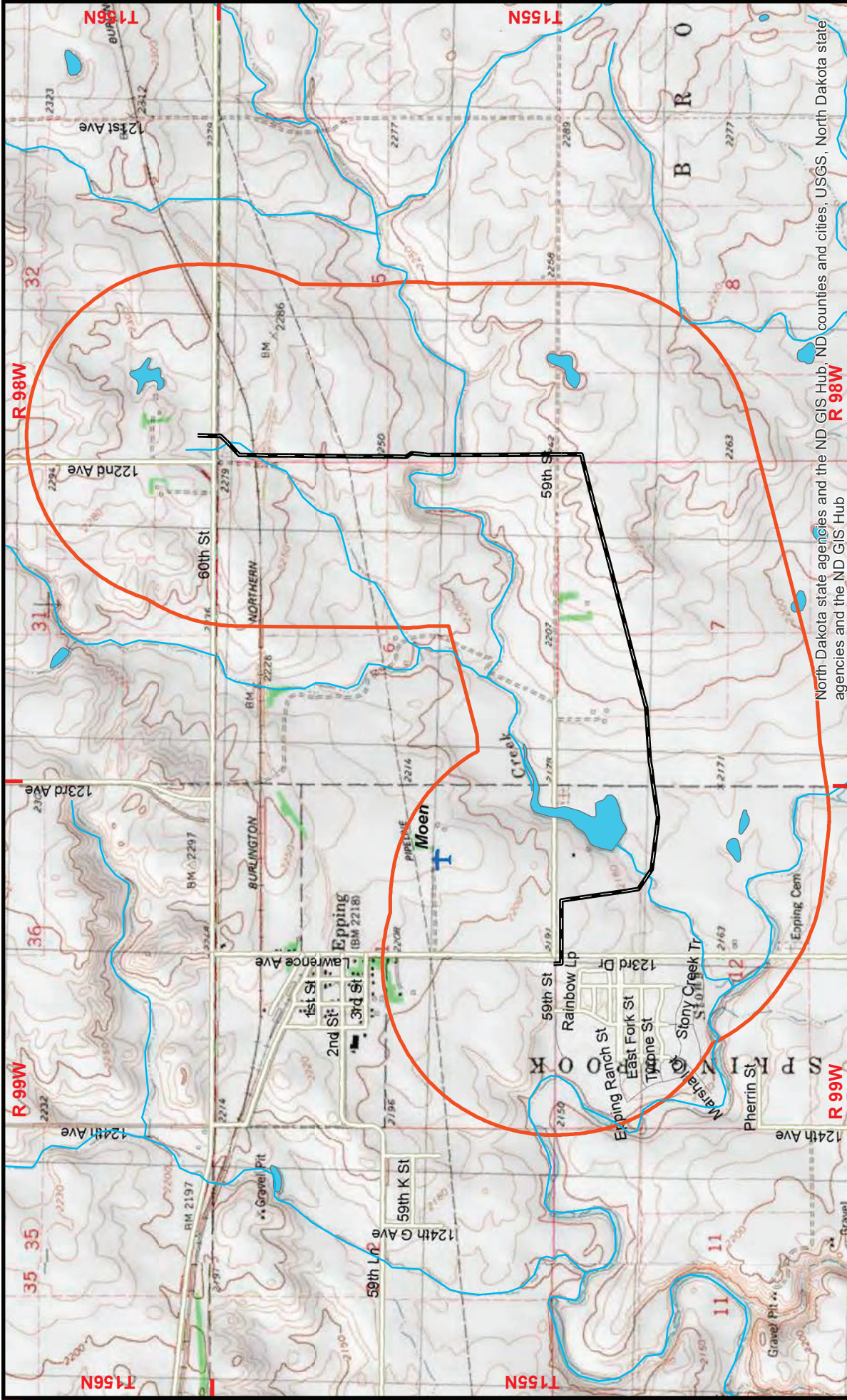
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

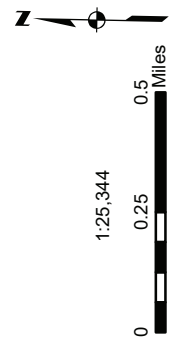
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA GAME AND FISH DEPARTMENT

From: [Schumacher, John D.](#)
To: [Katie Schmidt](#)
Subject: Epping Delivery Pipeline Project
Date: Tuesday, July 6, 2021 12:23:47 PM
Attachments: [image001.png](#)

Katie Schmidt
Senior Consultant
Carlson McCain Inc.

RE: [Epping Delivery Pipeline Project](#)

Hiland Crude, LLC is proposing to construct and operate 2.9 miles of 10-inch crude 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 provided these recommendations are implemented where appropriate during project construction.

J.D. Schumacher
Resource Biologist

701.328.6321 • jdschumacher@nd.gov • gf.nd.gov





June 11, 2021

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

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Link,

Hiland Crude LLC, (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 10-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; and advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

*Hiland Crude, LLC-Epping Delivery Pipeline Project
Williams County, North Dakota*

June 11, 2021

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

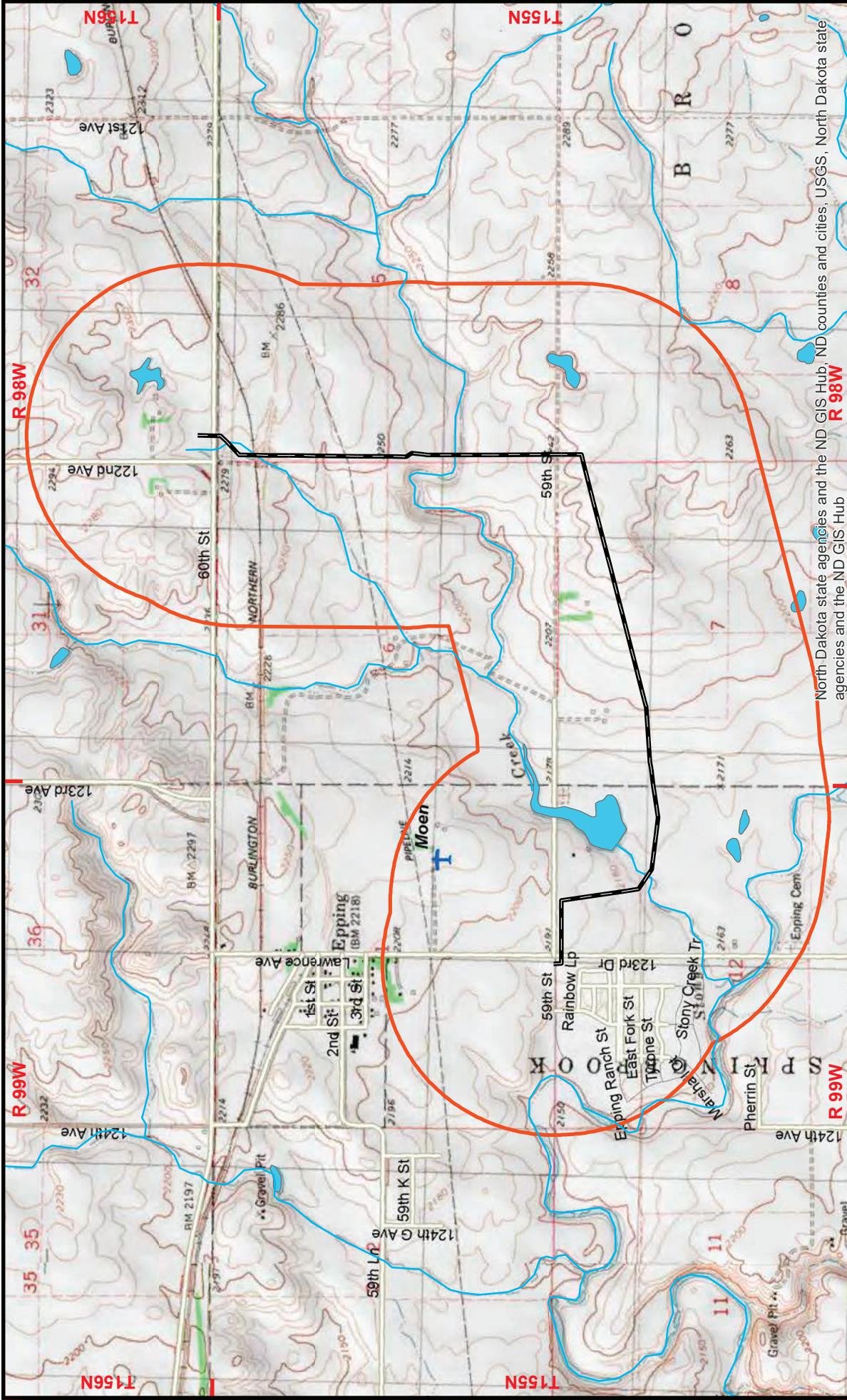
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

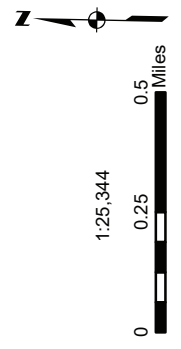
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

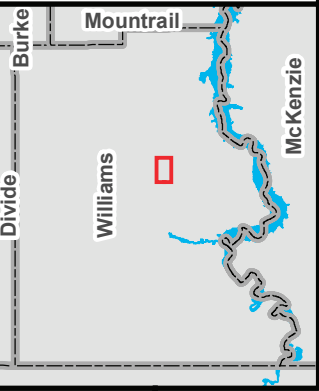


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA GEOLOGICAL SURVEY



June 11, 2021

Fred Anderson, Geologist
North Dakota Geological Survey
600 E. Boulevard, Dept. 405
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Anderson,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

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me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

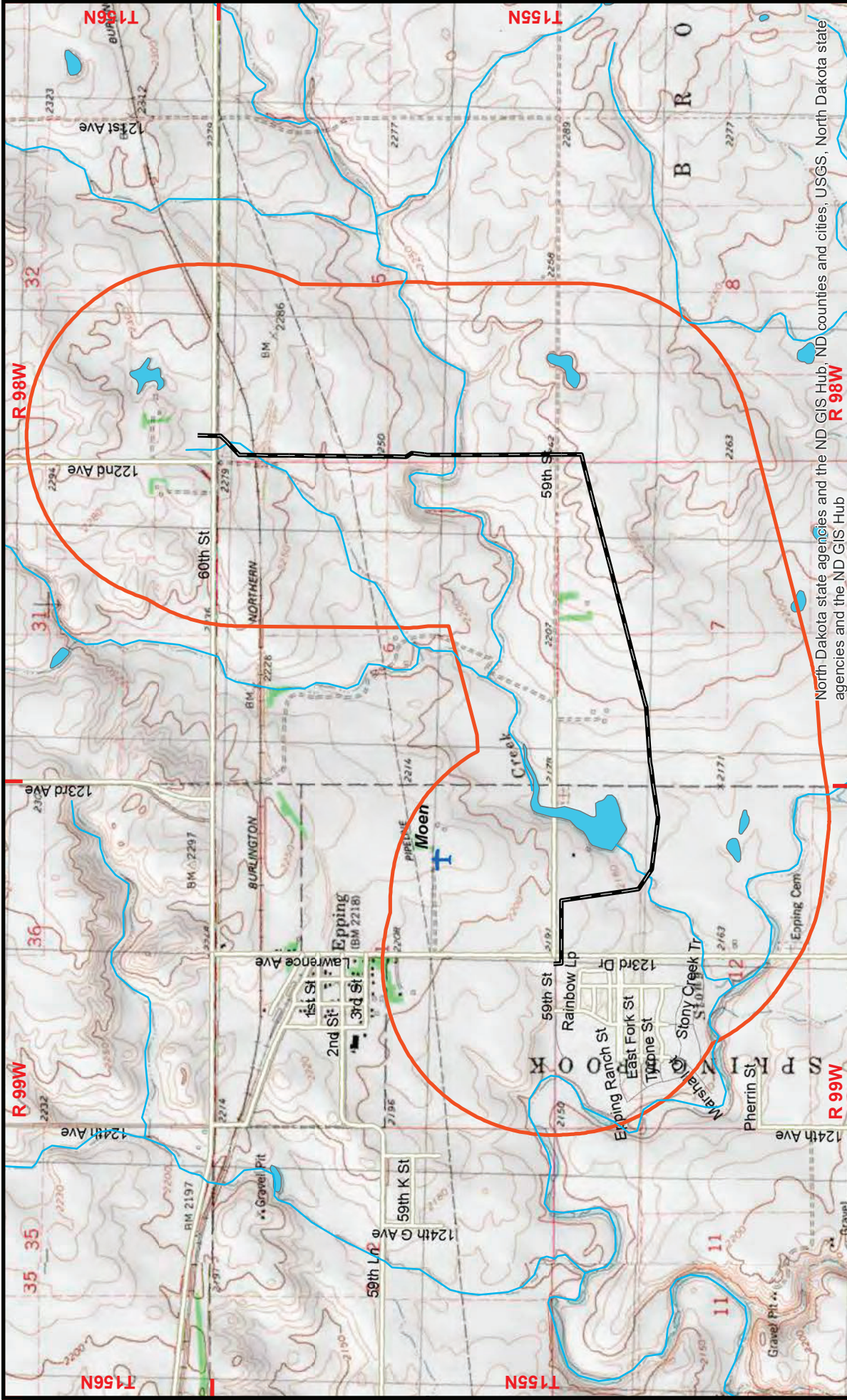
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

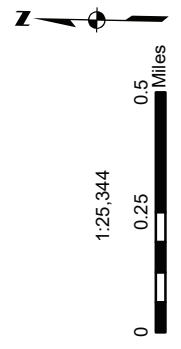
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

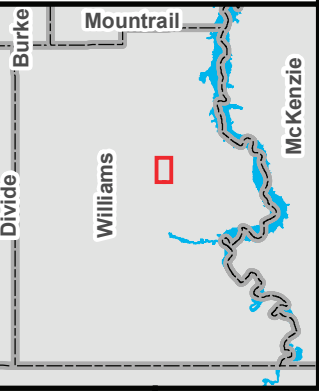


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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- Centerline
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 - NHD Waterbody



NORTH DAKOTA INDIAN AFFAIRS COMMISSION

July 8, 2021

North Dakota Indian Affairs
600 East Boulevard Avenue, #316
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

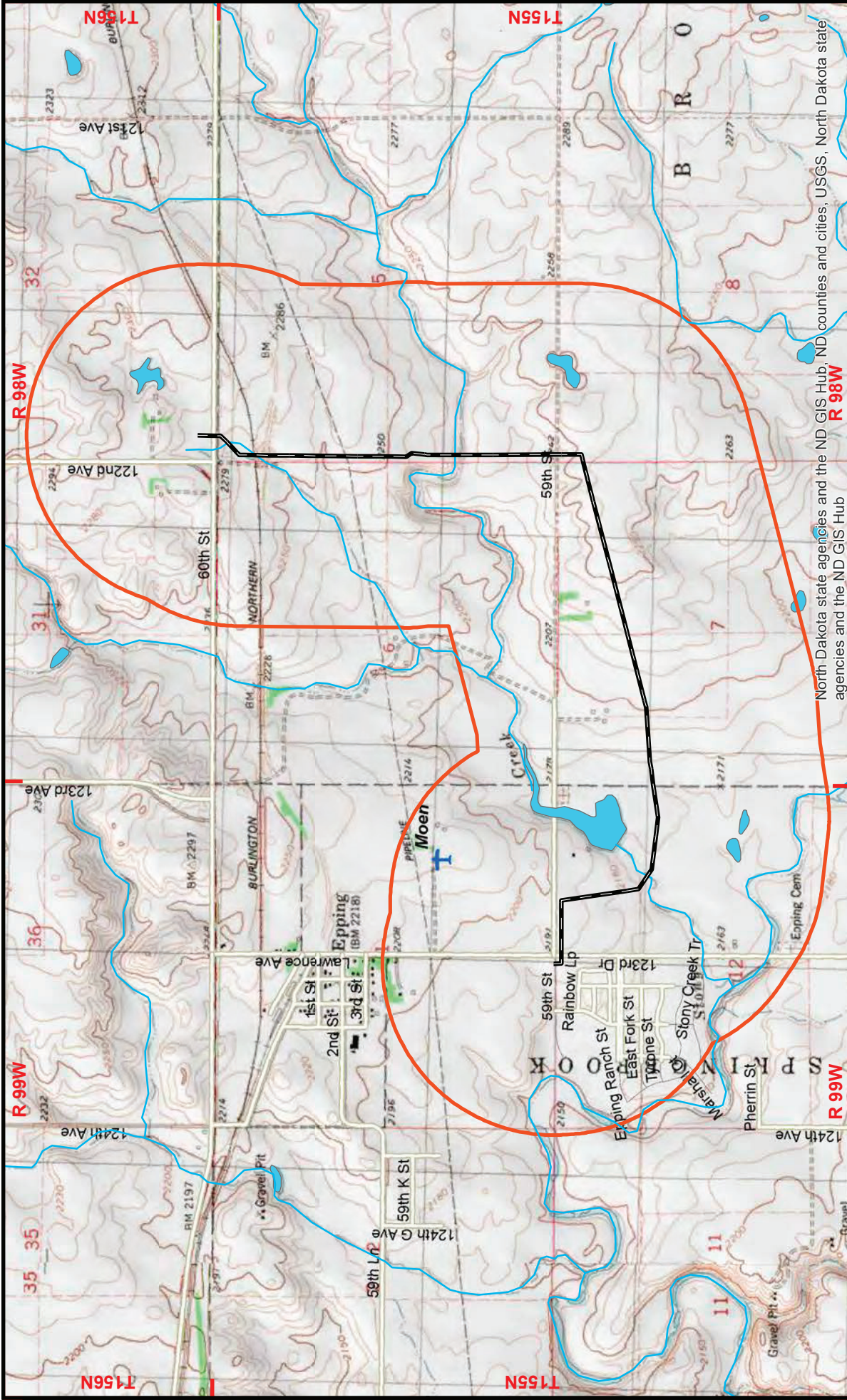
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

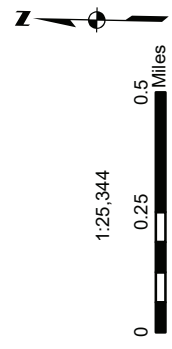
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

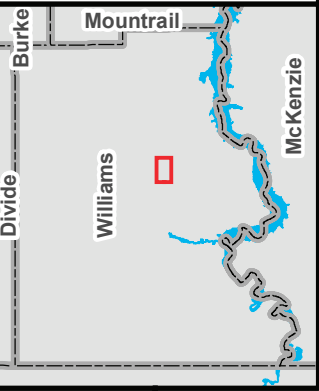


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA INDUSTRIAL COMMISSION
PIPELINE AUTHORITY



July 8, 2021

North Dakota Industrial Commission
Pipeline Authority
Attn: Justin Kringstad
600 East Boulevard Avenue, Department 405
Bismarck, ND 58505-0840

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

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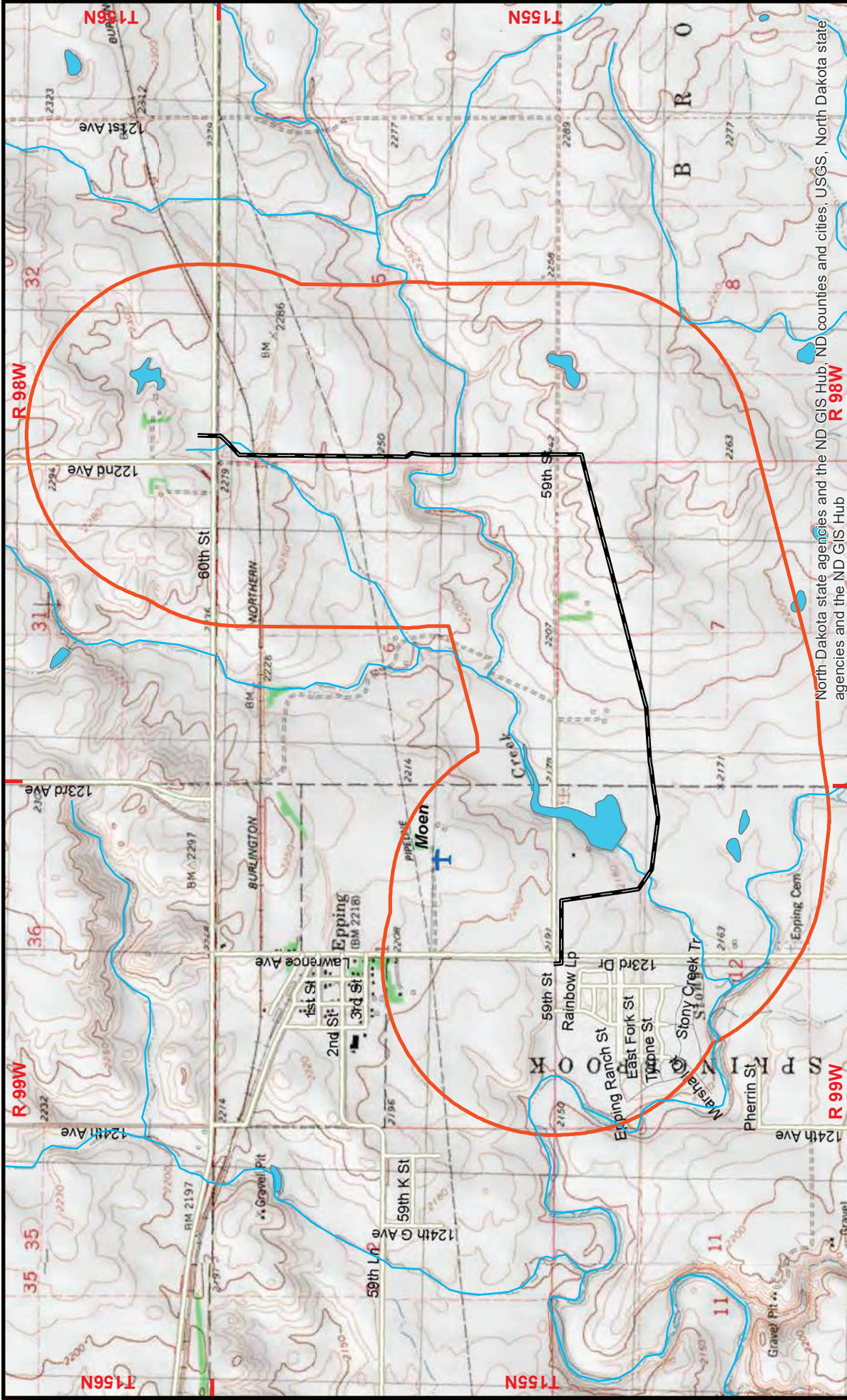
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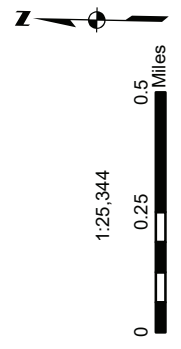
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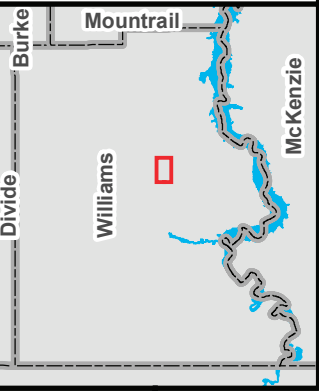


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA LABOR DEPARTMENT



July 8, 2021

North Dakota Labor Department
600 E. Boulevard Avenue
Department 406, Room 107
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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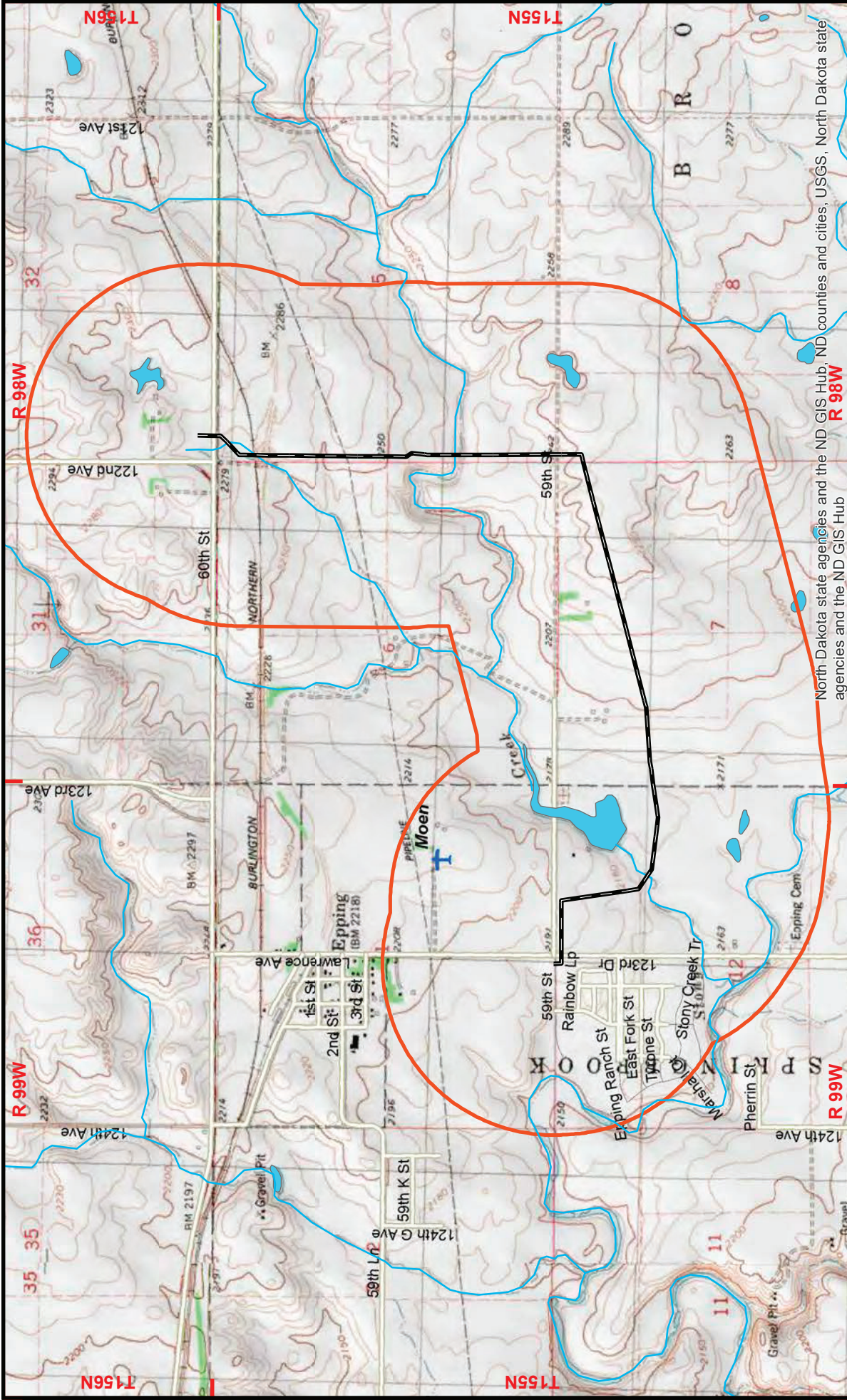
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Katie Schmidt, Senior Consultant
Carlson McCain Inc.

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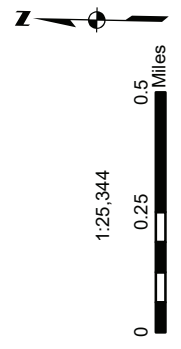
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA OFFICE OF THE GOVERNOR

July 8, 2021

North Dakota Office of the Governor
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To whom it may concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
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Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

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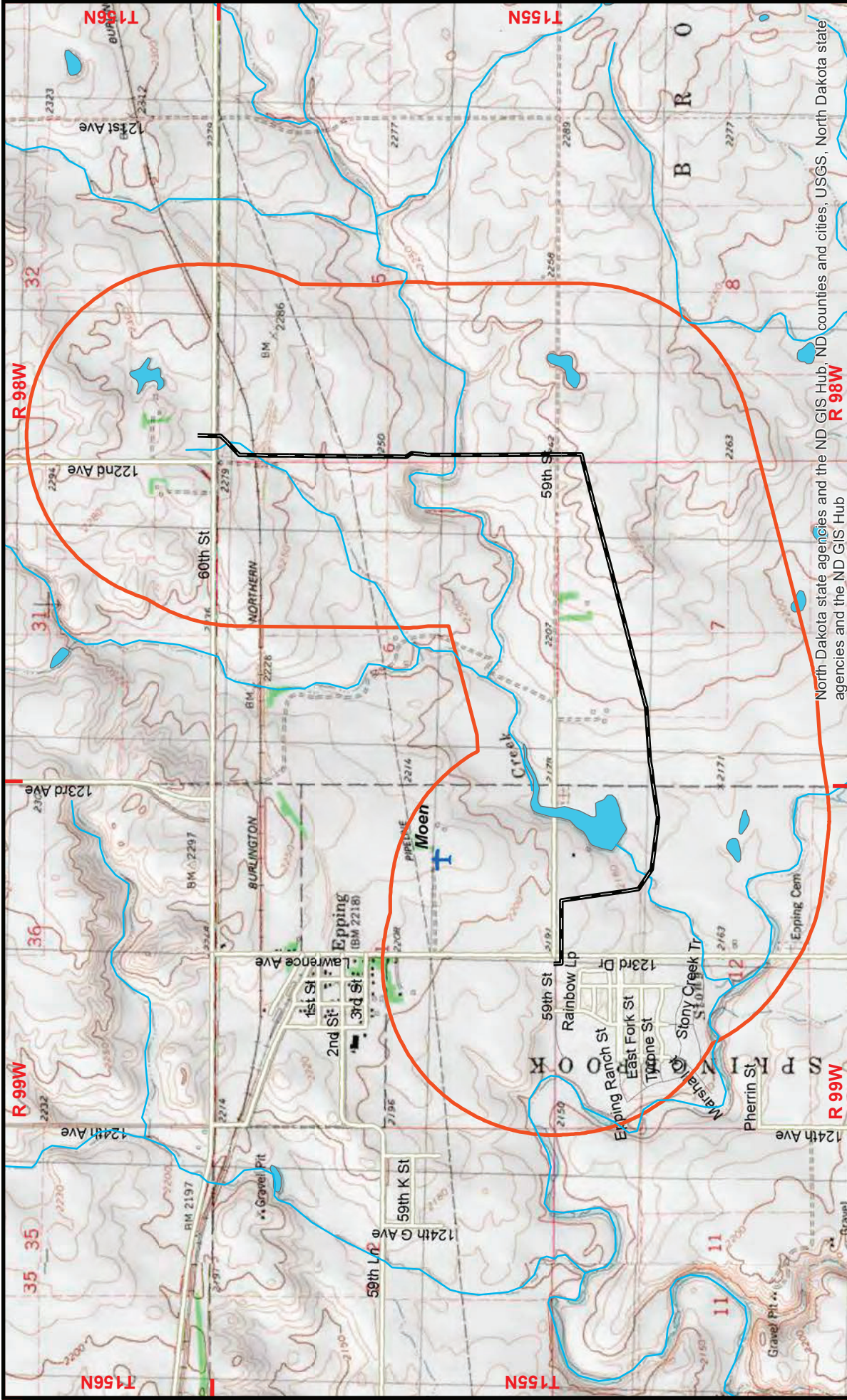
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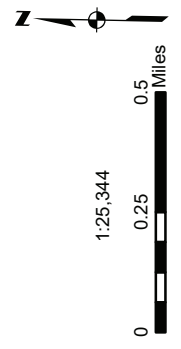
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



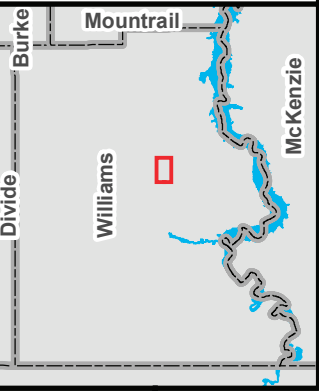
Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

Legend

- Centerline
- NHD Stream
- Corridor (1-Mile)
- NHD Waterbody



NORTH DAKOTA PARKS AND RECREATION DEPARTMENT



July 8, 2021

Katie Schmidt
Carlson McCain Inc.
15650 36th Ave. North. Suite 110
Plymouth, MN 55446

Re Hiland Crude, LLC Epping Delivery Pipeline

Dear Ms. Schmidt,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced Hiland Crude Epping Delivery Pipeline Project in Williams County, North Dakota. NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); and rare plants and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties that NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

The North Dakota Natural Heritage biological conservation database has reviewed the project to determine if any current or historical 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, we have no known rare species documented within or immediately adjacent to the project site. Because the Natural Heritage 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 absence of data may indicate that the project area has not been surveyed rather than confirm that it lacks natural heritage resources.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation to date. For additional information, please contact the Natural Resources Coordinator, Kathy Duttonhefner at, 701-328-5370, 701-220-3377 (cell), or kgduttonhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.

A handwritten signature in black ink that reads "Kathy Duttonhefner".

Kathy Duttonhefner
Coordinator/Biologist II, Natural Resources

1600 East Century Ave. Ste. 3 | Bismarck, ND 58503

PHONE: 701-328-5357 | FAX: 701-328-5363 | EMAIL: parkrec@nd.gov | WEBSITE: www.parkrec.nd.gov

June 11, 2021

Kathy Duttonhefner
North Dakota Dept. of Parks and Recreation
1600 East Century Ave., Suite 3
Bismarck, ND 58503-0649

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Ms. Duttonhefner,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
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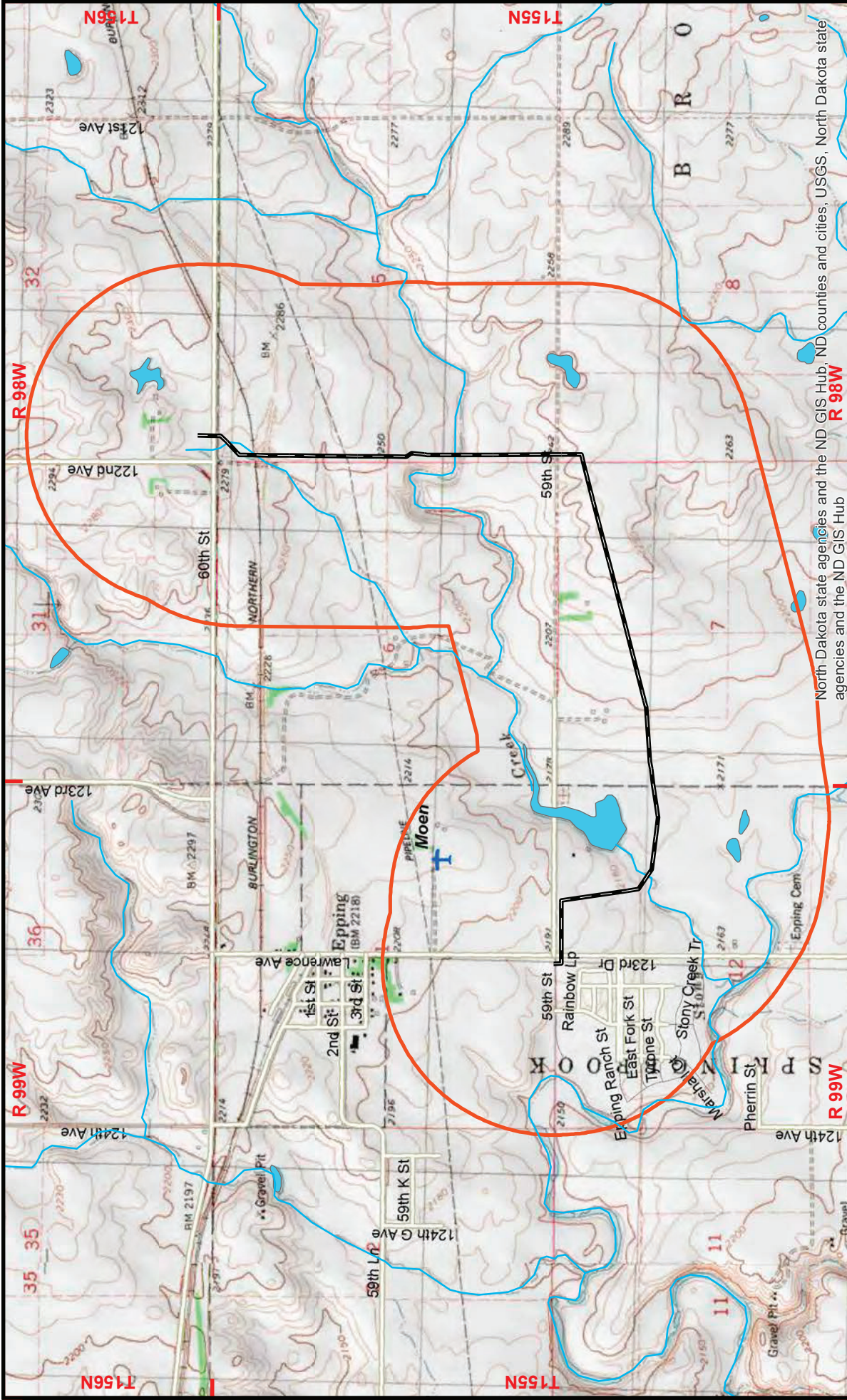
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Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

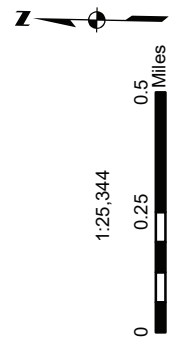
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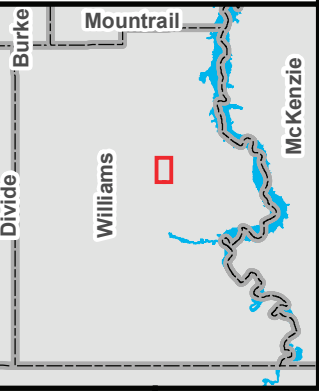


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



NORTH DAKOTA SOIL CONSERVATION COMMITTEE
NDSU EXTENSION



July 8, 2021

North Dakota Soil Conservation Committee
NDSU-Extension
2718 Gateway Ave., Suite 304
Bismarck, ND 58503

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

To Whom it may Concern,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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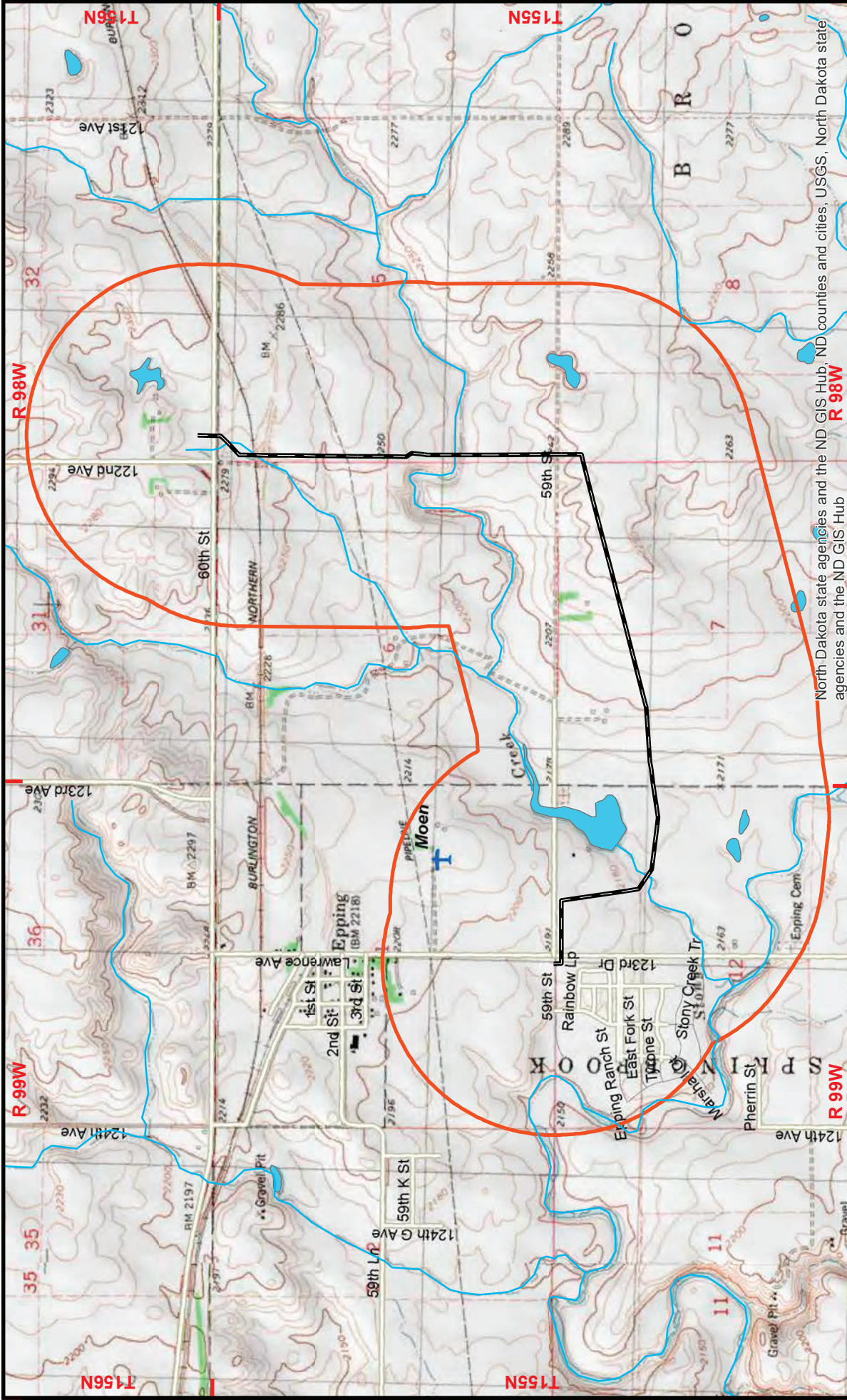
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Katie Schmidt, Senior Consultant
Carlson McCain Inc.

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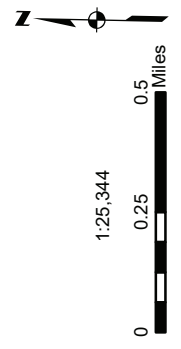
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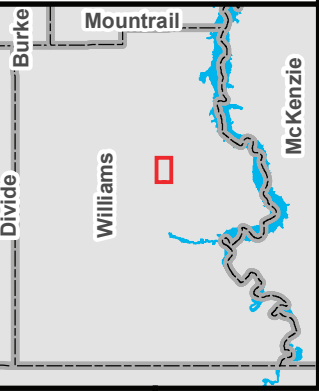


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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 - NHD Waterbody



NORTH DAKOTA STATE WATER COMMISSION

July 6, 2021

Katie Schmidt
Carlson McCain
15650 36 Avenue North, STE 110
Plymouth MN 55466

Dear Ms. Schmidt:

This is in response to your request for a review of the environmental impacts associated with the Hiland Crude, LLC's – Epping Delivery Pipeline Project located in Williams County, ND.

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

- There are no FEMA regulatory floodplains identified and/or mapped where this proposed project is to take place. No permits relative to the NFIP are required based on the current effective FIRM and State minimum standards.
- The Office of the State Engineer Engineering and Permitting Section reviewed the Project and determined that no drainage permits are likely required so long as the watercourse is returned to its pre-disturbed condition as any modifications may require a permit. For more information on these requirements, please visit the Regulation & Appropriation tab on the OSE's website (swc.nd.gov) or contact the OSE's Regulatory Division at 701-328-2752 or swcregpermits@nd.gov.
- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer if you have any questions at (701) 328-2754 or appropinfo@nd.gov.
- The State Water Commission maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. State Water Commission observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The State Water Commission hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or stevebest@nd.gov.

Sincerely,



Steven Best
Planner III

SB:dm/1570



June 11, 2021

John Paczkowski
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Paczkowski,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

Hiland Crude, LLC
Williams County, North Dakota

June 11, 2021e

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

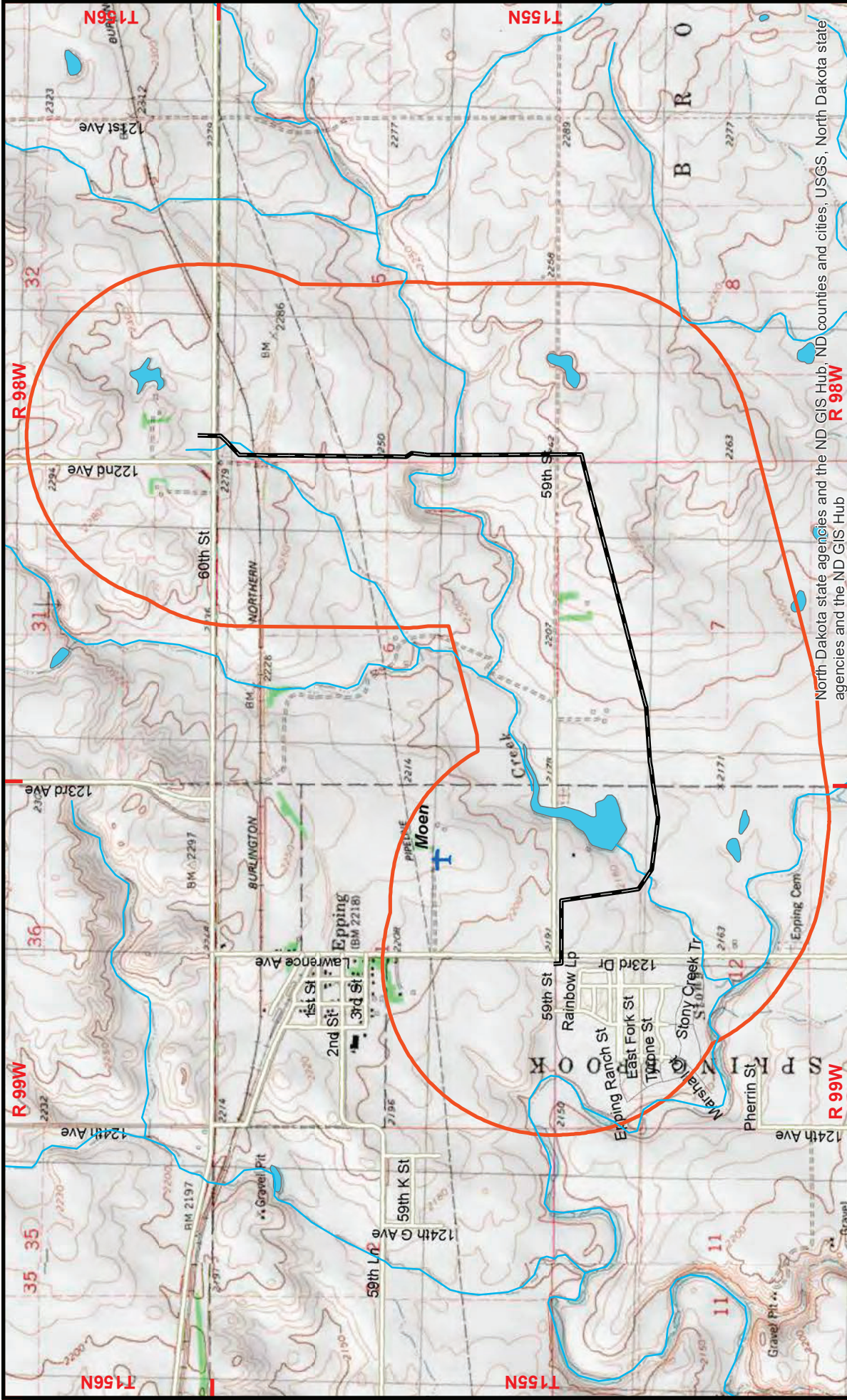
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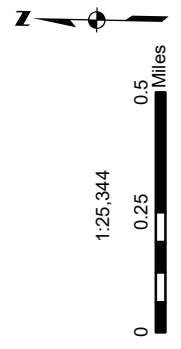
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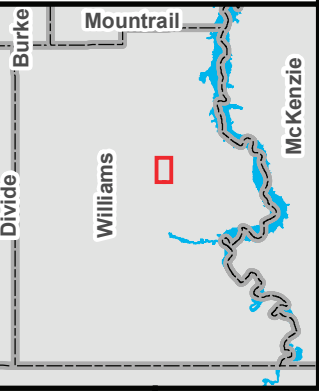


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



STATE HISTORICAL SOCIETY OF NORTH DAKOTA
ARCHAEOLOGY HISTORIC PRESERVATION OFFICE



9717 Valley View Road
Eden Prairie, MN 55344
Ph: 952-658-8891
Web: www.insitucrm.com

July 14, 2021

Andrew Clark
Chief Archaeologist
State Historical Society of North Dakota
Archaeology Historic Preservation Office
612 East Boulevard Ave.
Bismarck, North Dakota 5850

Subject: A Cultural Resource Addendum Report for the Epping Delivery Pipeline Project

Dear Mr. Clark:

I have attached to this letter one (1) copy of a cultural resources report and one (1) CD containing a PDF of the report prepared by In Situ Archaeological Consulting, LLC on behalf of Calson McCain, Inc. The report, *Addendum for the Epping Delivery Pipeline Project: Class I and Class III Cultural Resource Investigation in Williams County, North Dakota*, documents the results of a Class I and Class III Intensive Cultural Resources Inventory for a reroute and two temporary workspaces for the Epping Delivery Pipeline project in Williams County. The North Dakota State Historic Preservation Office (SHPO) is the lead agency for this undertaking.

The proposed project area is located entirely within privately-owned lands in Williams County, North Dakota. The project area starts approximately 0.5 mile south of Epping, North Dakota, heads east for 0.2 mile, turns south for 0.24 mile, turns east-northeast for 1.3 miles, then heads north for 1.15 mile to tie into an existing oil facility. The additional Class I and III cultural resource investigation was for the proposed Epping Delivery Pipeline Project. The project will result in a transmission pipeline that will connect two existing facilities. A total of approximately 10.4 additional acres were surveyed for this project. The primary methods used for this project were pedestrian survey and shovel probing.

Overall, no cultural resources were identified within the Project APE. Since no cultural resources were observed within the project area, In Situ recommends a finding of *No Historic Properties Affected*. If the agencies are in agreement with these findings, then a recommendation of *No Further Work* is considered appropriate.

Please let me know if you have any questions regarding the attached report.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Salas". The signature is written in a cursive, flowing style.

Daniel M. Salas, M.S., RPA
Principal Investigator, Archaeology

Enclosures: One copies of the cultural resource report



June 15, 2021

Daniel Salas
IN SITU Archaeological Consulting
9717 Valley View Road
Eden Prairie, MN 55344

ND SHPO Ref: 21-0403 Epping Delivery Pipeline Project in portions of [T155N R98W Sections 5, 7, and 8, T155N R99W Sections 1 and 12, and T156N R98W Section 32] Williams County, North Dakota

Dear Daniel Salas,

We received ND SHPO Ref: 21-0403 "Epping Delivery Pipeline Project: A Class I and Class III Cultural Resource Investigation in Williams County, North Dakota" in portions of [T155N R98W Sections 5, 7, and 8, T155N R99W Sections 1 and 12, and T156N R98W Section 32] and find this IN SITU Archaeological Consulting report by Daniel Salas acceptable. We will add it to our Manuscript Collection. We also concur with no significant sites affected.

If you have any questions, please contact either Andrew Clark, Chief Archeologist at (701) 328-3574 or andrewclark@nd.gov or Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

for William D. Peterson PhD
State Historic Preservation Officer
(North Dakota)

21-0403



9717 Valley View Road
Eden Prairie, MN 55344
Ph: 952-658-8891
Web: www.insitucrm.com

June 1, 2021

Andrew Clark
Chief Archaeologist
State Historical Society of North Dakota
Archaeology Historic Preservation Office
612 East Boulevard Ave.
Bismarck, North Dakota 5850

Subject: A Cultural Resource Report for the Epping Delivery Pipeline Project

Dear Mr. Clark:

I have attached to this letter one (1) copy of a cultural resources report and one (1) CD containing a PDF of the report prepared by In Situ Archaeological Consulting, LLC on behalf of Sambatek, Inc. The report, *Epping Delivery Pipeline Project: A Class I and Class III Cultural Resource Investigation in Williams County, North Dakota*, documents the results of a Class I and Class III Intensive Cultural Resources Inventory for a proposed Epping Delivery Pipeline project in Williams County. The North Dakota State Historic Preservation Office (SHPO) is the lead agency for this undertaking.

The proposed project area is located entirely within privately-owned lands in Williams County. The project area starts approximately 0.5 mile south of Epping, North Dakota, heads east for 0.2 mile, turns south for 0.24 mile, turns east-northeast for 1.3 miles, then heads north for 1.15 mile to tie into an existing oil facility. The Class I and Class III cultural resource investigation included a background literature review within and surrounding the proposed project area along with an intensive survey of the proposed project area. The primary methods used for this project were a pedestrian survey and shovel probing. Shovel probing was conducted near Stoney Creek and one of its tributaries as those areas had a high potential of containing an archaeological site. Visual inspection was conducted within slopes, wetlands, and previous disturbances.

Overall, no cultural resources were identified within the Project APE. Since no cultural resources were observed within the project area, In Situ recommends a finding of No Historic Properties Affected. If the agencies are in agreement with these findings, then a recommendation of No Further Work is considered appropriate.

Please let me know if you have any questions regarding the attached report.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Salas". The signature is written in a cursive, flowing style.

Daniel M. Salas, M.S., RPA
Principal Investigator, Archaeology

Enclosures: One copies of the cultural resource report

WESTERN AREA WATER SUPPLY AUTHORITY

June 11, 2021

Mark Owan, Chair
Western Area Water Supply Authority
117 East Broadway
PO Box 2343
Williston, ND 58802

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Owan,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

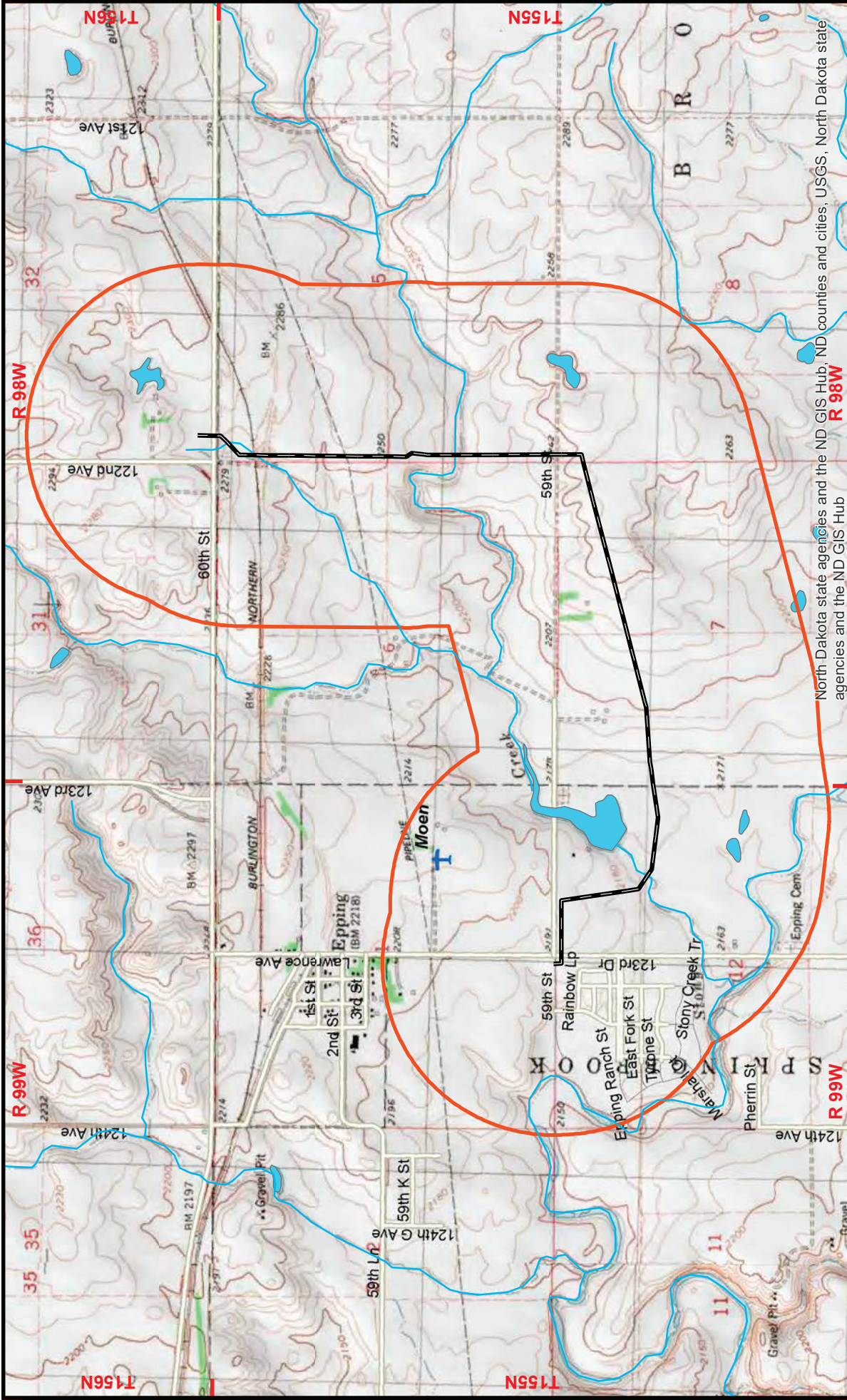
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

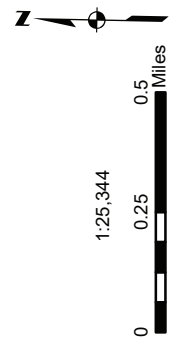
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



WILLIAMS COUNTY COMMISSIONERS

Katie Schmidt

To: Karen Prout
Subject: RE: Epping Delivery Pipeline Project Hiland Crude .pdf

Karen,

Good morning! A siting application will be filed with the ND Public Service Commission (ND PSC). Once filed, the application and supporting documents will be available for public review via the ND PSC's website, case search feature. If your office would like a hard copy of the application please let me know and I can have one sent out.

Once the siting application is filed and docketed by the ND PSC a public hearing date and location will be set. The purpose of the notification letter sent to your office is to provide an opportunity to provide comments on the project.

Let me know if you have any additional questions.

Regards,

Katie Schmidt, EIT
Environmental Engineer/Sr. Consultant

15650 36TH AVENUE N, SUITE 110 \ PLYMOUTH, MN 55449 TEL 952-346-3873 \ CELL 651-216-6881 \ FAX 952-346-3901 CARLSONMCCAIN.COM

This message is intended for the individual or entity named above. If you are not the intended recipient, please do not read, copy or disclose this communication to others. Thank you.

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

From: Karen Prout <kprout@co.williams.nd.us>
Sent: Monday, July 19, 2021 1:55 PM
To: Katie Schmidt <kschmidt@carlsonmccain.com>
Subject: Epping Delivery Pipeline Project Hiland Crude .pdf

Williams County received your notice dated July 6, 2021, of the above project. Will this be heard, or has it been heard, by North Dakota regulatory authorities? If so, when and where? Are other documents related to the project available online? If so, where?

Are you looking for some type of approval from the Williams County Board of County Commissioners?

Thank you

Karen Prout
Special Assistant States Attorney
Williams County

July 6, 2021

Williams County Commissioners
Attn: Steve Kemp, Chairman
206 E. Broadway
Williston, North Dakota 58801

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Kemp,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

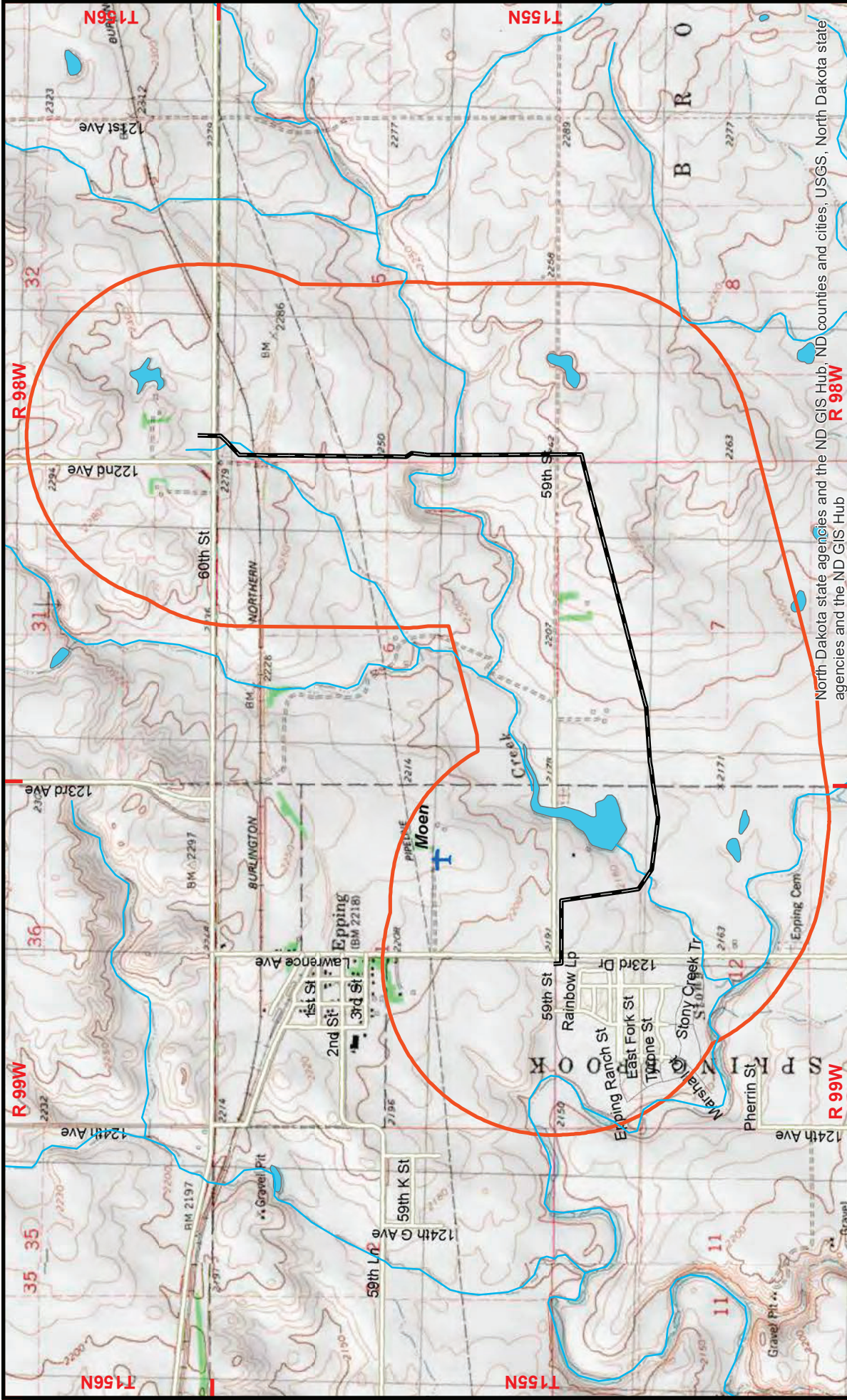
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Map

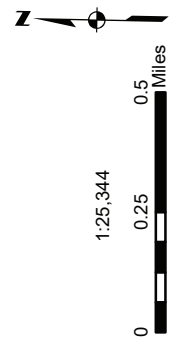
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
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 - Corridor (1-Mile)
 - NHD Waterbody



WILLIAMS COUNTY PLANNING & ZONING DEPARTMENT



June 11, 2021

Kameron Hymer, Development Services Director
Williams County Planning & Zoning Department
PO Box 2047
Williston, North Dakota 58802-2047

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Mr. Hymer,

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

- Section 12, Township 155N, Range 99W
- Section 7, Township 155N, Range 98W
- Section 8, Township 155N, Range 98W
- Section 5, Township 155N, Range 98W
- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact

me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

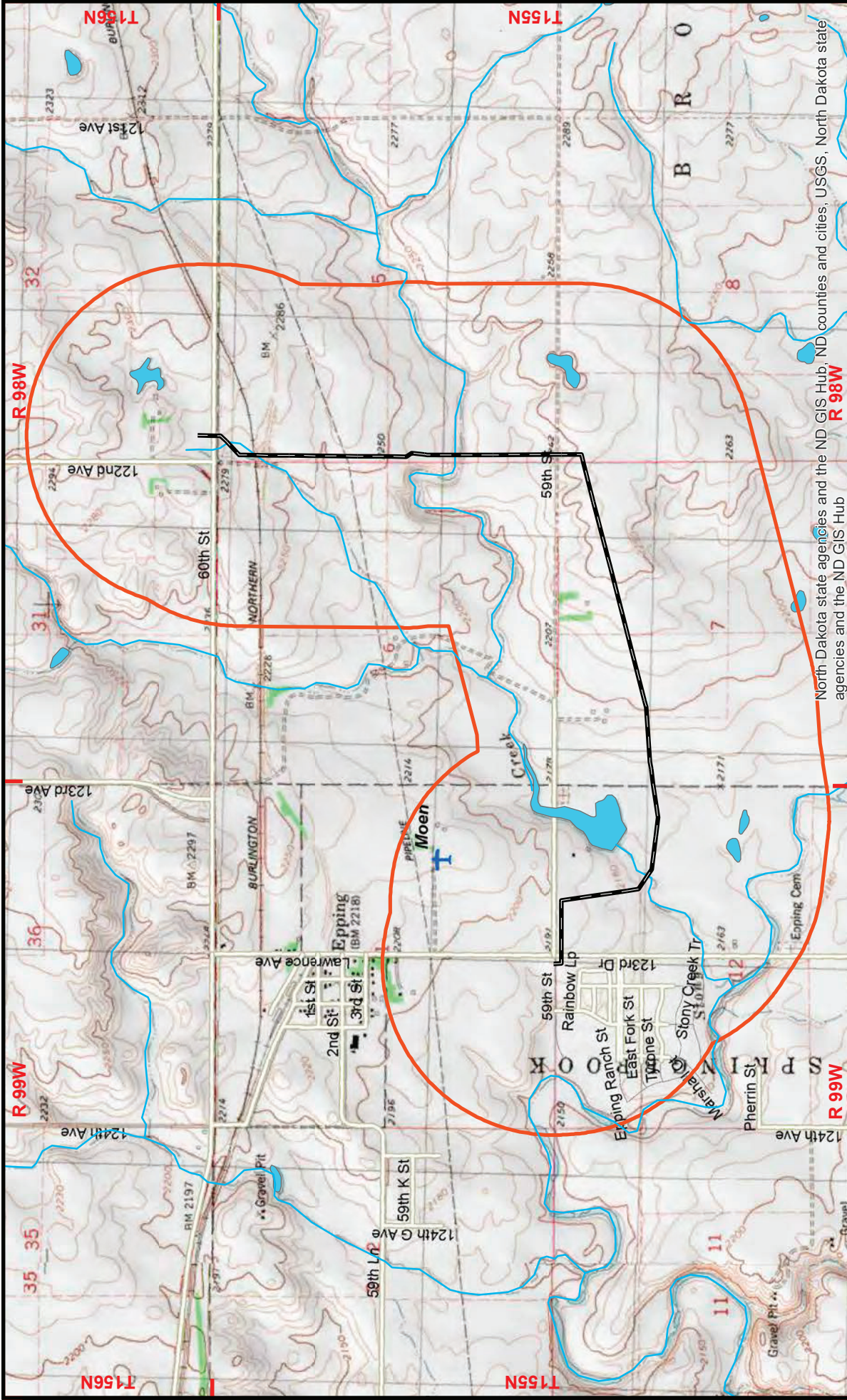
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

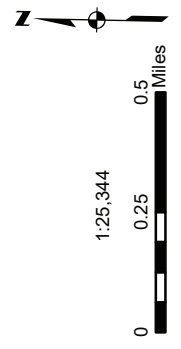
cc: Hiland Project Files



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub



Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota



WILLIAMS COUNTY WATER RESOURCES BOARD

Katie Schmidt

To: Kevin Ploof
Cc: Beth M. Innis; Ken ; William McCarthy
Subject: RE: Emailing: Hiland Crude LLC- Epping Delivery Pipeline Project.pdf

Kevin,

Good afternoon! We have confirmed that there will not be any aboveground ground permanent structures associated with this Project.

Please let me know if you have any additional questions or concerns.

Regards,

Katie Schmidt, EIT
Environmental Engineer/Sr. Consultant

15650 36TH AVENUE N, SUITE 110 \ PLYMOUTH, MN 55449 TEL 952-346-3873 \ CELL 651-216-6881 \ FAX 952-346-3901 CARLSONMCCAIN.COM

This message is intended for the individual or entity named above. If you are not the intended recipient, please do not read, copy or disclose this communication to others. Thank you.

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

From: Kevin Ploof <Kevin.Ploof@ackerman-estvold.com>
Sent: Monday, June 14, 2021 3:36 PM
To: Katie Schmidt <kschmidt@carlsonmccain.com>
Cc: Beth M. Innis <BethI@co.williams.nd.us>; Ken <btid@nemont.net>
Subject: FW: Emailing: Hiland Crude LLC- Epping Delivery Pipeline Project.pdf

Good afternoon Katie,

Beth Innis, the Williams County Water Board Secretary forwarded this letter requesting comment on the Hiland Crude LLC Delivery Pipeline Project.

Will there be any associated permanent structures constructed for the pipeline project?

Regards,
Kevin
Williams County Water Board Engineer

Kevin Ploof, REHS/RS
Environmental Specialist
Ackerman-Estvold
1907 17th Street SE

Minot, ND 58701
Office: 701.837.8737
Direct: 701.857.9165

www.ackerman-estvold.com

Follow us on Facebook, LinkedIn and Twitter!

☑️Please consider the environment before printing this e-mail

NOTICE: The information contained in this electronic mail message is confidential and intended only for certain recipients. Electronic data is transmitted for the recipient's convenience. The recipient agrees to indemnify and hold harmless Ackerman-Estvold from any liability arising from the use of this data and agrees to not disclose this data with any other party. Electronic files are subject to change and updates are the sole responsibility of the recipient. If you have received this communication in error, please notify the sender by reply transmission to kevin.ploof@ackerman-estvold.com and delete the message without copying or disclosing it.

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

From: Beth M. Innis <BethI@co.williams.nd.us>

Sent: Monday, June 14, 2021 3:32 PM

To: Kevin Ploof <Kevin.Ploof@ackerman-estvold.com>

Subject: Emailing: Hiland Crude LLC- Epping Delivery Pipeline Project.pdf

Your message is ready to be sent with the following file or link attachments:

Hiland Crude LLC- Epping Delivery Pipeline Project.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



June 11, 2021

Beth Innis
Williams County Water Resources Board
PO Box 2047
Williston, North Dakota 58802-2047

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Ms. Innis,

Hiland Crude, LLC(Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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- Section 7, Township 155N, Range 98W
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- Section 32, Township 156N, Range 98W

Construction activities are scheduled to begin in the third quarter of 2021 with pipeline commissioning and restoration to immediately follow construction. The Project site and a 1-mile wide corridor (Study Area) are depicted on the attached maps.

The purpose of this letter is to provide notification of the proposed Project; advise you that your agency has the opportunity to participate in the regulatory process should you choose to comment on the Project.

Carlson McCain Inc. has been retained by Hiland to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 651-282-0652 or kschmidt@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

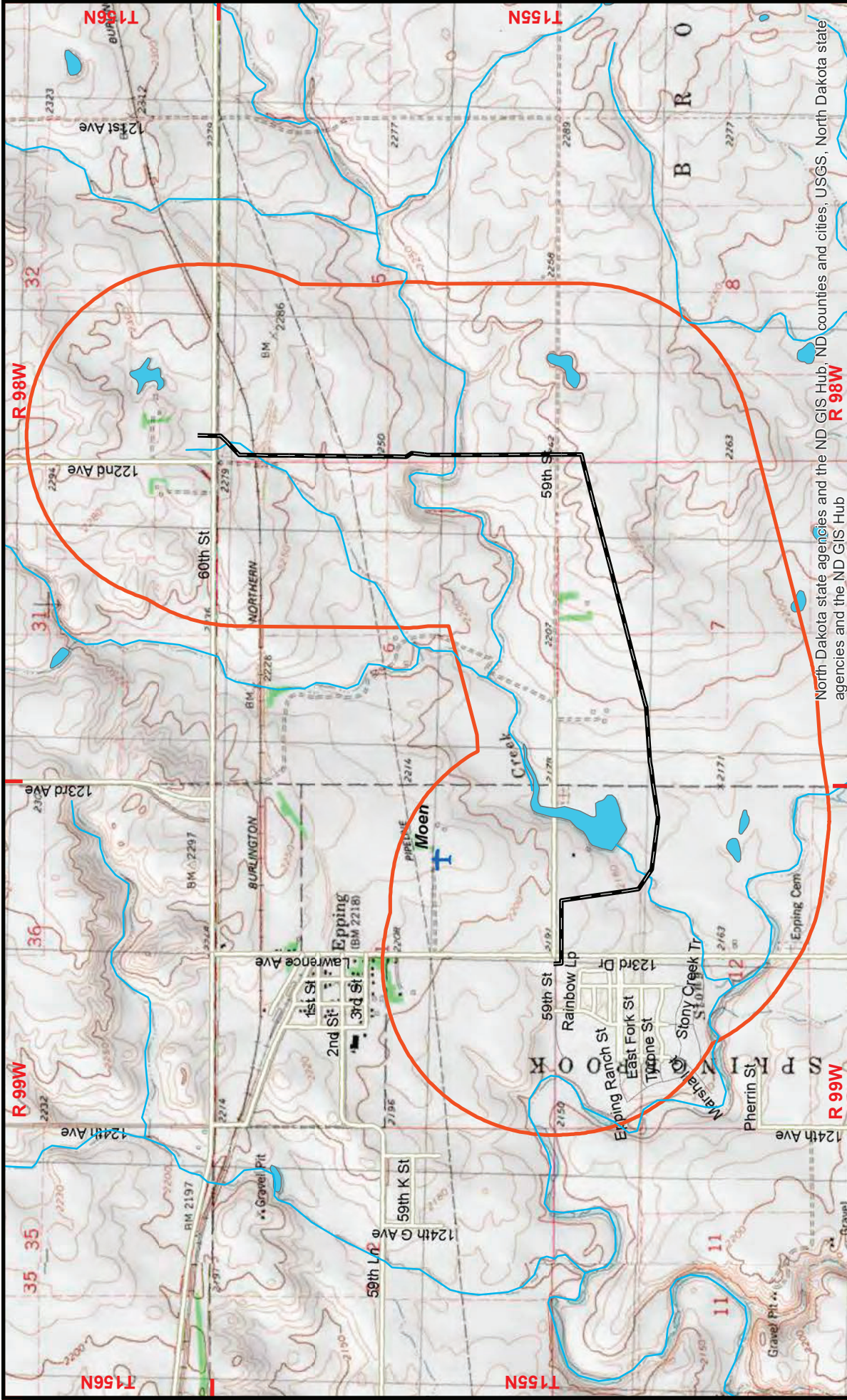
Sincerely,



Katie Schmidt, Senior Consultant
Carlson McCain Inc.

Attachment: Project Maps

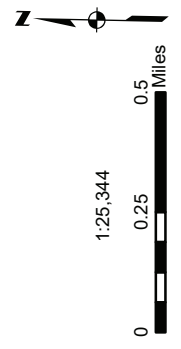
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North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS, North Dakota state agencies and the ND GIS Hub

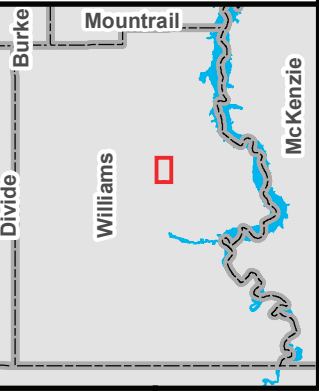


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

- Legend**
- Centerline
 - NHD Stream
 - Corridor (1-Mile)
 - NHD Waterbody



WILLIAMS COUNTY WEED BOARD



June 11, 2021

Williams County Weed Board
PO Box 2047
Williston, North Dakota 58802-2047

RE: Hiland Crude, LLC
Epping Delivery Pipeline Project
Project Notification Letter and Review Request

Williams County Weed Board

Hiland Crude, LLC (Hiland), a wholly-owned subsidiary of Kinder Morgan, Inc., owner and operator of pipeline systems in North Dakota, is proposing to construct and operate 2.9 miles of 8-inch crude pipeline in Williams County. The project is referred to as the Epping Delivery Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project will result in the construction of approximately 2.9-miles of new pipeline. The Project will be located within Williams County, North Dakota spanning across:

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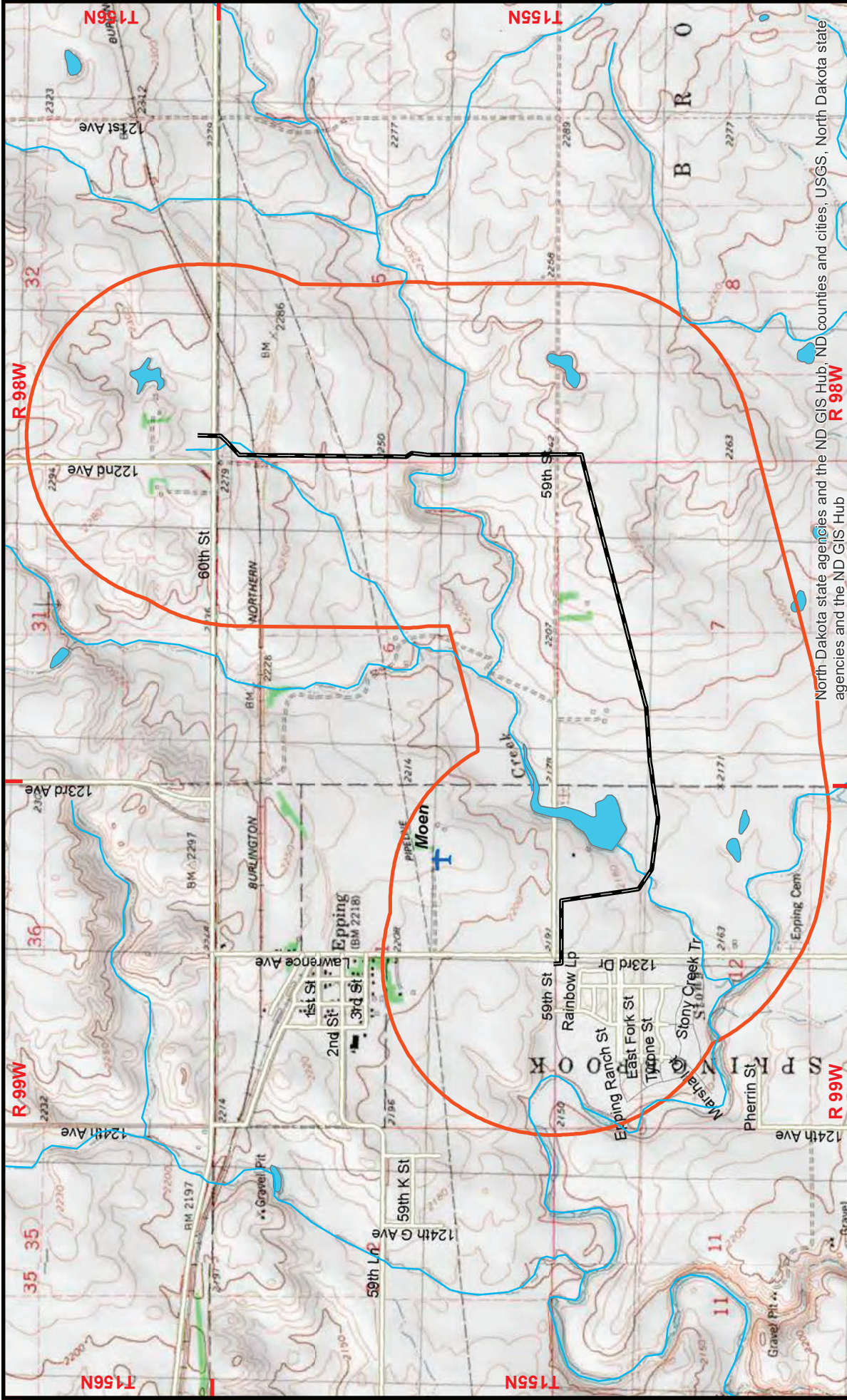
Sincerely,



Katie Schmidt, Senior Consultant
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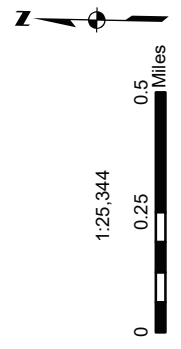
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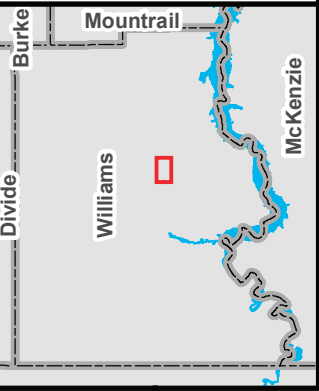


Hiland Crude, LLC
Epping Delivery Pipeline Project



Overview Map
Williams County, North Dakota

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 - NHD Waterbody



APPENDIX C: NATURAL RESOURCE REPORTS

NATURAL RESOURCES REPORT - ADDENDUM

Epping Delivery Project
Williams County, North Dakota
Carlson McCain Project #8666

Prepared for:

Hiland Crude, LLC
1001 Louisiana St., Suite 1000
Houston, Texas 77002

July 23, 2021



3831 LOCKPORT STREET, SUITE C
BISMARCK, ND 58503

TEL 701.255.1475
FAX 701.255.1477

CARLSONMCCAIN.COM

ENGINEERING \ LAND SURVEYING \ ENVIRONMENTAL

Epping Delivery Project Williams County, North Dakota

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Appendix A	Figure 1. General Location
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1.0 SCOPE OF WORK

Hiland Crude, LLC (HC) has proposed to develop the Epping Delivery Project (Project) in Williams County, North Dakota. Natural resources for original Project route was surveyed in May of 2021. Revisions to the route were made in June of 2021 creating the need for further natural resource surveys and this Addendum. This Addendum includes all the natural resource features found within the revised June 2021 Corridor.

Carlson McCain was retained by HC to provide environmental field services which included the identification of waterbody/wetland boundaries, an evaluation of the Project for federally listed species habitat, noxious weeds inventory, woody vegetation inventory, and a line-of-sight raptor nest survey. The Project is approximate 2.9 miles in length (Appendix A, Figures 1). Table 1 identifies the Public Land Survey System (PLSS) Sections that the Project is located within. The results of this evaluation are discussed in this report.

Table 1. Legal Descriptions

Sections	Township	Range	Project Feature
1, 12	155 North	99 West	Pipeline Right-of-Way
32	156 North	98 West	Pipeline Right-of-Way
5, 6, 7, 8	155 North	98 West	Pipeline Right-of-Way

A 250-foot wide corridor (125-foot either side of the proposed pipeline centerline) was surveyed for the proposed Project, along with two extra workspace areas (Survey Corridor). The Survey Corridor contains approximately 87.4 acres. Carlson McCain biologist, Chad Tucker, performed the field surveys concurrently on July 2, 2021. Geospatial field data was collected using a Sony Xperia Android Tablet paired with an EOS ARROW Lite global positioning system capable of recording data to sub-meter accuracy.

2.0 PROCEDURES

2.1 Wetland Field Determination of Isolated Features

Wetland identification utilized hydrological indicators found on-site such as the presence or absence of hydric vegetation and topographic position. Waterbody boundaries were recorded utilizing the criteria and definitions provided by the U.S. Army Corps of Engineers Ordinary High Water Mark criteria and definitions provided by the U.S. Environmental Protection Agency in *Draft Guidance on Identifying Waters Protected by the Clean Water Act*. Wetlands and waterbodies were field classified in accordance with guidelines set forth in the *Classification of Wetlands and Deepwater Habitats of the United States* by the Federal Geographic Data Committee. The following resources were used to identify and aid in delineation of potential wetlands within the Project Area. Williams County NAIP aerial photographs; U.S. Fish and Wildlife Service National Wetland Inventory; U.S. Geological Survey National Hydrography Dataset; and the digital web soil survey were consulted prior to the wetland field delineation. Existing vegetation was classified using hydrophytic criteria as outlined in the Manual and the *National Wetland Plant List*. No soil data was collected.

2.2 Federally Listed Wildlife Species Survey

Assessments for federally listed threatened and endangered species were conducted by evaluating historic accounts and present reported occurrences of listed species within the Project Area. A desktop and field evaluation were then conducted to confirm presence or absence of potentially suitable habitat within the Survey Corridor. Background data was collected for preliminary review and to aid in the field inventory of the biological resources. Data included the USFWS list of federally listed species for North Dakota, USFWS Designated Critical Habitat for Threatened and Endangered Species Geospatial Data, along with known range and habitat requirements for each species.

Table 2. Federally Listed Threatened and Endangered Species in the Survey Corridor

Federally Listed Threatened and Endangered Species		
Common Name	Scientific Name	Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
Whooping Crane	<i>Grus americana</i>	Endangered
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Dakota Skipper	<i>Hesperia dacotae</i>	Threatened, Critical Habitat Designated
Piping Plover	<i>Charadrius melodus</i>	Threatened, Critical Habitat Designated
Red Knot	<i>Calidris canutus rufa</i>	Threatened
(USFWS IPaC 2021)		

2.3 Noxious Weed Inventory

North Dakota has 13 state-listed noxious weeds. The Williams County Weed Control District lists one additional species as invasive (NDDA 2021). Table 3 provides a list of noxious and/or invasive weed species listed in Williams County.

Table 3. North Dakota State and Williams County Listed Noxious and Invasive Weeds

North Dakota State Listed Noxious Weeds		Williams County, ND Invasive Weeds	
Common Name	Scientific Name	Common Name	Scientific Name
Absinth Wormwood	<i>Aremisia absinthium</i>	Narrowleaf Hawksbeard	<i>Crepis tectorum</i>
Canada Thistle	<i>Cirsium arvense</i>		
Dalmatian Toadflax	<i>Linaria genistifolia</i>		
Diffuse Knapweed	<i>Centaurea diffusa</i>		
Houndstongue	<i>Cynoglossum officinale</i>		
Leafy Spurge	<i>Euphorbia esula</i>		
Musk Thistle	<i>Carduus nutans</i>		
Palmer Amaranth	<i>Amaranthus palmeri</i>		
Purple Loosestrife	<i>Lythrum salicaria</i>		
Russian Knapweed	<i>Acroptilon repens</i>		
Saltcedar	<i>Tamarix chinensis</i>		
Spotted Knapweed	<i>Centaurea maculosa</i>		
Yellow Toadflax	<i>Linaria vulgaris</i>		

2.4 Woody Vegetation Inventory

The tree and shrub inventory utilized for this Project was based upon the methodology previously approved by the North Dakota Public Service Commission. Trees and shrubs that were recorded within the Survey Corridor and may be cleared, including those that are considered invasive species, were inventoried. The location, number, and species of each tree and shrub were documented for this inventory. In native growth areas, trees anticipated to be cleared that were one-inch diameter at breast height (DBH) or greater were inventoried. The potential impact to trees and shrubs was enumerated by one of two methods: individual count; or by inference utilizing a representative subsample plot, to count and then extrapolate the number of individuals or stems based upon the area within the Survey Corridor.

2.5 Nesting Raptor Survey

A one-half mile line-of-sight survey for nesting raptors was conducted for the Project. Binoculars were used to aid in the efforts.

3.0 RESULTS

3.1 Wetlands

The field survey of the Project recorded four wetlands within the Survey Corridor. The combined acreage of the four wetlands is approximately 1.181 acres. Wetlands 1, 2, and 4 are natural wetlands within drainage features and Wetland 3 is natural wetland depression. Wetland information is summarized in Table 4 and their locations are identified in Appendix A, Figure 2. Photographs of the Survey Corridor are included in Appendix B.

Table 4. Project Wetlands

Feature	Type	Cowardin Classification	Acres	PLSS Section	Comments	Latitude	Longitude
Wetland 1	Natural	PEMC	0.254	Sec. 12, T155N, R99W	Wetland Drainage	48.266397	-103.350601
Wetland 2	Natural	PEMC	0.001	Sec. 12, T155N, R99W	Wetland Depression	48.266196	-103.347431
Wetland 3	Natural	PEMC	0.758	Sec. 12, T155N, R99W and Sec. 7, T155N, R98W	Wetland Drainage	48.266054	-103.344916
Wetland 4	Natural	PEMC	0.176	Sec 5 and 6, T155N, R98W	Wetland Drainage	48.274323	-103.324391

3.2 Waterbodies

No waterbodies were identified within the Survey Corridor.

3.3 Threatened and Endangered Species Habitat Assessment

Threatened and endangered species that have been documented and/or have the potential to occur within the Survey Corridor are listed in Table 2 along with designated critical habitat (USFWS 2021.) A review of USFWS species information datasets along with habitat data gathered from the on-site field surveys was conducted for the proposed Project. Threatened and endangered species information gathered from the review is documented below in the species discussions.

During the field surveys, no federally listed species were observed. Two tree rows that may provide summer roosting habitat for the northern long-eared bat were documented. No other habitat for federally listed species was observed.

3.3.1 Northern Long-eared bat

The northern long-eared bat is a forest dwelling mammal. The home range of the northern long-eared bat is approximately 150 acres (60.7 ha) including a summer and winter habitat. In the summer, northern long-eared bats roost under bark or in crevices of trees, preferring to roost in tall trees with greater than 3" diameter at breast height (DBH), and under the exfoliating bark of dead or dying trees. In the winter, northern long-eared bats hibernate in caves and mines. The northern long-eared bat prefers foraging in edge habitats and forests comprised of trees with a diversity of life stages (USFWS 2014).

Occurrences of the northern long-eared bat are uncertain in North Dakota. White-nose syndrome (WNS) is the predominant threat to the northern long-eared bat currently. North Dakota is included in the current extent of WNS zone per the Final 4(d) Rule. The USFWS final 4(d) ruling prohibits incidental take from areas affected by WNS if take occurs within a hibernaculum or take occurs as

the result of tree removal within 0.25 miles of a hibernaculum. The ruling also prohibits incidental take by cutting trees within a 150-foot radius from a maternity roost tree during the pup season from June 1 through July 31 (FR. 2016).

A single mature eastern cottonwood (*Populus deltoides*) in Section 12, T155N, R99W and two planted tree rows in the NW1/4 of Section 7, T155N, R98W (Appendix A, Figure 2) were identified as potential summer roost habitat for the northern long-eared bat. The tree rows consisted of 11 Russian olive (*Elaeagnus angustifolia*) and 15 green ash (*Fraxinus pennsylvanica*), all greater than 3" DBH. No potential winter hibernacula were observed within the Survey Corridor and there are no known bat hibernacula in Williams County (NDGFD 2021). It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the northern long-eared bat.

3.3.2 Whooping Crane

The primary nesting area for the whooping crane is in Canada's Wood Buffalo National Park. Aransas National Wildlife Refuge in Texas is the primary wintering area for whooping cranes. In the spring and fall, the cranes migrate primarily along the Central Flyway. During the migration, cranes make numerous stops, roosting in large shallow marshes and feeding and loafing in harvested grain fields. The primary threats to whooping cranes are power lines, illegal hunting, and habitat loss (Texas Parks and Wildlife 2006)

The whooping crane is federally listed in all counties of North Dakota. Land use within the Project is a mixture of cropland and rangeland, and oil/gas development. The USFWS Database (USFWS 2018) shows Williams County has had 28 verified whooping crane sightings. The closest confirmed sighting to the Project was of two adults and one juvenile whooping crane in 2004, approximately nine miles northeast of the Project in Section 20, T157N, R97W. The sighting locations are depicted in Appendix A, Figure 3.

Noise and vehicle activity during construction activities may cause migratory cranes to divert from the area but would be unlikely to contribute to any indirect or direct effect that would result in an increase of fatalities and, therefore, would be considered insignificant. If a crane is sighted within one mile of the project area, construction activities utilizing heavy equipment would be suspended, and the sighting would be promptly reported to the USFWS. In coordination with the USFWS, suspended activities would resume once the bird(s) have left the area. Following these guidelines, it is reasonable to expect that the Project **may affect** but is **not likely to adversely affect** whooping cranes.

3.3.3 Pallid Sturgeon

Pallid sturgeon are found in the Mississippi, Missouri, and Yellowstone River systems and are adapted for living close to the bottom of large, shallow rivers with sand and gravel bars. Pallid sturgeon populations in North Dakota have decreased since the 1960s (Grondahl and Martin, no date). Weighing up to 85 pounds, pallid sturgeons are long lived with individuals possibly reaching 50 or more years of age.

A known pallid sturgeon population occurs from the Missouri River below Fort Peck Dam to the headwaters of Lake Sakakawea and the Lower Yellowstone River up the confluence of the Tongue River, Montana (USFWS 2007). Factors leading to the decline of the pallid sturgeon and a listing as an endangered species by the USFWS in 1990 include the alteration of habitat through river channelization; creation of impoundments; and alteration of water flow regimes (USFWS 1990). The effect from these alterations within the Missouri River have reduced food sources by lowering

productivity, destroying spawning habitat, altered flow conditions which can delay spawning cues, and blocked movements to spawning, feeding, and rearing areas (USFWS 2007).

The Project is approximately 10 miles from the Lake Sakakawea/Missouri River System. Due to the nature of the Project, no impacts to Lake Sakakawea are anticipated during construction and/or operation. The Project is expected to have **no effect** on the pallid sturgeon.

3.3.4 Dakota Skipper

The Dakota skipper, a prairie obligate species, requires nectar producing native flowers and native grasses. Historically, Dakota skippers have been associated with low, wet, prairie dominated high quality tall grass prairie habitat (Type A habitat). Researchers have found that Dakota skippers also use upland mixed grass prairie that is relatively dry and includes ridges and hillsides (Type B habitat). These often have small inclusions of areas with species more commonly typified with tall grass prairie. Larvae require grass components of mixed-grass prairie that include bluestem grasses and needlegrasses, while adults require nectar sources; therefore, suitable prairie must include nectar-producing forbs. These may include purple coneflower, blue bells (*Campanula rotundifolia*), blanket flower (*Gaillardia aristata*), wood lily (*Lilium philadelphicum*), or other species that are in bloom during the adult life cycle of the Dakota skipper (Dana 1991). The nearest U.S. Fish and Wildlife Service Designated Critical Habitat for the Dakota skipper is located 20 miles southeast of the Project (Figure 3).

Habitat within the Survey Corridor was assessed and divided into habitat grades. Areas that had been previously disturbed by were graded as “no habitat”. Areas that were dominated by woody vegetation or non-native species were graded as “poor habitat”. Habitat areas that were dominated by native grassland species but lacked adequate numbers of requisite cover and/or nectar species required by the Dakota skipper were graded as “moderate habitat”. The moderate habitat areas may provide a source of nectar for adult Dakota skippers, but are unlikely to provide larval habitat. Habitat areas that were dominated by requisite grass species and contained requisite nectar species were graded as “good habitat”. The good habitat areas would provide dense, moist habitat for larval production and nectar species for adults.

The field survey determined that approximately 77.4 acres (89%) of the habitat within the Survey Corridor has been disturbed and provides no habitat for the Dakota skipper. Approximately 9.9 acres, or 11%, of the Survey Corridor was deemed as “poor habitat” due to non-native grassland vegetation and heavy livestock use. No moderate habitat or good habitat was observed. Appendix A, Figure 2 depicts the locations of the habitat grades. The Project is expected to have **no effect** on the Dakota skipper or its designated critical habitat.

3.3.5 Piping Plover

The piping plover is a migratory shorebird that breeds in North Dakota. Suitable nesting habitat for piping plovers in the Missouri River system is characterized as sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel. The piping plover feeds on worms, insects, and mollusk. Degradation of habitat related to the channelization river systems, nest predation, and human disturbance has led to the decline of piping plover populations.

Critical habitat for the Northern Great Plains piping plover has been designated on alkali lakes and wetlands, the Yellowstone River, and Missouri River in North Dakota. The physical and biological

features that are essential to the conservation of the species, referred to as the primary constituent elements, require special consideration for protection. In riverine habitat, these include sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel, all protected from disturbance. This Project is approximately 10 miles north of the nearest critical habitat, which is the Lake Sakakawea/Missouri River System. (Appendix A, Figure 3) (USFWS 2021).

The Survey Corridor is predominantly cropland and contains wetlands and waterbodies that are well vegetated and do not provide bare ground suitable for nesting habitat. The Project is expected to have **no effect** on the Piping Plover or its designated critical habitat.

3.3.6 Rufa Red Knot

The red knot is a shorebird breeds in the central Canadian Arctic, with primary breeding grounds in Nunavut Territory, but some potential breeding habitat extending into the Northwest Territories (FR 2013a). The rufa red knot winters along the Atlantic coasts of Argentina and Chile (particularly the island of Tierra del Fuego), the north coast of Brazil, and further north into Mexico and the southeast United States (USFWS 2014b). During migration, the rufa red knot primarily follows the Atlantic coastline to and from breeding and wintering grounds. However, geolocator results from red knots wintering in Texas showed that a small population of birds migrate using a central flyway across the Midwestern U.S. and may have a northern Great Plains stopover (FR 2013). Rufa red knots spend two to three months on their breeding grounds located in northern Canada.

Red knots are specialized molluscivores, feeding primarily on hard-shelled mollusks in soft wet sand/sediment (USFWS 2014b). In addition to mollusks, red knots may feed upon shrimp, crabs, marine worms, and horseshoe crab eggs and other similar invertebrates. On the breeding ground, rufa red knots feed mostly on terrestrial invertebrates and grass shoots/seeds (FR 2013).

The shoreline of the Missouri River provides stopover habitat for the red knot. Although some individuals may stopover in North Dakota during annual migrations, the species is rare and is not reported in North Dakota in every year. Reported historical sightings since 1900 (Igl 2015), are primarily comprised of single individuals or small flocks; however, on rare occasions, larger flocks have been reported. Many of these sightings have been made in the prairie pothole region during the spring migration in late April through May. An increase in future sightings may result from an increase in public awareness.

The red knot migrates annually from its breeding grounds in the Arctic to wintering habitat in southern climates. It does not nest in North Dakota but may use areas along the Missouri River as stopover habitat. The Project is located approximately 10 miles north of the Lake Sakakawea/Missouri River System and the Survey Corridor does not have suitable shoreline stopover habitat for the red knot. The Project is expected to have **no effect** on the rufa red knot.

3.4 Noxious Weed Inventory

A pedestrian survey of the Survey Corridor was conducted for state and county listed noxious weeds. Noxious weeds were identified in five locations totaling 0.240 acres. Table 5 lists the attributes of the noxious weed polygons.

Table 5. Noxious Weed Polygons

Feature	Species	Acres	Latitude	Longitude	PLSS
Weed Poly 1	Canada Thistle and Leafy Spurge	0.023	48.266424	-103.350477	Sec. 12, T155N, R99W
Weed Poly 2	Canada Thistle	0.099	48.266469	-103.351136	Sec. 12, T155N, R99W
Weed Poly 3	Canada Thistle	0.044	48.267067	-103.351557	Sec. 12, T155N, R99W
Weed Poly 4	Canada Thistle and Leafy Spurge	0.058	48.266595	-103.350802	Sec. 12, T155N, R99W
Weed Poly 5	Canada Thistle	0.016	48.284745	-103.323316	Sec. 32, T156N, R98W

3.5 Woody Vegetation Inventory

The woody vegetation inventory included eight native, natural growth shrub polygons. These polygons consisted of 32 coyote willow (*Salix exigua*), 123 silver buffaloberry (*Shepherdia argentea*) stems and 110 chokecherry (*Prunus virginiana*) stems. Two planted tree rows were inventoried. The planted species included 31 Siberian peashrub (*Caragana arborescens*) shrubs (non-native), 11 Russian olive (*Elaeagnus angustifolia*) trees (non-native), and 15 native green ash trees (*Fraxinus pennsylvanica*). One native growth eastern cottonwood and Individual points were taken for the planted shrubs and tree species. Appendix A, Figure 2 depicts the locations of the inventoried woody vegetation. Table 6 and Table 7 contain the attributes from the woody vegetation inventory.

Table 6. Shrubs (Polygons)

Feature	Species	Count	Growth	Latitude	Longitude	PLSS
Shrub Poly 1	Coyote Willow	32	Natural	48.267134	-103.351399	Sec. 12, T155N, R99W
Shrub Poly 2	Buffaloberry	30	Natural	48.266733	-103.350628	Sec. 12, T155N, R99W
Shrub Poly 3	Buffaloberry	45	Natural	48.266613	-103.351065	Sec. 12, T155N, R99W
Shrub Poly 4	Chokecherry	25	Natural	48.266213	-103.351277	Sec. 12, T155N, R99W
Shrub Poly 5	Chokecherry	10	Natural	48.266226	-103.351022	Sec. 12, T155N, R99W
Shrub Poly 6	Buffaloberry	36	Natural	48.266015	-103.345174	Sec. 7, T155N, R98W
Shrub Poly 7	Buffaloberry	12	Natural	48.266067	-103.344648	Sec. 7, T155N, R98W
Shrub Poly 8	Chokecherry	75	Natural	48.274213	-103.324267	Sec. 5, T155N, R98W

Table 7. Trees and Shrubs (Individual Points)

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266786	-103.339739	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266739	-103.33974	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266697	-103.339745	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266656	-103.339743	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266605	-103.339756	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266544	-103.339754	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266507	-103.339727	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266469	-103.339738	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266407	-103.339732	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266364	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266321	-103.339736	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266279	-103.339734	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266229	-103.339731	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266184	-103.339737	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266136	-103.339741	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266098	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266568	-103.337033	Sec. 7, T155N, R98W

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266603	-103.33703	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266641	-103.337038	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266693	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266783	-103.337033	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266829	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266882	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266934	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266987	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26703	-103.337026	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267079	-103.337027	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26713	-103.337024	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267173	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267212	-103.337032	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267265	-103.337028	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266763	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266713	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26667	-103.339746	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266632	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266584	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26653	-103.339747	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266488	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266424	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266397	-103.339734	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266345	-103.339737	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266299	-103.339736	Sec. 7, T155N, R98W
Tree	Russian Olive	Natural	48.266717	-103.350649	Sec. 12, T155N, R99W
Tree	Green Ash	Planted	48.266157	-103.339739	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266115	-103.339742	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266585	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266631	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266662	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266716	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266771	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266807	-103.337036	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266862	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266909	-103.337033	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266953	-103.337029	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267004	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267098	-103.337027	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267149	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267194	-103.337025	Sec. 7, T155N, R98W
Tree	Eastern Cottonwood	Natural	48.267207	-103.350999	Sec. 12, T155N, R99W

3.6 Raptor Nest Survey

A one-half mile line-of-sight survey from the Project's Survey Corridor was performed to determine the presence/absence of nesting raptors. No raptor nests were identified during the survey.

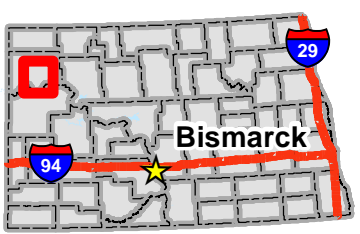
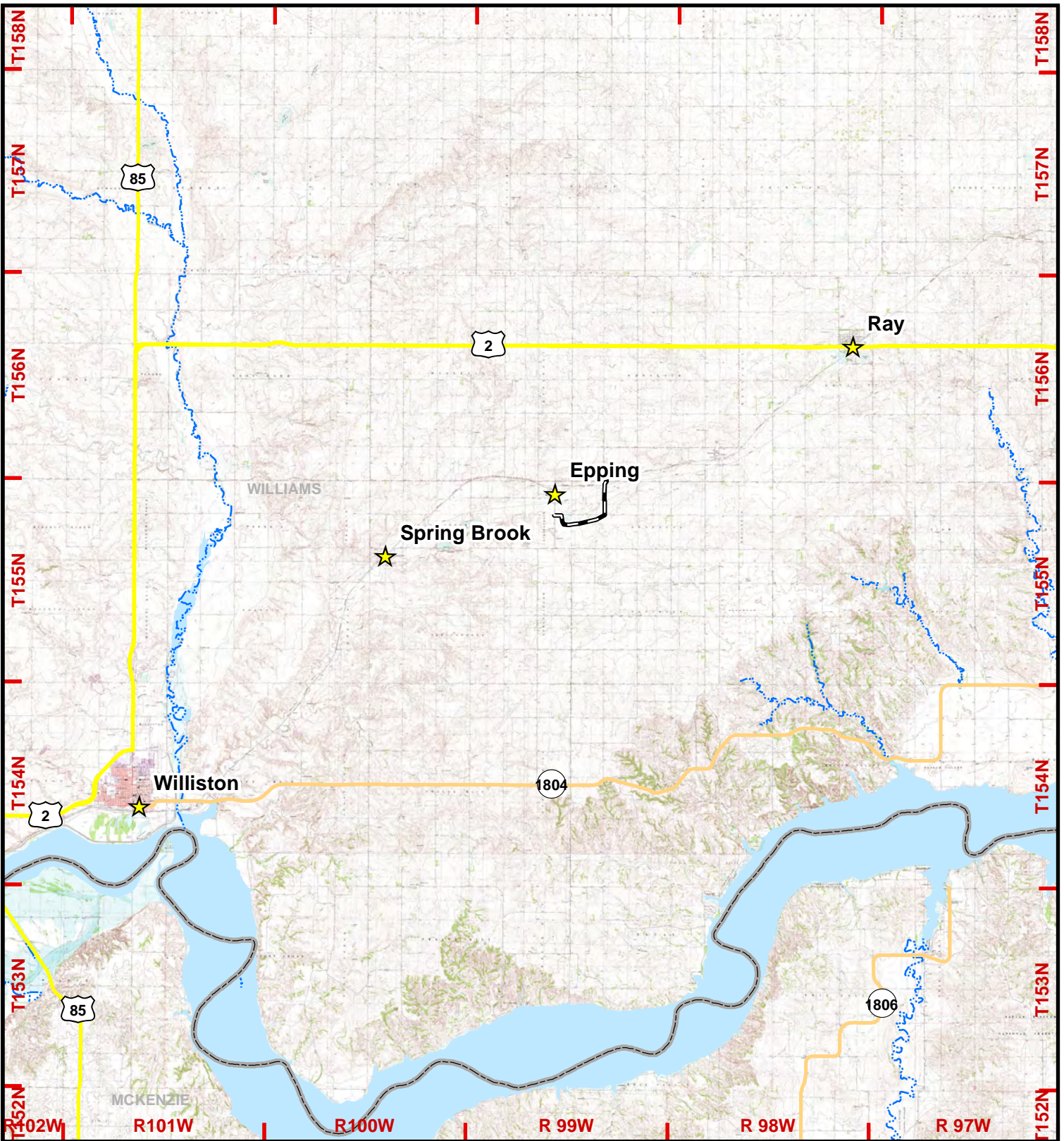
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Appendix A

Figures



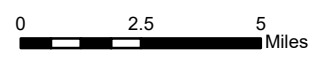
North Dakota

Legend

- Proposed Project (Reroute)
- Interstate Highway
- State Highway
- U.S. Highway
- Perennial Stream
- Missouri River / Lake Sakakawea
- County Boundary



Figure 1
Project Location
Epping Delivery Pipeline Project
Addendum

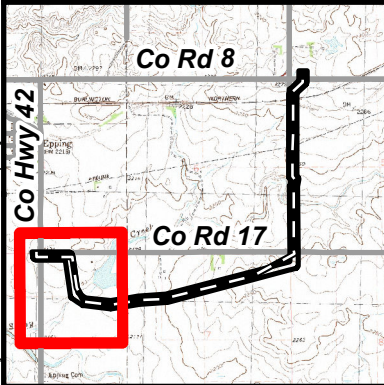
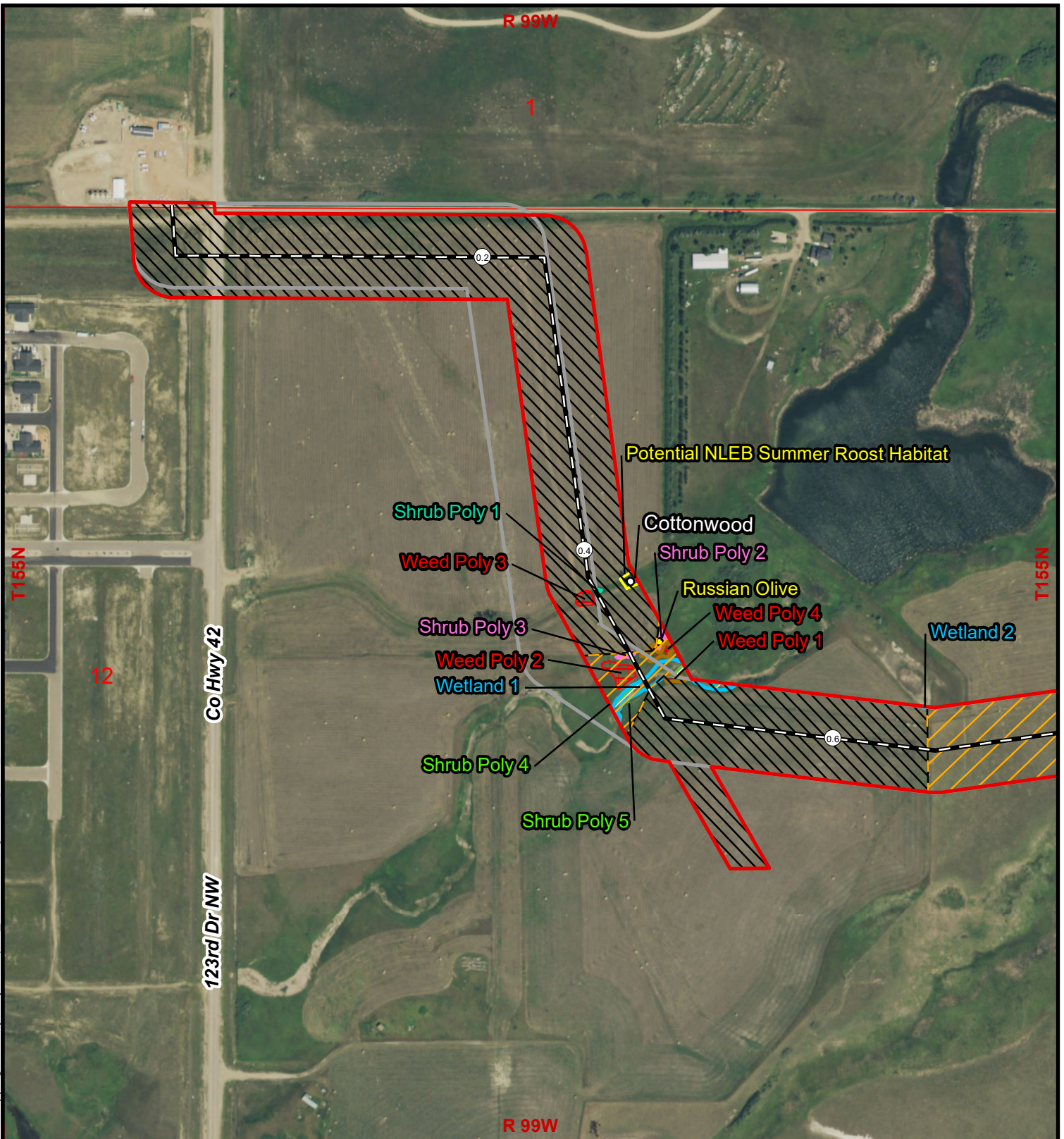


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Basemap: Williams County Topographic Image



July 2021



Legend

- Proposed Project (Reroute)
- Revised 250-foot Corridor
- Previous Surveyed 250-Foot Corridor
- Delineated Wetland
- Dakota Skipper Habitat Grade**
- No Habitat (77.4 Acres)
- Poor Habitat (9.9 Acres)
- Noxious Weeds**
- Canada Thistle
- Canada Thistle and Leafy Spurge
- Shrubs Polygons**
- Buffaloberry
- Chokecherry
- Coyote Willow
- Potential NLEB Habitat
- Tree / Shrub Points**
- Cottonwood
- Green Ash
- Russian Olive
- Siberian Peashrub
- Mile Post

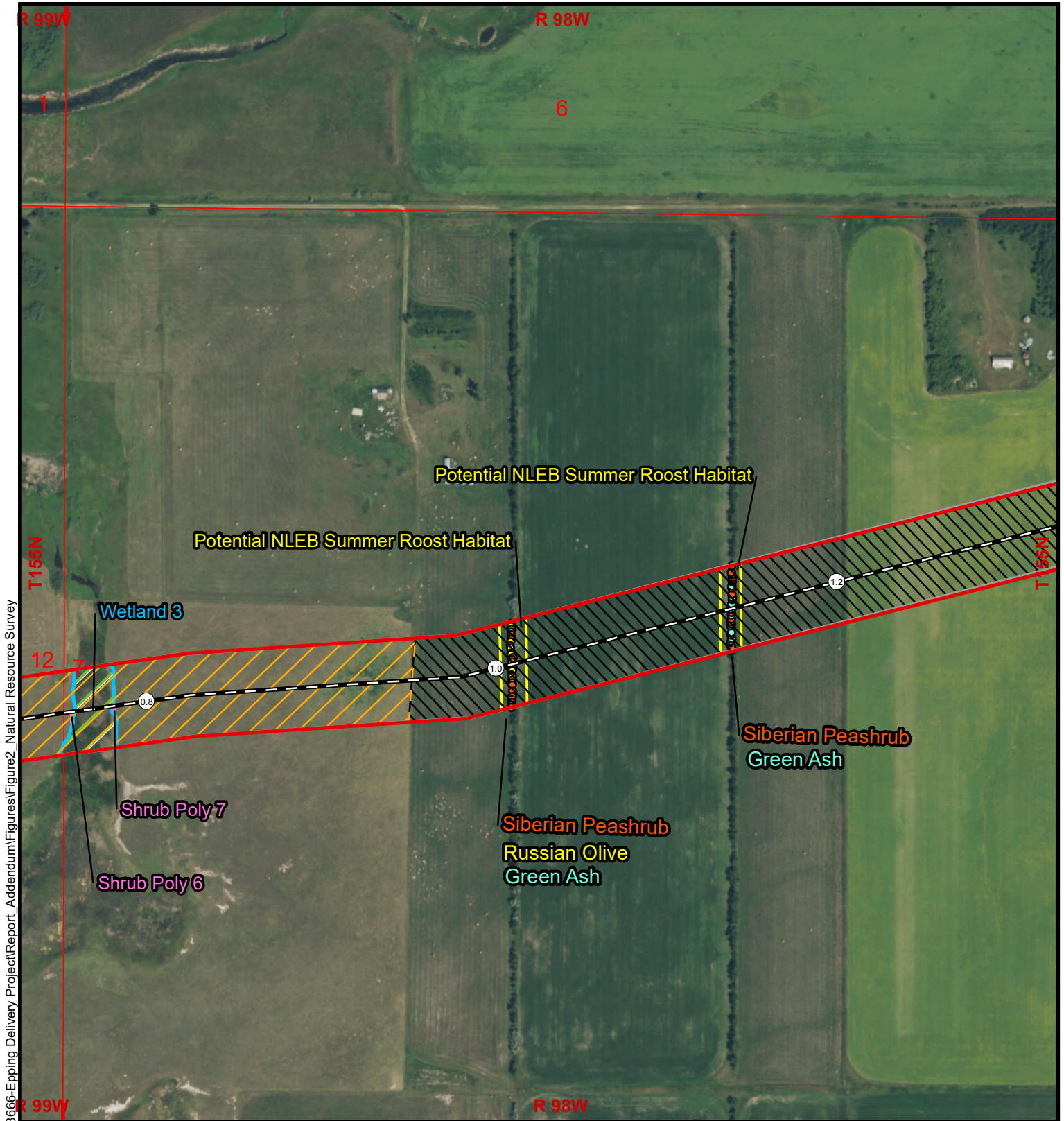
Figure 2.1
Natural Resource Survey
Epping Delivery Project
Addendum

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Feet

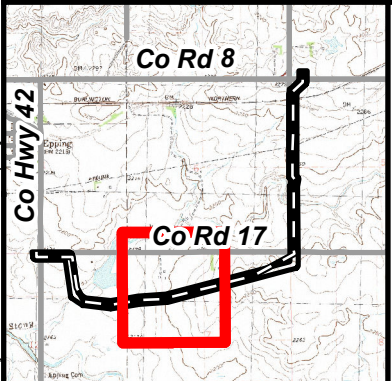
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Basemap: ND GIS Hub 2020 Imagery



R:\projects\8500-9000-8666-Epping Delivery Project\Report_Addendum\Figures\Figure2_Natural Resource Survey July 2021



Legend

- Proposed Project (Reroute)
- Revised 250-foot Corridor
- Previous Surveyed 250-Foot Corridor
- Delineated Wetland
- Dakota Skipper Habitat Grade**
- No Habitat (77.4 Acres)
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- Noxious Weeds**
- Canada Thistle
- Canada Thistle and Leafy Spurge
- Shrubs Polygons**
- Buffaloberry
- Chokecherry
- Coyote Willow

- Potential NLEB Habitat
- Tree / Shrub Points**
- Cottonwood
- Green Ash
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- Siberian Peashrub
- Mile Post

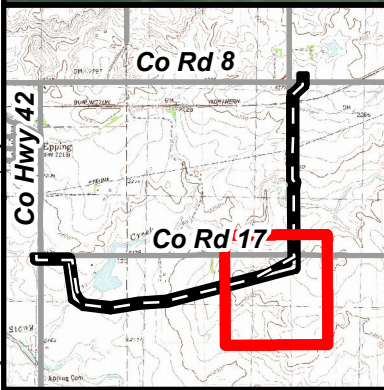
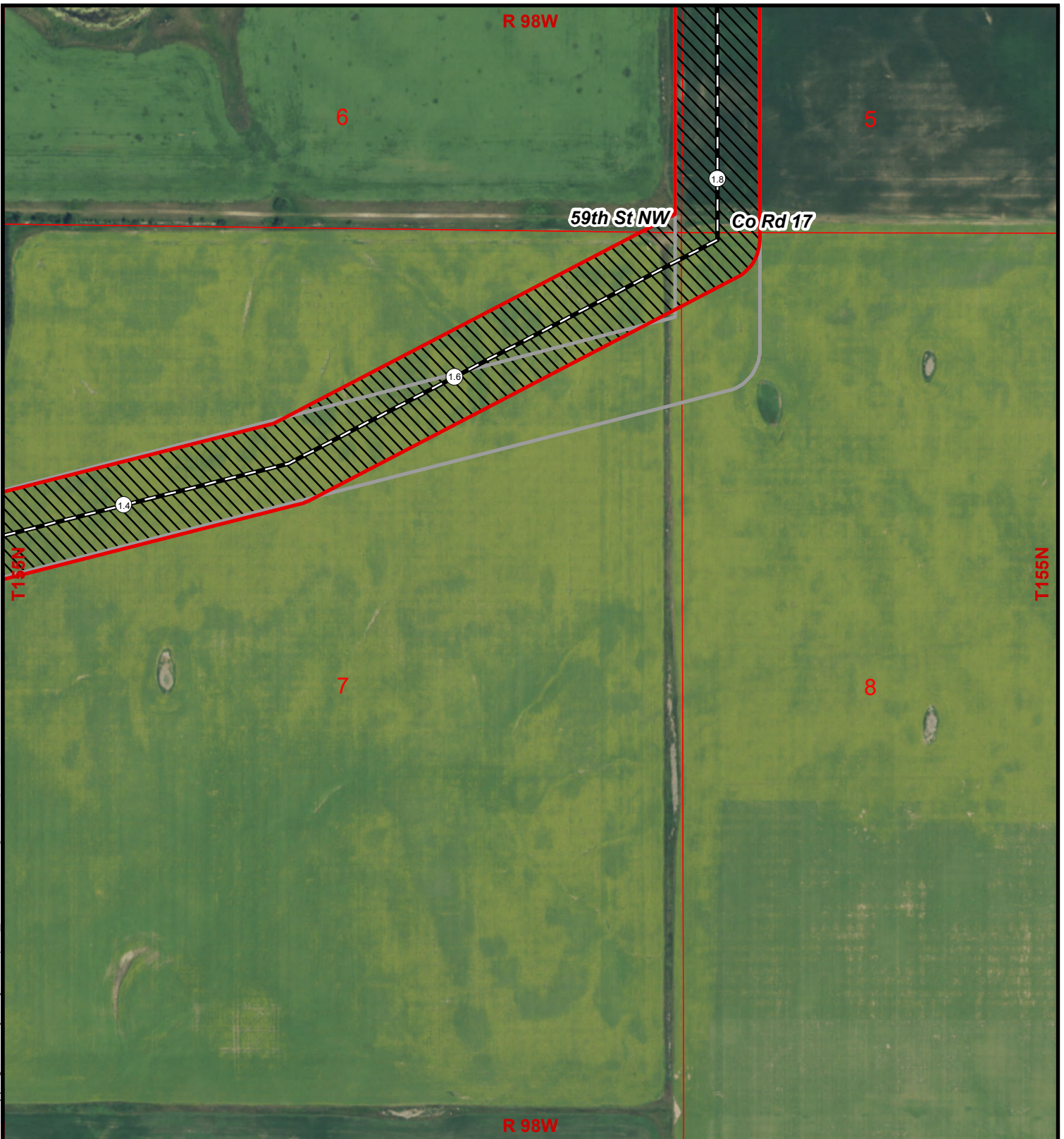
Figure 2.2
Natural Resource Survey
Epping Delivery Project
Addendum

0 200 400 Feet

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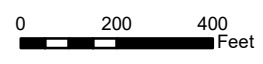
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Basemap: ND GIS Hub 2020 Imagery



- Legend**
- Proposed Project (Reroute)
 - ▭ Revised 250-foot Corridor
 - ▭ Previous Surveyed 250-Foot Corridor
 - ▭ Delineated Wetland
 - Dakota Skipper Habitat Grade**
 - ▭ No Habitat (77.4 Acres)
 - ▭ Poor Habitat (9.9 Acres)
 - Noxious Weeds**
 - ▭ Canada Thistle
 - ▭ Canada Thistle and Leafy Spurge
 - Shrubs Polygons**
 - ▭ Buffaloberry
 - ▭ Chokecherry
 - ▭ Coyote Willow
 - ▭ Potential NLEB Habitat
 - Tree / Shrub Points**
 - Cottonwood
 - Green Ash
 - Russian Olive
 - Siberian Peashrub
 - Mile Post

Figure 2.3
Natural Resource Survey
Epping Delivery Project
Addendum

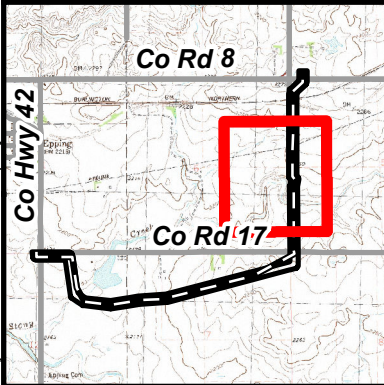


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Basemap: ND GIS Hub 2020 Imagery





Legend

- Proposed Project (Reroute)
- Revised 250-foot Corridor
- Previous Surveyed 250-Foot Corridor
- Delineated Wetland
- Dakota Skipper Habitat Grade**
- No Habitat (77.4 Acres)
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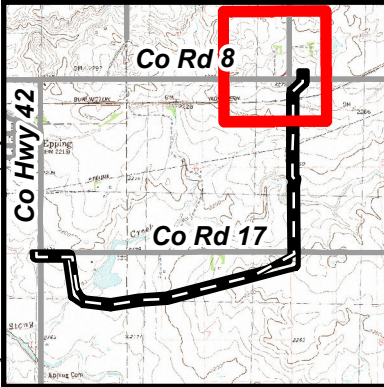
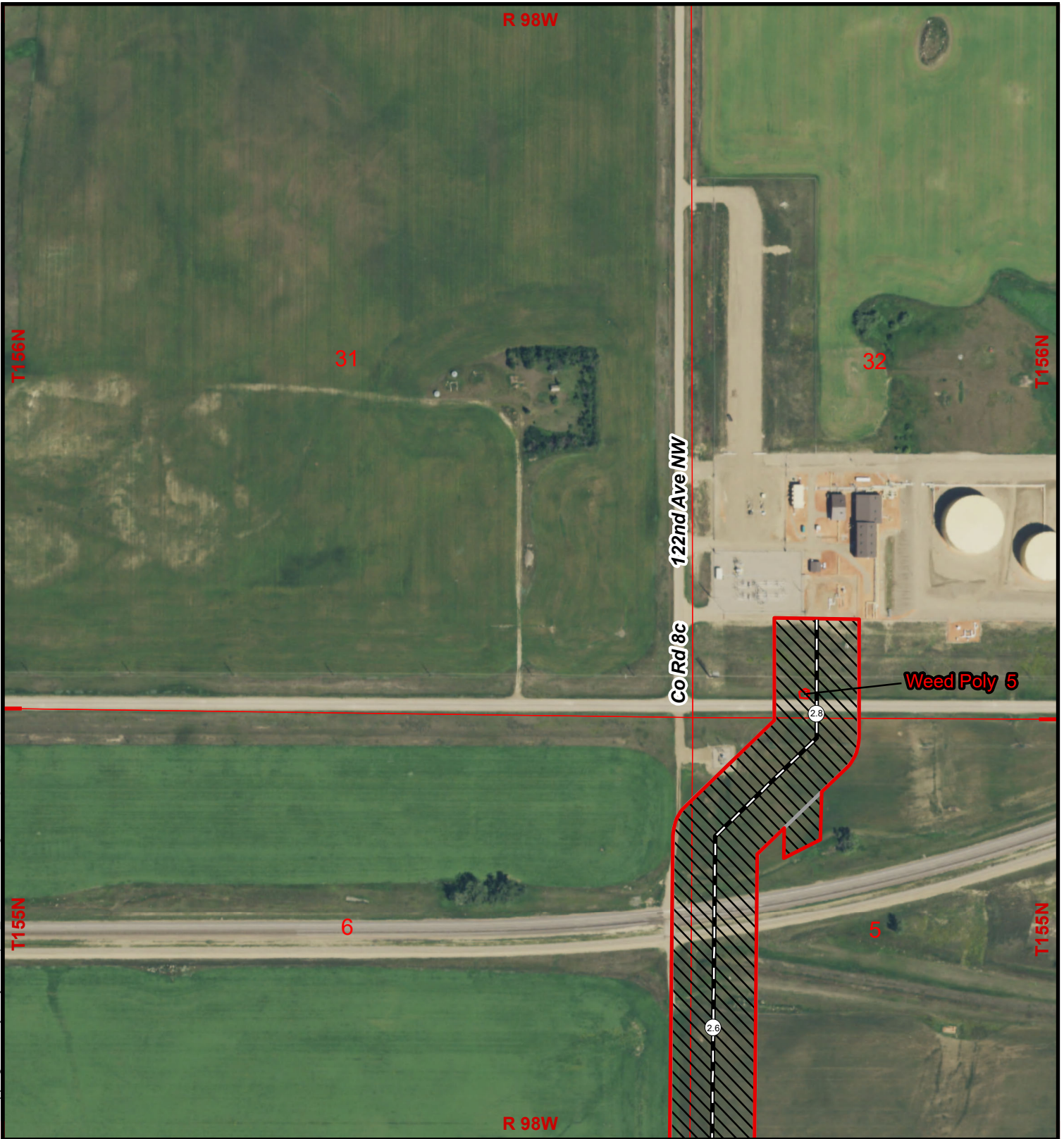
Figure 2.4
Natural Resource Survey
Epping Delivery Project
Addendum

0 200 400
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Legend

- Proposed Project (Reroute)
- Revised 250-foot Corridor
- Previous Surveyed 250-Foot Corridor
- Delineated Wetland
- Dakota Skipper Habitat Grade**
- No Habitat (77.4 Acres)
- Poor Habitat (9.9 Acres)
- Noxious Weeds**
- Canada Thistle
- Canada Thistle and Leafy Spurge
- Shrubs Polygons**
- Buffaloberry
- Chokecherry
- Coyote Willow
- Potential NLEB Habitat
- Tree / Shrub Points**
- Cottonwood
- Green Ash
- Russian Olive
- Siberian Peashrub
- Mile Post

Figure 2.5
Natural Resource Survey
Epping Delivery Project
Addendum

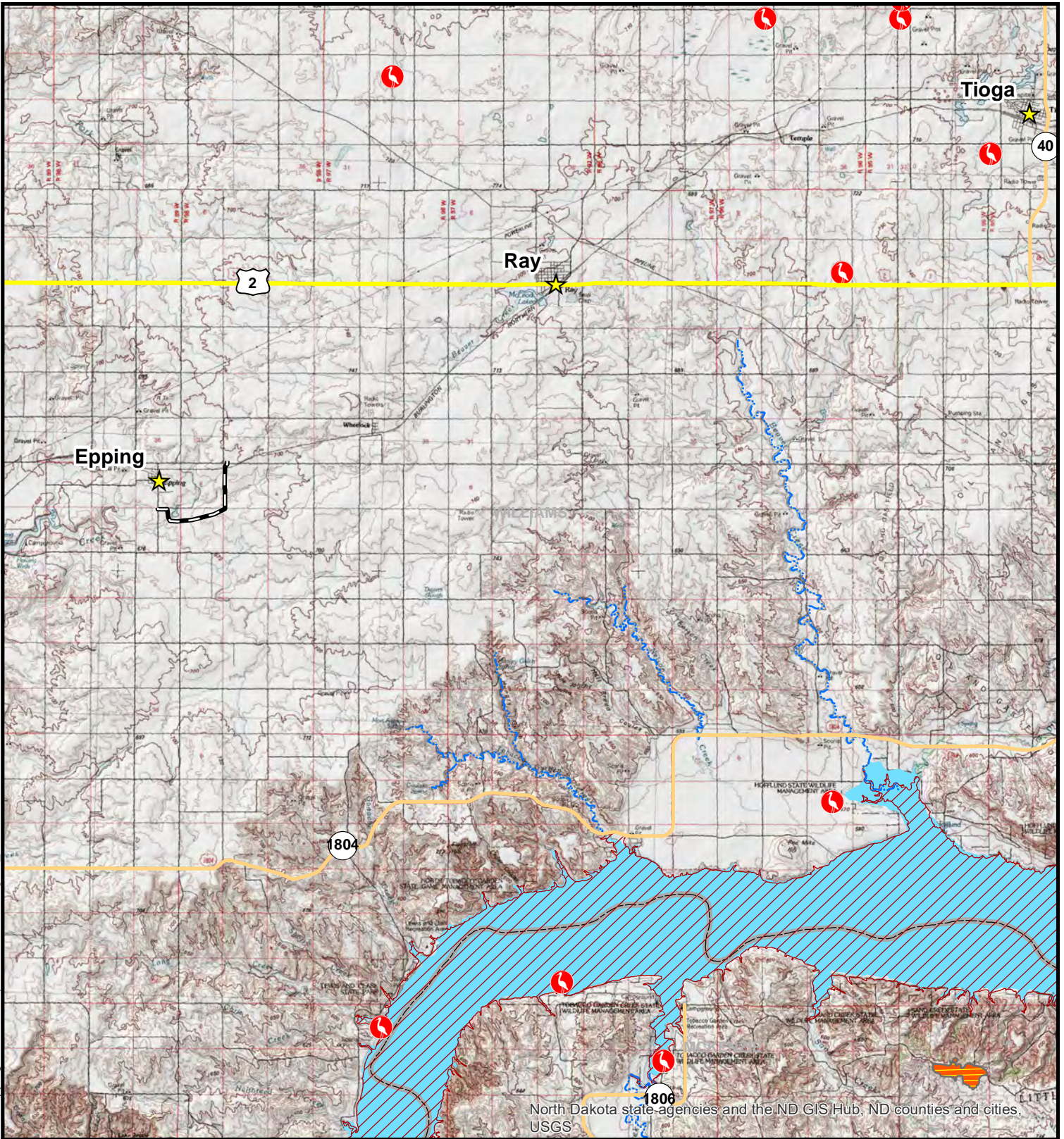
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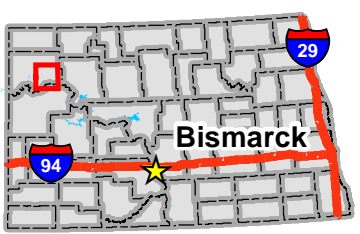
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Basemap: ND GIS Hub 2020 Imagery

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 July 2021



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS



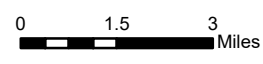
North Dakota

Legend

- Proposed Project (Reroute)
- Perennial Stream
- Whooping Crane Sighting (Thru Spring 2018)
- Dakota Skipper Critical Habitat
- Piping Plover Critical Habitat
- Missouri River / Lake Sakakawea
- County Boundary



Figure 3
T/E Species Observations
and Critical Habitat
Epping Delivery Project
Addendum



1:190,080



Basemap: ND GIS Hub Topomap Shaded Relief 100k

Appendix B

Photographs



Photograph 1. View of Shrub Polygon 1 in Section 12, T155N, R99W. Shrub Polygon 1 contains 32 coyote willow (*Salix exigua*) stems.



Photograph 2. View of Wetland 1 looking NW. Wetland 1 was field classified as a PEMC wetland. Shrub Polygon 2 can also be seen in the background.

NATURAL RESOURCES REPORT

Epping Delivery Project
Williams County, North Dakota
Carlson McCain Project #8666

Prepared for:

Hiland Crude, LLC
1001 Louisiana St., Suite 1000
Houston, Texas 77002

July 12, 2021



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Epping Delivery Project Williams County, North Dakota

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APPENDICES

Appendix A	Figure 1. General Location
	Figure 2. Field Survey
	Figure 3. T/E Species Observations and Critical Habitat
Appendix B	Project Photographs

1.0 SCOPE OF WORK

Hiland Crude, LLC (HC) has proposed to develop the Epping Delivery Project (Project) in Williams County, North Dakota. Carlson McCain was retained by HC to provide environmental field services which included the identification of waterbody/wetland boundaries, an evaluation of the Project for federally listed species habitat, noxious weeds inventory, woody vegetation inventory, and a line-of-sight raptor nest survey. The Project is approximate 2.9 miles in length (Appendix A, Figures 1). Table 1 identifies the Public Land Survey System (PLSS) Sections that the Project is located within. The results of this evaluation are discussed in this report.

Table 1. Legal Descriptions

Sections	Township	Range	Project Feature
1, 12	155 North	99 West	Pipeline Right-of-Way
32	156 North	98 West	Pipeline Right-of-Way
5, 6, 7, 8	155 North	98 West	Pipeline Right-of-Way

A 250-foot wide corridor (125-foot either side of the proposed pipeline centerline) was surveyed for the proposed Project (Survey Corridor). The Survey Corridor contains approximately 87.4 acres. Carlson McCain biologist, Chad Tucker, performed the field surveys concurrently on May 11, 2021. Geospatial field data was collected using a Sony Xperia Android Tablet paired with an EOS ARROW Lite global positioning system capable of recording data to sub-meter accuracy.

2.0 PROCEDURES

2.1 Wetland Field Determination of Isolated Features

Wetland identification utilized hydrological indicators found on-site such as the presence or absence of hydric vegetation and topographic position. Waterbody boundaries were recorded utilizing the criteria and definitions provided by the U.S. Army Corps of Engineers Ordinary High Water Mark criteria and definitions provided by the U.S. Environmental Protection Agency in *Draft Guidance on Identifying Waters Protected by the Clean Water Act*. Wetlands and waterbodies were field classified in accordance with guidelines set forth in the *Classification of Wetlands and Deepwater Habitats of the United States* by the Federal Geographic Data Committee. The following resources were used to identify and aid in delineation of potential wetlands within the Project Area. Williams County NAIP aerial photographs; U.S. Fish and Wildlife Service National Wetland Inventory; U.S. Geological Survey National Hydrography Dataset; and the digital web soil survey were consulted prior to the wetland field delineation. Existing vegetation was classified using hydrophytic criteria as outlined in the Manual and the *National Wetland Plant List*. No soil data was collected.

2.2 Federally Listed Wildlife Species Survey

Assessments for federally listed threatened and endangered species were conducted by evaluating historic accounts and present reported occurrences of listed species within the Project Area. A desktop and field evaluation were then conducted to confirm presence or absence of potentially suitable habitat within the Survey Corridor. Background data was collected for preliminary review and to aid in the field inventory of the biological resources. Data included the USFWS list of federally listed species for North Dakota, USFWS Designated Critical Habitat for Threatened and Endangered Species Geospatial Data, along with known range and habitat requirements for each species.

Table 2. Federally Listed Threatened and Endangered Species in the Survey Corridor

Federally Listed Threatened and Endangered Species		
Common Name	Scientific Name	Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
Whooping Crane	<i>Grus americana</i>	Endangered
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Dakota Skipper	<i>Hesperia dacotae</i>	Threatened, Critical Habitat Designated
Piping Plover	<i>Charadrius melodus</i>	Threatened, Critical Habitat Designated
Red Knot	<i>Calidris canutus rufa</i>	Threatened
(USFWS IPaC 2021)		

2.3 Noxious Weed Inventory

North Dakota has 13 state-listed noxious weeds. The Williams County Weed Control District lists one additional species as invasive (NDDA 2021). Table 3 provides a list of noxious and/or invasive weed species listed in Williams County.

Table 3. North Dakota State and Williams County Listed Noxious and Invasive Weeds

North Dakota State Listed Noxious Weeds		Williams County, ND Invasive Weeds	
Common Name	Scientific Name	Common Name	Scientific Name
Absinth Wormwood	<i>Aremisia absinthium</i>	Narrowleaf Hawksbeard	<i>Crepis tectorum</i>
Canada Thistle	<i>Cirsium arvense</i>		
Dalmatian Toadflax	<i>Linaria genistifolia</i>		
Diffuse Knapweed	<i>Centaurea diffusa</i>		
Houndstongue	<i>Cynoglossum officinale</i>		
Leafy Spurge	<i>Euphorbia esula</i>		
Musk Thistle	<i>Carduus nutans</i>		
Palmer Amaranth	<i>Amaranthus palmeri</i>		
Purple Loosestrife	<i>Lythrum salicaria</i>		
Russian Knapweed	<i>Acroptilon repens</i>		
Saltcedar	<i>Tamarix chinensis</i>		
Spotted Knapweed	<i>Centaurea maculosa</i>		
Yellow Toadflax	<i>Linaria vulgaris</i>		

2.4 Woody Vegetation Inventory

The tree and shrub inventory utilized for this Project was based upon the methodology previously approved by the North Dakota Public Service Commission. Trees and shrubs that were recorded within the Survey Corridor and may be cleared, including those that are considered invasive species, were inventoried. The location, number, and species of each tree and shrub were documented for this inventory. In native growth areas, trees anticipated to be cleared that were one-inch diameter at breast height (DBH) or greater were inventoried. The potential impact to trees and shrubs was enumerated by one of two methods: individual count; or by inference utilizing a representative subsample plot, to count and then extrapolate the number of individuals or stems based upon the area within the Survey Corridor.

2.5 Nesting Raptor Survey

A one-half mile line-of-sight survey for nesting raptors was conducted for the Project. Binoculars were used to aid in the efforts.

3.0 RESULTS

3.1 Wetlands

The field survey of the Project recorded five wetlands within the Survey Corridor. The combined acreage of the five wetlands is approximately 1.181 acres. Wetlands 1, 2, 4, and 5 are natural wetlands within drainage features and Wetland 3 is wetland depression. Wetland information is summarized in Table 4 and their locations are identified in Appendix A, Figure 2. Photographs of the Survey Corridor are included in Appendix B.

Table 4. Project Wetlands

Feature	Type	Cowardin Classification	Acres	PLSS Section	Comments	Latitude	Longitude
Wetland 1	Natural	PEMC	0.024	Sec. 12, T155N, R99W	Wetland Drainage	48.266316	-103.351944
Wetland 2	Natural	PEMC	0.223	Sec. 12, T155N, R99W	Wetland Drainage	48.266313	-103.350739
Wetland 3	Natural	PEMC	0.001	Sec. 12, T155N, R99W	Wetland Depression	48.266196	-103.347431
Wetland 4	Natural	PEMC	0.758	Sec. 12, T155N, R99W and Sec. 7, T155N, R98W	Wetland Drainage	48.266054	-103.344916
Wetland 5	Natural	PEMC	0.176	Sec. 5 and 6, T155N, R98W	Wetland Drainage	48.274323	-103.32439

3.2 Waterbodies

No waterbodies were identified within the Survey Corridor.

3.3 Threatened and Endangered Species Habitat Assessment

Threatened and endangered species that have been documented and/or have the potential to occur within the Survey Corridor are listed in Table 2 along with designated critical habitat (USFWS 2021.) A review of USFWS species information datasets along with habitat data gathered from the on-site field surveys was conducted for the proposed Project. Threatened and endangered species information gathered from the review is documented below in the species discussions.

During the field surveys, no federally listed species were observed. Two tree rows that may provide summer roosting habitat for the northern long-eared bat were documented. No other habitat for federally listed species was observed.

3.3.1 Northern Long-eared bat

The northern long-eared bat is a forest dwelling mammal. The home range of the northern long-eared bat is approximately 150 acres (60.7 ha) including a summer and winter habitat. In the summer, northern long-eared bats roost under bark or in crevices of trees, preferring to roost in tall trees with greater than 3" diameter at breast height (DBH), and under the exfoliating bark of dead or dying trees. In the winter, northern long-eared bats hibernate in caves and mines. The northern long-eared bat prefers foraging in edge habitats and forests comprised of trees with a diversity of life stages (USFWS 2014).

Occurrences of the northern long-eared bat are uncertain in North Dakota. White-nose syndrome (WNS) is the predominant threat to the northern long-eared bat currently. North Dakota is included in

the current extent of WNS zone per the Final 4(d) Rule. The USFWS final 4(d) ruling prohibits incidental take from areas affected by WNS if take occurs within a hibernaculum or take occurs as the result of tree removal within 0.25 miles of a hibernaculum. The ruling also prohibits incidental take by cutting trees within a 150-foot radius from a maternity roost tree during the pup season from June 1 through July 31 (FR. 2016).

Two planted tree rows were identified in the NW1/4 of Section 7, T155N, R98W (Appendix A, Figure 2). The tree rows consisted of 11 Russian olive (*Elaeagnus angustifolia*) and 15 green ash (*Fraxinus pennsylvanica*), all greater than 3" DBH. These trees have the potential to be summer roosting habitat for the northern long-eared bat. No potential winter hibernacula were observed within the Survey Corridor and there are no known bat hibernacula in Williams County (NDGFD 2021). It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the northern long-eared bat.

3.3.2 Whooping Crane

The primary nesting area for the whooping crane is in Canada's Wood Buffalo National Park. Aransas National Wildlife Refuge in Texas is the primary wintering area for whooping cranes. In the spring and fall, the cranes migrate primarily along the Central Flyway. During the migration, cranes make numerous stops, roosting in large shallow marshes and feeding and loafing in harvested grain fields. The primary threats to whooping cranes are power lines, illegal hunting, and habitat loss (Texas Parks and Wildlife 2006)

The whooping crane is federally listed in all counties of North Dakota. Land use within the Project is a mixture of cropland and rangeland, and oil/gas development. The USFWS Database (USFWS 2018) shows Williams County has had 28 verified whooping crane sightings. The closest confirmed sighting to the Project was of two adults and one juvenile whooping crane in 2004, approximately nine miles northeast of the Project in Section 20, T157N, R97W. The sighting locations are depicted in Appendix A, Figure 3.

Noise and vehicle activity during construction activities may cause migratory cranes to divert from the area but would be unlikely to contribute to any indirect or direct effect that would result in an increase of fatalities and, therefore, would be considered insignificant. If a crane is sighted within one mile of the project area, construction activities utilizing heavy equipment would be suspended, and the sighting would be promptly reported to the USFWS. In coordination with the USFWS, suspended activities would resume once the bird(s) have left the area. Following these guidelines, it is reasonable to expect that the Project **may affect** but is **not likely to adversely affect** whooping cranes.

3.3.3 Pallid Sturgeon

Pallid sturgeon are found in the Mississippi, Missouri, and Yellowstone River systems and are adapted for living close to the bottom of large, shallow rivers with sand and gravel bars. Pallid sturgeon populations in North Dakota have decreased since the 1960s (Grondahl and Martin, no date). Weighing up to 85 pounds, pallid sturgeons are long lived with individuals possibly reaching 50 or more years of age.

A known pallid sturgeon population occurs from the Missouri River below Fort Peck Dam to the headwaters of Lake Sakakawea and the Lower Yellowstone River up the confluence of the Tongue River, Montana (USFWS 2007). Factors leading to the decline of the pallid sturgeon and a listing as an endangered species by the USFWS in 1990 include the alteration of habitat through river channelization; creation of impoundments; and alteration of water flow regimes (USFWS 1990). The

effect from these alterations within the Missouri River have reduced food sources by lowering productivity, destroying spawning habitat, altered flow conditions which can delay spawning cues, and blocked movements to spawning, feeding, and rearing areas (USFWS 2007).

The Project is approximately 10 miles from the Lake Sakakawea/Missouri River System. Due to the nature of the Project, no impacts to Lake Sakakawea are anticipated during construction and/or operation. The Project is expected to have **no effect** on the pallid sturgeon.

3.3.4 Dakota Skipper

The Dakota skipper, a prairie obligate species, requires nectar producing native flowers and native grasses. Historically, Dakota skippers have been associated with low, wet, prairie dominated high quality tall grass prairie habitat (Type A habitat). Researchers have found that Dakota skippers also use upland mixed grass prairie that is relatively dry and includes ridges and hillsides (Type B habitat). These often have small inclusions of areas with species more commonly typified with tall grass prairie. Larvae require grass components of mixed-grass prairie that include bluestem grasses and needlegrasses, while adults require nectar sources; therefore, suitable prairie must include nectar-producing forbs. These may include purple coneflower, blue bells (*Campanula rotundifolia*), blanket flower (*Gaillardia aristata*), wood lily (*Lilium philadelphicum*), or other species that are in bloom during the adult life cycle of the Dakota skipper (Dana 1991). The nearest U.S. Fish and Wildlife Service Designated Critical Habitat for the Dakota skipper is located 20 miles southeast of the Project (Figure 3).

Habitat within the Survey Corridor was assessed and divided into habitat grades. Areas that had been previously disturbed by were graded as “no habitat”. Areas that were dominated by woody vegetation or non-native species were graded as “poor habitat”. Habitat areas that were dominated by native grassland species but lacked adequate numbers of requisite cover and/or nectar species required by the Dakota skipper were graded as “moderate habitat”. The moderate habitat areas may provide a source of nectar for adult Dakota skippers, but are unlikely to provide larval habitat. Habitat areas that were dominated by requisite grass species and contained requisite nectar species were graded as “good habitat”. The good habitat areas would provide dense, moist habitat for larval production and nectar species for adults.

The field survey determined that approximately 77.0 acres (88%) of the habitat within the Survey Corridor has been disturbed and provides no habitat for the Dakota skipper. Approximately 10.4 acres, or 12%, of the Survey Corridor was deemed as “poor habitat” due to non-native grassland vegetation and heavy livestock use. No moderate habitat or good habitat was observed. Appendix A, Figure 2 depicts the locations of the habitat grades. The Project is expected to have **no effect** on the Dakota skipper or its designated critical habitat.

3.3.5 Piping Plover

The piping plover is a migratory shorebird that breeds in North Dakota. Suitable nesting habitat for piping plovers in the Missouri River system is characterized as sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel. The piping plover feeds on worms, insects, and mollusk. Degradation of habitat related to the channelization river systems, nest predation, and human disturbance has led to the decline of piping plover populations.

Critical habitat for the Northern Great Plains piping plover has been designated on alkali lakes and wetlands, the Yellowstone River, and Missouri River in North Dakota. The physical and biological features that are essential to the conservation of the species, referred to as the primary constituent elements, require special consideration for protection. In riverine habitat, these include sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel, all protected from disturbance. This Project is approximately 10 miles north of the nearest critical habitat, which is the Lake Sakakawea/Missouri River System. (Appendix A, Figure 3) (USFWS 2021).

The Survey Corridor is predominantly cropland and contains wetlands and waterbodies that are well vegetated and do not provide bare ground suitable for nesting habitat. The Project is expected to have **no effect** on the Piping Plover or its designated critical habitat.

3.3.6 Rufa Red Knot

The red knot is a shorebird breeds in the central Canadian Arctic, with primary breeding grounds in Nunavut Territory, but some potential breeding habitat extending into the Northwest Territories (FR 2013a). The rufa red knot winters along the Atlantic coasts of Argentina and Chile (particularly the island of Tierra del Fuego), the north coast of Brazil, and further north into Mexico and the southeast United States (USFWS 2014b). During migration, the rufa red knot primarily follows the Atlantic coastline to and from breeding and wintering grounds. However, geolocator results from red knots wintering in Texas showed that a small population of birds migrate using a central flyway across the Midwestern U.S. and may have a northern Great Plains stopover (FR 2013). Rufa red knots spend two to three months on their breeding grounds located in northern Canada.

Red knots are specialized molluscivores, feeding primarily on hard-shelled mollusks in soft wet sand/sediment (USFWS 2014b). In addition to mollusks, red knots may feed upon shrimp, crabs, marine worms, and horseshoe crab eggs and other similar invertebrates. On the breeding ground, rufa red knots feed mostly on terrestrial invertebrates and grass shoots/seeds (FR 2013).

The shoreline of the Missouri River provides stopover habitat for the red knot. Although some individuals may stopover in North Dakota during annual migrations, the species is rare and is not reported in North Dakota in every year. Reported historical sightings since 1900 (Igl 2015), are primarily comprised of single individuals or small flocks; however, on rare occasions, larger flocks have been reported. Many of these sightings have been made in the prairie pothole region during the spring migration in late April through May. An increase in future sightings may result from an increase in public awareness.

The red knot migrates annually from its breeding grounds in the Arctic to wintering habitat in southern climates. It does not nest in North Dakota but may use areas along the Missouri River as stopover habitat. The Project is located approximately 10 miles north of the Lake Sakakawea/Missouri River System and the Survey Corridor does not have suitable shoreline stopover habitat for the red knot. The Project is expected to have **no effect** on the rufa red knot.

3.4 Noxious Weed Inventory

A pedestrian survey of the Survey Corridor was conducted for state and county listed noxious weeds. Noxious weeds were identified in five locations. Table 5 lists the attributes of the noxious weed polygons.

Table 5. Noxious Weed Polygons

Feature	Species	Acres	Latitude	Longitude	PLSS
Weed Poly 1	Canada Thistle and Leafy Spurge	0.020	48.266424	-103.350477	Sec. 12, T155N, R99W
Weed Poly 2	Canada Thistle	0.099	48.266469	-103.351136	Sec. 12, T155N, R99W
Weed Poly 3	Canada Thistle	0.044	48.267067	-103.351557	Sec. 12, T155N, R99W
Weed Poly 4	Canada Thistle and Leafy Spurge	0.006	48.266595	-103.350802	Sec. 12, T155N, R99W
Weed Poly 5	Canada Thistle	0.016	48.284745	-103.323316	Sec. 32, T156N, R98W

3.5 Woody Vegetation Inventory

The woody vegetation inventory included six native, natural growth shrub polygons. These polygons consisted of 93 silver buffaloberry (*Shepherdia argentea*) stems and 110 chokecherry (*Prunus virginiana*) stems. Two planted tree rows were also inventoried. The planted species included 31 Siberian peashrub (*Caragana arborescens*) shrubs (non-native), 11 Russian olive (*Elaeagnus angustifolia*) trees (non-native), and 15 native green ash trees (*Fraxinus pennsylvanica*). Individual points were taken for the planted species. Appendix A, Figure 2 depicts the locations of the inventoried woody vegetation. Table 6 and Table 7 contain the attributes from the woody vegetation inventory.

Table 6. Shrubs (Polygons)

Feature	Species	Count	Growth	Latitude	Longitude	PLSS
Shrub Poly 1	Buffaloberry	45	Natural	48.266613	-103.351065	Sec. 12, T155N, R99W
Shrub Poly 2	Chokecherry	25	Natural	48.266213	-103.351277	Sec. 12, T155N, R99W
Shrub Poly 3	Chokecherry	10	Natural	48.266226	-103.351022	Sec. 12, T155N, R99W
Shrub Poly 4	Buffaloberry	36	Natural	48.266015	-103.345174	Sec. 7, T155N, R98W
Shrub Poly 5	Buffaloberry	12	Natural	48.266067	-103.344648	Sec. 7, T155N, R98W
Shrub Poly 6	Chokecherry	75	Natural	48.274213	-103.324267	Sec. 5, T155N, R98W

Table 7. Tree and Shrub (Points)

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266786	-103.339739	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266739	-103.33974	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266697	-103.339745	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266656	-103.339743	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266605	-103.339756	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266544	-103.339754	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266507	-103.339727	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266469	-103.339738	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266407	-103.339732	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266364	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266321	-103.339736	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266279	-103.339734	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266229	-103.339731	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266184	-103.339737	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266136	-103.339741	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266098	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266568	-103.337033	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266603	-103.33703	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266641	-103.337038	Sec. 7, T155N, R98W

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266693	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266783	-103.337033	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266829	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266882	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266934	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266987	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26703	-103.337026	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267079	-103.337027	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26713	-103.337024	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267173	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267212	-103.337032	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267265	-103.337028	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266763	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266713	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26667	-103.339746	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266632	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266584	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26653	-103.339747	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266488	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266424	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266397	-103.339734	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266345	-103.339737	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266299	-103.339736	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266157	-103.339739	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266115	-103.339742	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266585	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266631	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266662	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266716	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266771	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266807	-103.337036	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266862	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266909	-103.337033	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266953	-103.337029	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267004	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267098	-103.337027	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267149	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267194	-103.337025	Sec. 7, T155N, R98W

3.6 Raptor Nest Survey

A one-half mile line-of-sight survey from the Project's Survey Corridor was performed to determine the presence/absence of nesting raptors. No raptor nests were identified during the survey.

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Epping Delivery Project Williams County, North Dakota

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Appendix A	Figure 1. General Location
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1.0 SCOPE OF WORK

Hiland Crude, LLC (HC) has proposed to develop the Epping Delivery Project (Project) in Williams County, North Dakota. Carlson McCain was retained by HC to provide environmental field services which included the identification of waterbody/wetland boundaries, an evaluation of the Project for federally listed species habitat, noxious weeds inventory, woody vegetation inventory, and a line-of-sight raptor nest survey. The Project is approximate 2.9 miles in length (Appendix A, Figures 1). Table 1 identifies the Public Land Survey System (PLSS) Sections that the Project is located within. The results of this evaluation are discussed in this report.

Table 1. Legal Descriptions

Sections	Township	Range	Project Feature
1, 12	155 North	99 West	Pipeline Right-of-Way
32	156 North	98 West	Pipeline Right-of-Way
5, 6, 7, 8	155 North	98 West	Pipeline Right-of-Way

A 250-foot wide corridor (125-foot either side of the proposed pipeline centerline) was surveyed for the proposed Project (Survey Corridor). The Survey Corridor contains approximately 87.4 acres. Carlson McCain biologist, Chad Tucker, performed the field surveys concurrently on May 11, 2021. Geospatial field data was collected using a Sony Xperia Android Tablet paired with an EOS ARROW Lite global positioning system capable of recording data to sub-meter accuracy.

2.0 PROCEDURES

2.1 Wetland Field Determination of Isolated Features

Wetland identification utilized hydrological indicators found on-site such as the presence or absence of hydric vegetation and topographic position. Waterbody boundaries were recorded utilizing the criteria and definitions provided by the U.S. Army Corps of Engineers Ordinary High Water Mark criteria and definitions provided by the U.S. Environmental Protection Agency in *Draft Guidance on Identifying Waters Protected by the Clean Water Act*. Wetlands and waterbodies were field classified in accordance with guidelines set forth in the *Classification of Wetlands and Deepwater Habitats of the United States* by the Federal Geographic Data Committee. The following resources were used to identify and aid in delineation of potential wetlands within the Project Area. Williams County NAIP aerial photographs; U.S. Fish and Wildlife Service National Wetland Inventory; U.S. Geological Survey National Hydrography Dataset; and the digital web soil survey were consulted prior to the wetland field delineation. Existing vegetation was classified using hydrophytic criteria as outlined in the Manual and the *National Wetland Plant List*. No soil data was collected.

2.2 Federally Listed Wildlife Species Survey

Assessments for federally listed threatened and endangered species were conducted by evaluating historic accounts and present reported occurrences of listed species within the Project Area. A desktop and field evaluation were then conducted to confirm presence or absence of potentially suitable habitat within the Survey Corridor. Background data was collected for preliminary review and to aid in the field inventory of the biological resources. Data included the USFWS list of federally listed species for North Dakota, USFWS Designated Critical Habitat for Threatened and Endangered Species Geospatial Data, along with known range and habitat requirements for each species.

Table 2. Federally Listed Threatened and Endangered Species in the Survey Corridor

Federally Listed Threatened and Endangered Species		
Common Name	Scientific Name	Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
Whooping Crane	<i>Grus americana</i>	Endangered
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Dakota Skipper	<i>Hesperia dacotae</i>	Threatened, Critical Habitat Designated
Piping Plover	<i>Charadrius melodus</i>	Threatened, Critical Habitat Designated
Red Knot	<i>Calidris canutus rufa</i>	Threatened
(USFWS IPaC 2021)		

2.3 Noxious Weed Inventory

North Dakota has 13 state-listed noxious weeds. The Williams County Weed Control District lists one additional species as invasive (NDDA 2021). Table 3 provides a list of noxious and/or invasive weed species listed in Williams County.

Table 3. North Dakota State and Williams County Listed Noxious and Invasive Weeds

North Dakota State Listed Noxious Weeds		Williams County, ND Invasive Weeds	
Common Name	Scientific Name	Common Name	Scientific Name
Absinth Wormwood	<i>Aremisia absinthium</i>	Narrowleaf Hawksbeard	<i>Crepis tectorum</i>
Canada Thistle	<i>Cirsium arvense</i>		
Dalmatian Toadflax	<i>Linaria genistifolia</i>		
Diffuse Knapweed	<i>Centaurea diffusa</i>		
Houndstongue	<i>Cynoglossum officinale</i>		
Leafy Spurge	<i>Euphorbia esula</i>		
Musk Thistle	<i>Carduus nutans</i>		
Palmer Amaranth	<i>Amaranthus palmeri</i>		
Purple Loosestrife	<i>Lythrum salicaria</i>		
Russian Knapweed	<i>Acroptilon repens</i>		
Saltcedar	<i>Tamarix chinensis</i>		
Spotted Knapweed	<i>Centaurea maculosa</i>		
Yellow Toadflax	<i>Linaria vulgaris</i>		

2.4 Woody Vegetation Inventory

The tree and shrub inventory utilized for this Project was based upon the methodology previously approved by the North Dakota Public Service Commission. Trees and shrubs that were recorded within the Survey Corridor and may be cleared, including those that are considered invasive species, were inventoried. The location, number, and species of each tree and shrub were documented for this inventory. In native growth areas, trees anticipated to be cleared that were one-inch diameter at breast height (DBH) or greater were inventoried. The potential impact to trees and shrubs was enumerated by one of two methods: individual count; or by inference utilizing a representative subsample plot, to count and then extrapolate the number of individuals or stems based upon the area within the Survey Corridor.

2.5 Nesting Raptor Survey

A one-half mile line-of-sight survey for nesting raptors was conducted for the Project. Binoculars were used to aid in the efforts.

3.0 RESULTS

3.1 Wetlands

The field survey of the Project recorded four wetlands within the Survey Corridor. The combined acreage of the five wetlands is approximately 1.181 acres. Wetlands 1, 2, 4, and 5 are natural wetlands within drainage features and Wetland 3 is wetland depression. Wetland information is summarized in Table 4 and their locations are identified in Appendix A, Figure 2. Photographs of the Survey Corridor are included in Appendix B.

Table 4. Project Wetlands

Feature	Type	Cowardin Classification	Acres	PLSS Section	Comments	Latitude	Longitude
Wetland 1	Natural	PEMC	0.024	Sec. 12, T155N, R99W	Wetland Drainage	48.266316	-103.351944
Wetland 2	Natural	PEMC	0.223	Sec. 12, T155N, R99W	Wetland Drainage	48.266313	-103.350739
Wetland 3	Natural	PEMC	0.001	Sec. 12, T155N, R99W	Wetland Depression	48.266196	-103.347431
Wetland 4	Natural	PEMC	0.758	Sec. 12, T155N, R99W and Sec. 7, T155N, R98W	Wetland Drainage	48.266054	-103.344916
Wetland 5	Natural	PEMC	0.176	Sec. 5 and 6, T155N, R98W	Wetland Drainage	48.274323	-103.32439

3.2 Waterbodies

No waterbodies were identified within the Survey Corridor.

3.3 Threatened and Endangered Species Habitat Assessment

Threatened and endangered species that have been documented and/or have the potential to occur within the Survey Corridor are listed in Table 2 along with designated critical habitat (USFWS 2021.) A review of USFWS species information datasets along with habitat data gathered from the on-site field surveys was conducted for the proposed Project. Threatened and endangered species information gathered from the review is documented below in the species discussions.

During the field surveys, no federally listed species were observed. Two tree rows that may provide summer roosting habitat for the northern long-eared bat were documented. No other habitat for federally listed species was observed.

3.3.1 Northern Long-eared bat

The northern long-eared bat is a forest dwelling mammal. The home range of the northern long-eared bat is approximately 150 acres (60.7 ha) including a summer and winter habitat. In the summer, northern long-eared bats roost under bark or in crevices of trees, preferring to roost in tall trees with greater than 3" diameter at breast height (DBH), and under the exfoliating bark of dead or dying trees. In the winter, northern long-eared bats hibernate in caves and mines. The northern long-eared bat prefers foraging in edge habitats and forests comprised of trees with a diversity of life stages (USFWS 2014).

Occurrences of the northern long-eared bat are uncertain in North Dakota. White-nose syndrome (WNS) is the predominant threat to the northern long-eared bat currently. North Dakota is included in

the current extent of WNS zone per the Final 4(d) Rule. The USFWS final 4(d) ruling prohibits incidental take from areas affected by WNS if take occurs within a hibernaculum or take occurs as the result of tree removal within 0.25 miles of a hibernaculum. The ruling also prohibits incidental take by cutting trees within a 150-foot radius from a maternity roost tree during the pup season from June 1 through July 31 (FR. 2016).

Two planted tree rows were identified in the NW1/4 of Section 7, T155N, R98W (Appendix A, Figure 2). The tree rows consisted of 11 Russian olive (*Elaeagnus angustifolia*) and 15 green ash (*Fraxinus pennsylvanica*), all greater than 3" DBH. These trees have the potential to be summer roosting habitat for the northern long-eared bat. No potential winter hibernacula were observed within the Survey Corridor and there are no known bat hibernacula in Williams County (NDGFD 2021). It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the northern long-eared bat.

3.3.2 Whooping Crane

The primary nesting area for the whooping crane is in Canada's Wood Buffalo National Park. Aransas National Wildlife Refuge in Texas is the primary wintering area for whooping cranes. In the spring and fall, the cranes migrate primarily along the Central Flyway. During the migration, cranes make numerous stops, roosting in large shallow marshes and feeding and loafing in harvested grain fields. The primary threats to whooping cranes are power lines, illegal hunting, and habitat loss (Texas Parks and Wildlife 2006)

The whooping crane is federally listed in all counties of North Dakota. Land use within the Project is a mixture of cropland and rangeland, and oil/gas development. The USFWS Database (USFWS 2018) shows Williams County has had 28 verified whooping crane sightings. The closest confirmed sighting to the Project was of two adults and one juvenile whooping crane in 2004, approximately nine miles northeast of the Project in Section 20, T157N, R97W. The sighting locations are depicted in Appendix A, Figure 3.

Noise and vehicle activity during construction activities may cause migratory cranes to divert from the area but would be unlikely to contribute to any indirect or direct effect that would result in an increase of fatalities and, therefore, would be considered insignificant. If a crane is sighted within one mile of the project area, construction activities utilizing heavy equipment would be suspended, and the sighting would be promptly reported to the USFWS. In coordination with the USFWS, suspended activities would resume once the bird(s) have left the area. Following these guidelines, it is reasonable to expect that the Project **may affect** but is **not likely to adversely affect** whooping cranes.

3.3.3 Pallid Sturgeon

Pallid sturgeon are found in the Mississippi, Missouri, and Yellowstone River systems and are adapted for living close to the bottom of large, shallow rivers with sand and gravel bars. Pallid sturgeon populations in North Dakota have decreased since the 1960s (Grondahl and Martin, no date). Weighing up to 85 pounds, pallid sturgeons are long lived with individuals possibly reaching 50 or more years of age.

A known pallid sturgeon population occurs from the Missouri River below Fort Peck Dam to the headwaters of Lake Sakakawea and the Lower Yellowstone River up the confluence of the Tongue River, Montana (USFWS 2007). Factors leading to the decline of the pallid sturgeon and a listing as an endangered species by the USFWS in 1990 include the alteration of habitat through river channelization; creation of impoundments; and alteration of water flow regimes (USFWS 1990). The

effect from these alterations within the Missouri River have reduced food sources by lowering productivity, destroying spawning habitat, altered flow conditions which can delay spawning cues, and blocked movements to spawning, feeding, and rearing areas (USFWS 2007).

The Project is approximately 10 miles from the Lake Sakakawea/Missouri River System. Due to the nature of the Project, no impacts to Lake Sakakawea are anticipated during construction and/or operation. The Project is expected to have **no effect** on the pallid sturgeon.

3.3.4 Dakota Skipper

The Dakota skipper, a prairie obligate species, requires nectar producing native flowers and native grasses. Historically, Dakota skippers have been associated with low, wet, prairie dominated high quality tall grass prairie habitat (Type A habitat). Researchers have found that Dakota skippers also use upland mixed grass prairie that is relatively dry and includes ridges and hillsides (Type B habitat). These often have small inclusions of areas with species more commonly typified with tall grass prairie. Larvae require grass components of mixed-grass prairie that include bluestem grasses and needlegrasses, while adults require nectar sources; therefore, suitable prairie must include nectar-producing forbs. These may include purple coneflower, blue bells (*Campanula rotundifolia*), blanket flower (*Gaillardia aristata*), wood lily (*Lilium philadelphicum*), or other species that are in bloom during the adult life cycle of the Dakota skipper (Dana 1991). The nearest U.S. Fish and Wildlife Service Designated Critical Habitat for the Dakota skipper is located 20 miles southeast of the Project (Figure 3).

Habitat within the Survey Corridor was assessed and divided into habitat grades. Areas that had been previously disturbed by were graded as “no habitat”. Areas that were dominated by woody vegetation or non-native species were graded as “poor habitat”. Habitat areas that were dominated by native grassland species but lacked adequate numbers of requisite cover and/or nectar species required by the Dakota skipper were graded as “moderate habitat”. The moderate habitat areas may provide a source of nectar for adult Dakota skippers, but are unlikely to provide larval habitat. Habitat areas that were dominated by requisite grass species and contained requisite nectar species were graded as “good habitat”. The good habitat areas would provide dense, moist habitat for larval production and nectar species for adults.

The field survey determined that approximately 77.0 acres (88%) of the habitat within the Survey Corridor has been disturbed and provides no habitat for the Dakota skipper. Approximately 10.4 acres, or 12%, of the Survey Corridor was deemed as “poor habitat” due to non-native grassland vegetation and heavy livestock use. No moderate habitat or good habitat was observed. Appendix A, Figure 2 depicts the locations of the habitat grades. The Project is expected to have **no effect** on the Dakota skipper or its designated critical habitat.

3.3.5 Piping Plover

The piping plover is a migratory shorebird that breeds in North Dakota. Suitable nesting habitat for piping plovers in the Missouri River system is characterized as sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel. The piping plover feeds on worms, insects, and mollusk. Degradation of habitat related to the channelization river systems, nest predation, and human disturbance has led to the decline of piping plover populations.

Critical habitat for the Northern Great Plains piping plover has been designated on alkali lakes and wetlands, the Yellowstone River, and Missouri River in North Dakota. The physical and biological features that are essential to the conservation of the species, referred to as the primary constituent elements, require special consideration for protection. In riverine habitat, these include sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and island margins that interface with the river channel, all protected from disturbance. This Project is approximately 10 miles north of the nearest critical habitat, which is the Lake Sakakawea/Missouri River System. (Appendix A, Figure 3) (USFWS 2021).

The Survey Corridor is predominantly cropland and contains wetlands and waterbodies that are well vegetated and do not provide bare ground suitable for nesting habitat. The Project is expected to have **no effect** on the Piping Plover or its designated critical habitat.

3.3.6 Rufa Red Knot

The red knot is a shorebird breeds in the central Canadian Arctic, with primary breeding grounds in Nunavut Territory, but some potential breeding habitat extending into the Northwest Territories (FR 2013a). The rufa red knot winters along the Atlantic coasts of Argentina and Chile (particularly the island of Tierra del Fuego), the north coast of Brazil, and further north into Mexico and the southeast United States (USFWS 2014b). During migration, the rufa red knot primarily follows the Atlantic coastline to and from breeding and wintering grounds. However, geolocator results from red knots wintering in Texas showed that a small population of birds migrate using a central flyway across the Midwestern U.S. and may have a northern Great Plains stopover (FR 2013). Rufa red knots spend two to three months on their breeding grounds located in northern Canada.

Red knots are specialized molluscivores, feeding primarily on hard-shelled mollusks in soft wet sand/sediment (USFWS 2014b). In addition to mollusks, red knots may feed upon shrimp, crabs, marine worms, and horseshoe crab eggs and other similar invertebrates. On the breeding ground, rufa red knots feed mostly on terrestrial invertebrates and grass shoots/seeds (FR 2013).

The shoreline of the Missouri River provides stopover habitat for the red knot. Although some individuals may stopover in North Dakota during annual migrations, the species is rare and is not reported in North Dakota in every year. Reported historical sightings since 1900 (Igl 2015), are primarily comprised of single individuals or small flocks; however, on rare occasions, larger flocks have been reported. Many of these sightings have been made in the prairie pothole region during the spring migration in late April through May. An increase in future sightings may result from an increase in public awareness.

The red knot migrates annually from its breeding grounds in the Arctic to wintering habitat in southern climates. It does not nest in North Dakota but may use areas along the Missouri River as stopover habitat. The Project is located approximately 10 miles north of the Lake Sakakawea/Missouri River System and the Survey Corridor does not have suitable shoreline stopover habitat for the red knot. The Project is expected to have **no effect** on the rufa red knot.

3.4 Noxious Weed Inventory

A pedestrian survey of the Survey Corridor was conducted for state and county listed noxious weeds. Noxious weeds were identified in five locations. Table 5 lists the attributes of the noxious weed polygons.

Table 5. Noxious Weed Polygons

Feature	Species	Acres	Latitude	Longitude	PLSS
Weed Poly 1	Canada Thistle and Leafy Spurge	0.020	48.266424	-103.350477	Sec. 12, T155N, R99W
Weed Poly 2	Canada Thistle	0.099	48.266469	-103.351136	Sec. 12, T155N, R99W
Weed Poly 3	Canada Thistle	0.044	48.267067	-103.351557	Sec. 12, T155N, R99W
Weed Poly 4	Canada Thistle and Leafy Spurge	0.006	48.266595	-103.350802	Sec. 12, T155N, R99W
Weed Poly 5	Canada Thistle	0.016	48.284745	-103.323316	Sec. 32, T156N, R98W

3.5 Woody Vegetation Inventory

The woody vegetation inventory included six native, natural growth shrub polygons. These polygons consisted of 93 silver buffaloberry (*Shepherdia argentea*) stems and 110 chokecherry (*Prunus virginiana*) stems. Two planted tree rows were also inventoried. The planted species included 31 Siberian peashrub (*Caragana arborescens*) shrubs (non-native), 11 Russian olive (*Elaeagnus angustifolia*) trees (non-native), and 15 native green ash trees (*Fraxinus pennsylvanica*). Individual points were taken for the planted species. Appendix A, Figure 2 depicts the locations of the inventoried woody vegetation. Table 6 and Table 7 contain the attributes from the woody vegetation inventory.

Table 6. Shrubs (Polygons)

Feature	Species	Count	Growth	Latitude	Longitude	PLSS
Shrub Poly 1	Buffaloberry	45	Natural	48.266613	-103.351065	Sec. 12, T155N, R99W
Shrub Poly 2	Chokecherry	25	Natural	48.266213	-103.351277	Sec. 12, T155N, R99W
Shrub Poly 3	Chokecherry	10	Natural	48.266226	-103.351022	Sec. 12, T155N, R99W
Shrub Poly 4	Buffaloberry	36	Natural	48.266015	-103.345174	Sec. 7, T155N, R98W
Shrub Poly 5	Buffaloberry	12	Natural	48.266067	-103.344648	Sec. 7, T155N, R98W
Shrub Poly 6	Chokecherry	75	Natural	48.274213	-103.324267	Sec. 5, T155N, R98W

Table 7. Tree and Shrub (Points)

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266786	-103.339739	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266739	-103.33974	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266697	-103.339745	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266656	-103.339743	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266605	-103.339756	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266544	-103.339754	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266507	-103.339727	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266469	-103.339738	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266407	-103.339732	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266364	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266321	-103.339736	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266279	-103.339734	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266229	-103.339731	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266184	-103.339737	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266136	-103.339741	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266098	-103.339742	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266568	-103.337033	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266603	-103.33703	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266641	-103.337038	Sec. 7, T155N, R98W

Feature	Species	Growth	Latitude	Longitude	PLSS
Shrub	Siberian Peashrub	Planted	48.266693	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266783	-103.337033	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266829	-103.337034	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266882	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266934	-103.337031	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.266987	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26703	-103.337026	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267079	-103.337027	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.26713	-103.337024	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267173	-103.337023	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267212	-103.337032	Sec. 7, T155N, R98W
Shrub	Siberian Peashrub	Planted	48.267265	-103.337028	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266763	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266713	-103.339745	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26667	-103.339746	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266632	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266584	-103.339755	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.26653	-103.339747	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266488	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266424	-103.339735	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266397	-103.339734	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266345	-103.339737	Sec. 7, T155N, R98W
Tree	Russian Olive	Planted	48.266299	-103.339736	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266157	-103.339739	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266115	-103.339742	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266585	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266631	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266662	-103.337028	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266716	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266771	-103.337043	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266807	-103.337036	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266862	-103.337034	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266909	-103.337033	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.266953	-103.337029	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267004	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267098	-103.337027	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267149	-103.337023	Sec. 7, T155N, R98W
Tree	Green Ash	Planted	48.267194	-103.337025	Sec. 7, T155N, R98W

3.6 Raptor Nest Survey

A one-half mile line-of-sight survey from the Project's Survey Corridor was performed to determine the presence/absence of nesting raptors. No raptor nests were identified during the survey.

4.0 REFERENCES

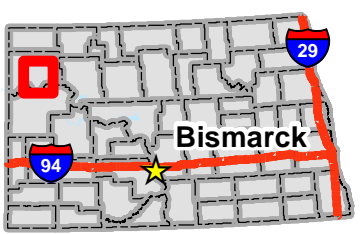
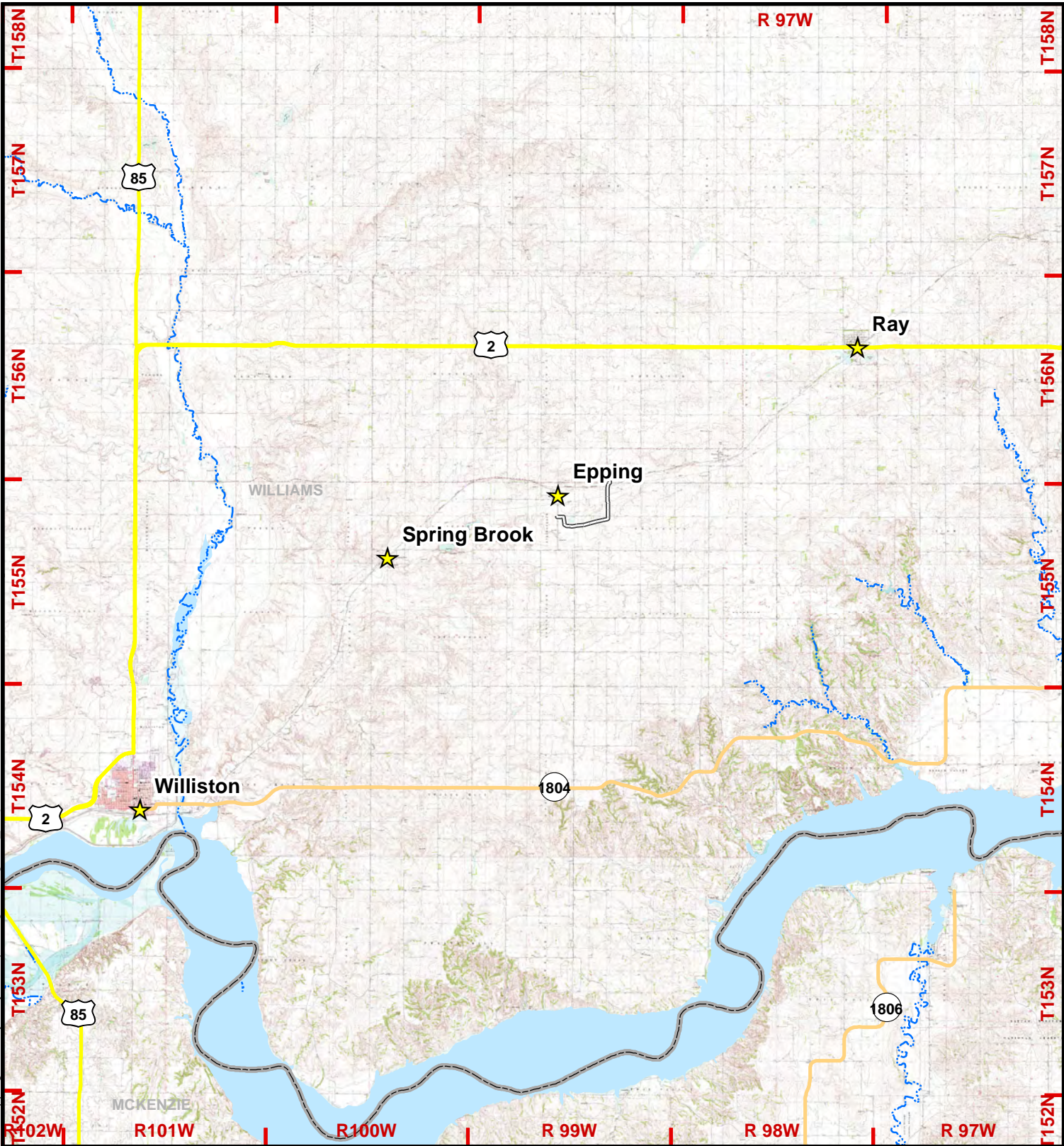
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Appendix A

Figures

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July 2021



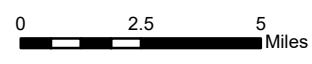
North Dakota

Legend

- Proposed Project
- Interstate Highway
- State Highway
- U.S. Highway
- Perennial Stream
- Missouri River / Lake Sakakawea
- County Boundary



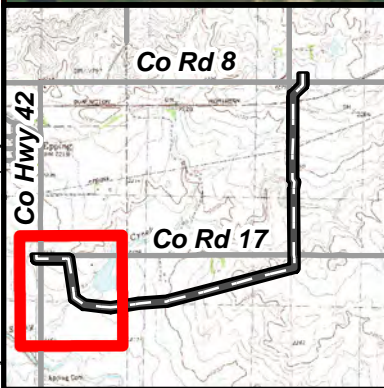
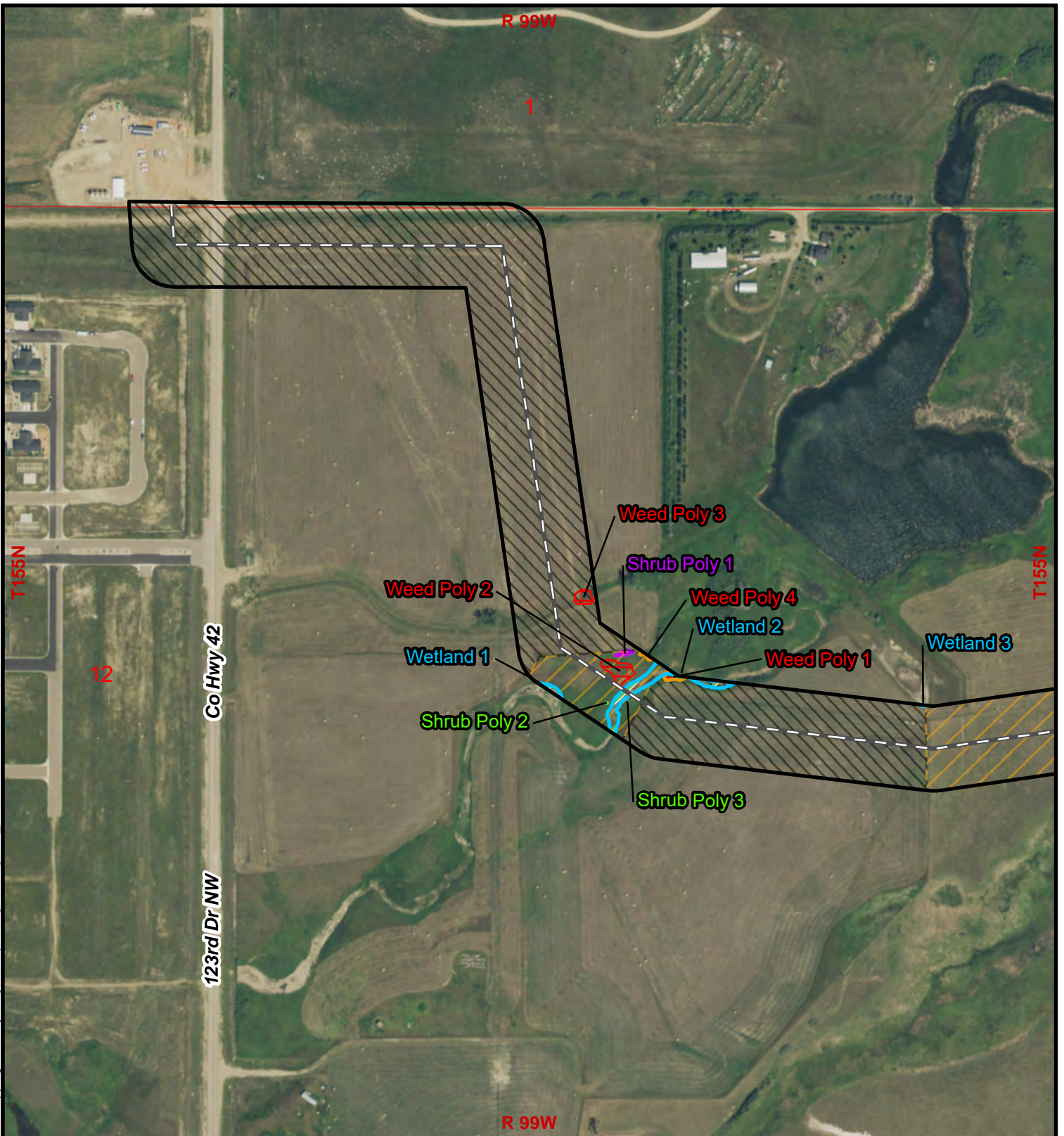
Figure 1
Project Location
Epping Delivery Pipeline Project



1:253,440



Basemap: Williams County Topographic Image



Legend

Proposed Project	Natural Growth Shrub Patch
Survey Corridor (250-Ft / 87.4 Acres)	Buffaloberry
Potential NLEB Habitat	Chokecherry
Delineated Wetland	Tree / Shrub Points
Canada Thistle	Green Ash
Canada Thistle and Leafy Spurge	Russian Olive
Dakota Skipper Habitat Grade	Siberian Peashrub
No Habitat (77.0 Acres)	
Poor Habitat (10.4 Acres)	

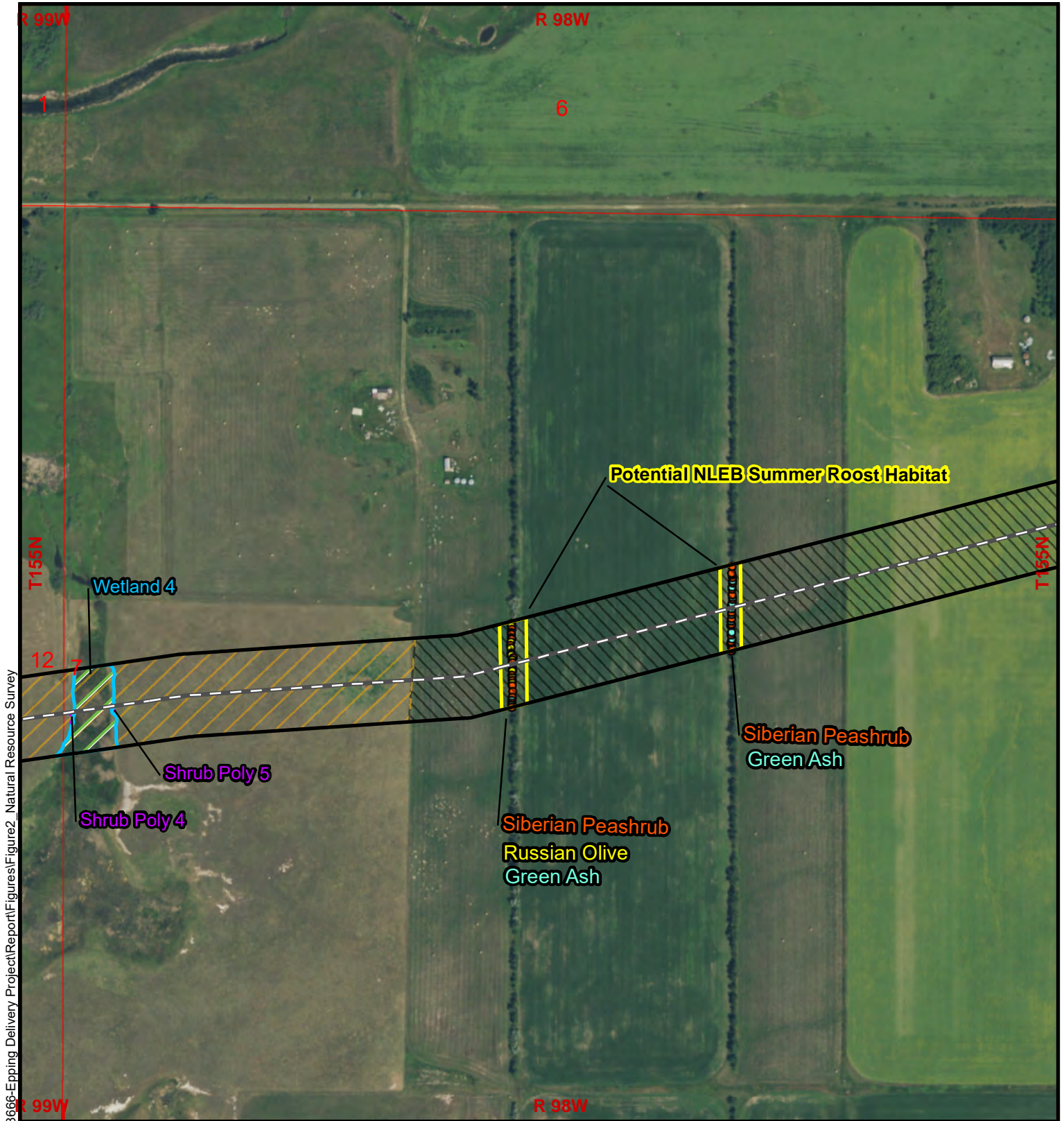
Figure 2.1
Natural Resource Survey
Epping Delivery Project

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 Feet

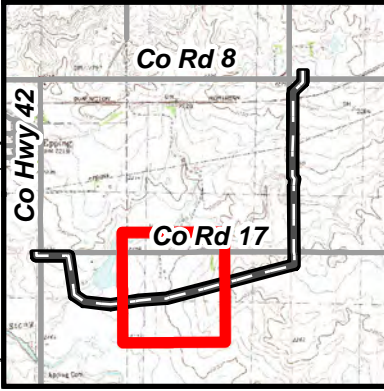
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Basemap: ND GIS Hub 2020 Imagery



R:\projects\8500-9000-8666-Epping Delivery Project\Report\Figures\Figure2_Natural Resource Survey July 2021



Legend

Proposed Project	Natural Growth Shrub Patch
Survey Corridor (250-Ft / 87.4 Acres)	Buffaloberry
Potential NLEB Habitat	Chokecherry
Delineated Wetland	Tree / Shrub Points
Canada Thistle	Green Ash
Canada Thistle and Leafy Spurge	Russian Olive
Dakota Skipper Habitat Grade	Siberian Peashrub
No Habitat (77.0 Acres)	
Poor Habitat (10.4 Acres)	

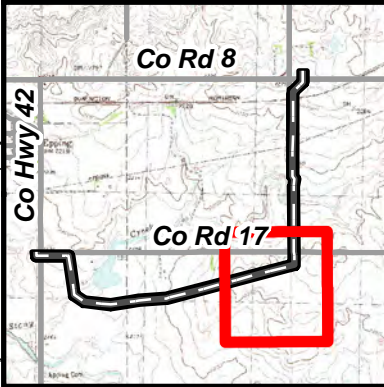
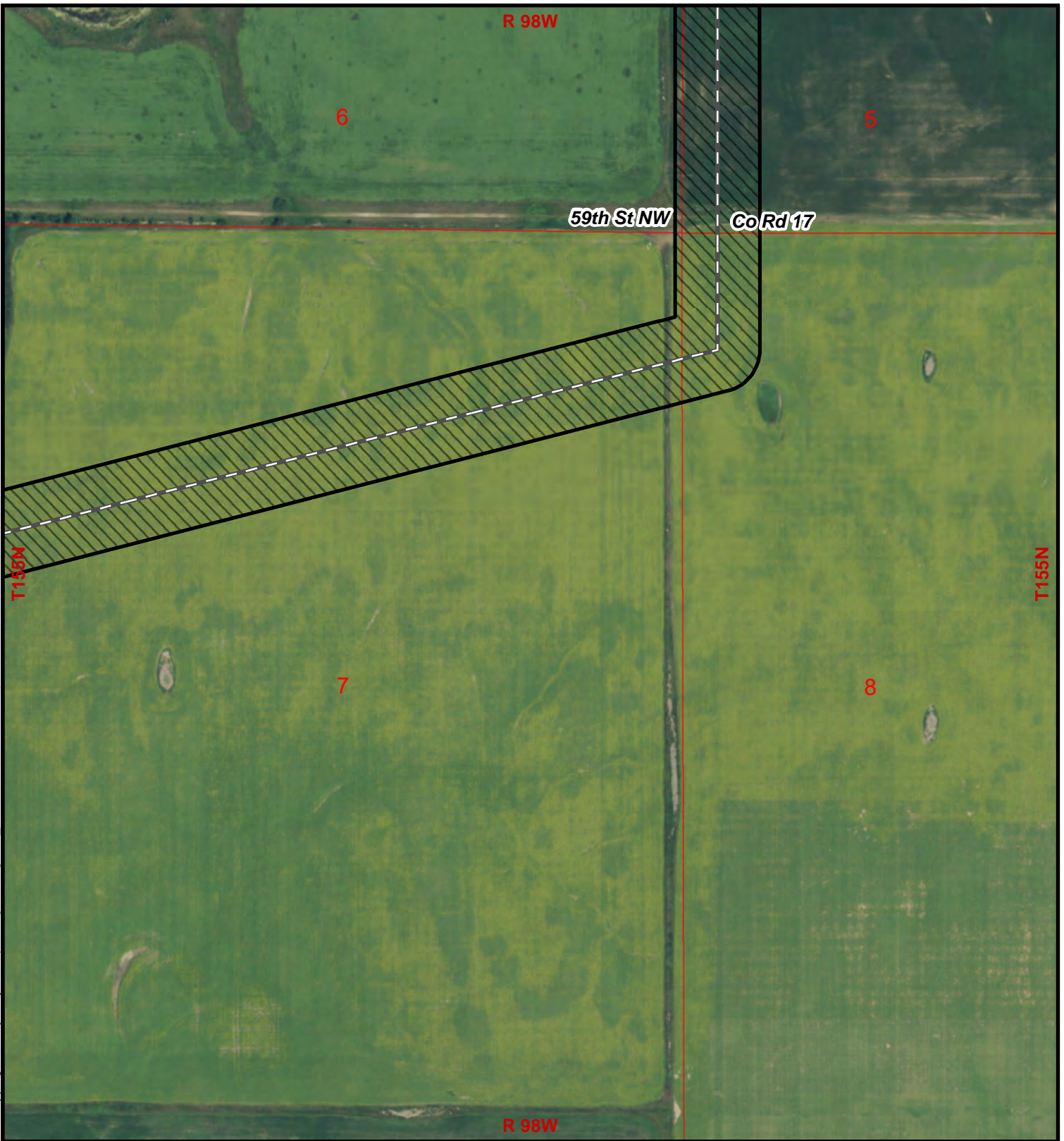
Figure 2.2
Natural Resource Survey
Epping Delivery Project

0 200 400
Feet

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Basemap: ND GIS Hub 2020 Imagery



Legend

- Proposed Project
- Survey Corridor (250-Ft / 87.4 Acres)
- Potential NLEB Habitat
- Delineated Wetland
- Canada Thistle
- Canada Thistle and Leafy Spurge
- Dakota Skipper Habitat Grade
- No Habitat (77.0 Acres)
- Poor Habitat (10.4 Acres)

- Natural Growth Shrub Patch**
- Buffaloberry
- Chokecherry

- Tree / Shrub Points**
- Green Ash
- Russian Olive
- Siberian Peashrub

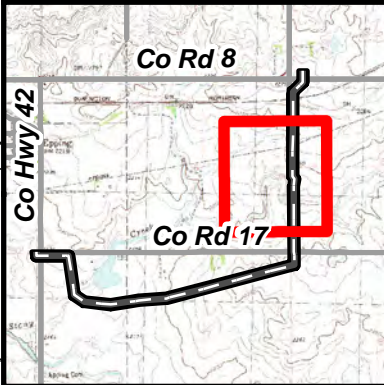
Figure 2.3
Natural Resource Survey
Epping Delivery Project

0 200 400
 Feet

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Basemap: ND GIS Hub 2020 Imagery

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Legend

Proposed Project	Natural Growth Shrub Patch
Survey Corridor (250-Ft / 87.4 Acres)	Buffaloberry
Potential NLEB Habitat	Chokecherry
Delineated Wetland	Tree / Shrub Points
Canada Thistle	Green Ash
Canada Thistle and Leafy Spurge	Russian Olive
Dakota Skipper Habitat Grade	Siberian Peashrub
No Habitat (77.0 Acres)	
Poor Habitat (10.4 Acres)	

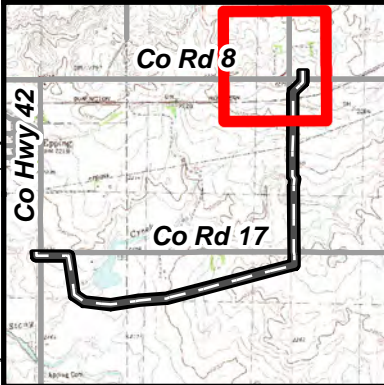
Figure 2.4
Natural Resource Survey
Epping Delivery Project

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 Feet

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Basemap: ND GIS Hub 2020 Imagery

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Legend

Proposed Project	Natural Growth Shrub Patch
Survey Corridor (250-Ft / 87.4 Acres)	Buffaloberry
Potential NLEB Habitat	Chokecherry
Delineated Wetland	Tree / Shrub Points
Canada Thistle	Green Ash
Canada Thistle and Leafy Spurge	Russian Olive
Dakota Skipper Habitat Grade	Siberian Peashrub
No Habitat (77.0 Acres)	
Poor Habitat (10.4 Acres)	

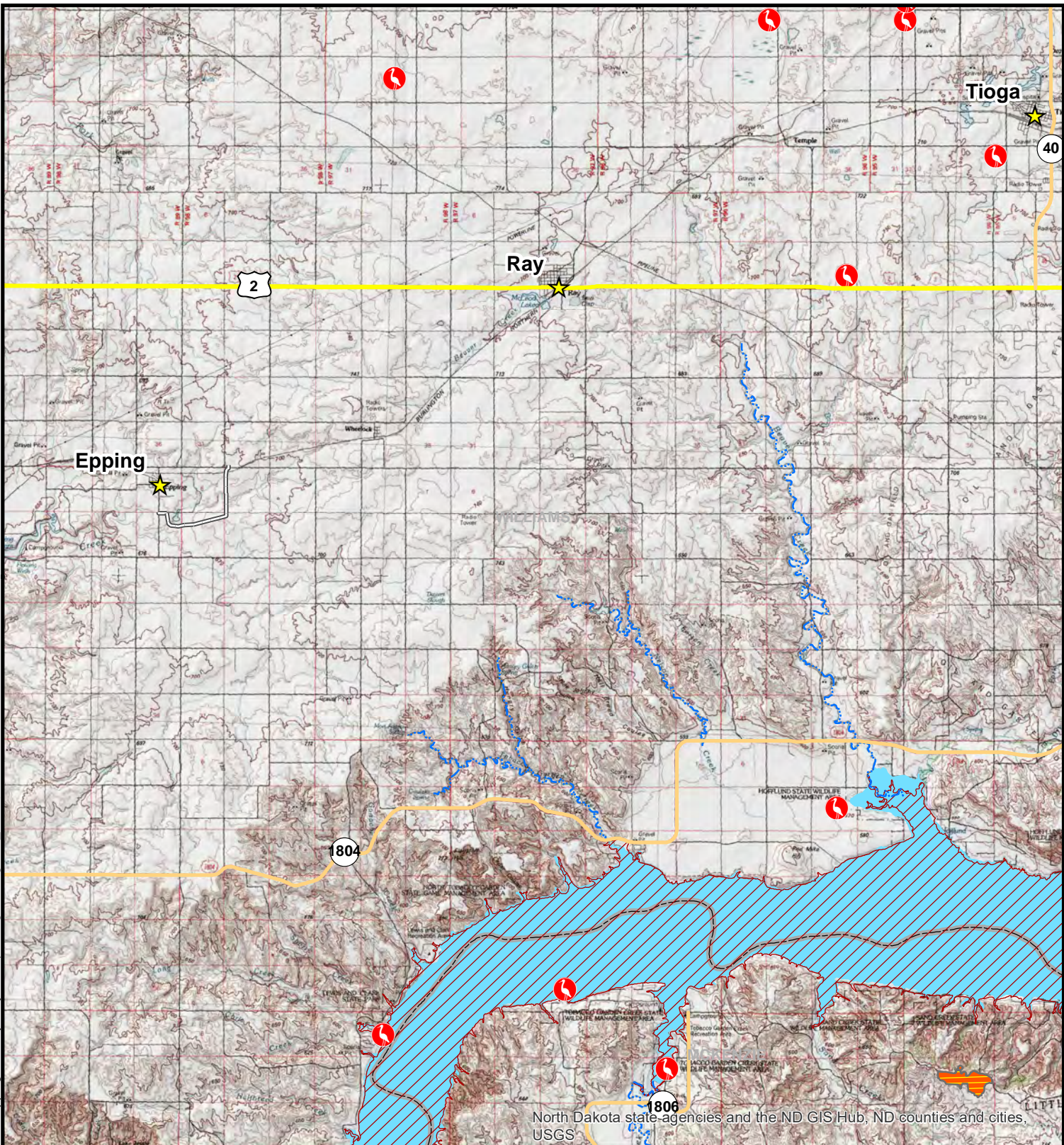
Figure 2.5
Natural Resource Survey
Epping Delivery Project

0 200 400
 Feet

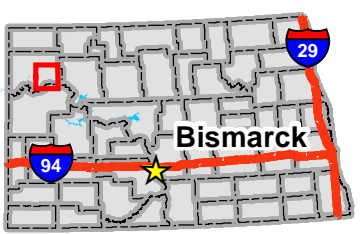
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Basemap: ND GIS Hub 2020 Imagery



North Dakota state agencies and the ND GIS Hub, ND counties and cities, USGS



North Dakota

Legend

- Proposed Project
- Perennial Stream
- Whooping Crane Sighting (Thru Spring 2018)
- Dakota Skipper Critical Habitat
- Piping Plover Critical Habitat
- Missouri River / Lake Sakakawea
- County Boundary



Figure 3
T/E Species Observations
and Critical Habitat
Epping Delivery Project

0 1.5 3
Miles

1:190,080



Basemap: ND GIS Hub Topomap Shaded Relief 100k

Appendix B

Photographs



Photograph 1. View of silver buffaloberry patch in Section 12, T155N, R99W.



Photograph 2. View of Wetland 1 looking SE across the approximately centerline of the proposed Project. Wetland 1 was field classified as a PEMC wetland.



Photograph 3. View looking north at Wetland 3. Only the southern end of this wetland was within the Survey Area.



Photograph 4. View of Wetland 3 (PEMC) and the silver buffaloberry patch (36 ct.) on the west side of the wetland. Photo was taken facing SE from Project centerline.



Photograph 5. View of the planted green ash and Siberian peashrub tree row in the NW1/4 of Section 7, T155N, R98W. The trees are considered potential NLEB habitat.



Photograph 6. View looking north across Wetland 6, a PEMC classified wetland.

APPENDIX D: CULTURAL RESOURCE REPORTS

**Privileged and Confidential: CR Report
and CR Addendum Report have been
Redacted**

APPENDIX E: REGULATORY CROSS-REFERENCE TABLE

REGULATORY CROSS REFERENCE TABLE

Authority	Description	Application Section
Chapter 49-22.1	Century Code-Title 49 Energy Conversion and Transmission Facility	
49-22.1-06	Application for a Certificate of Corridor Compatibility	
1.a	Description of Size and Type of Facility	Section 1
1.b	Summary of any Studies of Environmental Impacts	Section 3
1.c	Need for the Facility	1.2
1.d	Site for Energy Conversion Facility	NA
1.e	Proposed Transmission Pipeline Corridor	Section 2
1.f	Analysis of Merits and Detriments of Facility Location	Section 3 Section 4
1.g	Mitigating Measures	Section 5
1.h	Corridor evaluation pursuant of 49-22.1-09 and 49-22.1-03	Section 4
1.i	Other relevant information	Section 3 Section 4
49-22.1-07	Application for Route Permit	
1.a	Description of size and type of facility	Section 1
1.b	Description of the location	Section 2
1.c	Route evaluation relative to 49-22.1-09 and 49-22.1-03	Section 4
1.d	Mitigating Measures	Section 5
1.e	Right-of-Way Preparation, Construction and Reclamation	Section 6
1.f	Statement identifying how: 1. Landowners informed of right-of-way acquisition 2. How landowners will be compensated	Section 7
1.g	Other relevant information	Section 3 Section 4
49-22.1-09	Factors to be Considered in Evaluating Corridor and Route Applications	
1	Research and investigation into effects of the project on public health, welfare, natural resources, and the environment.	4.2.2
2	Effects of transmission technology and design to minimize adverse effects	4.2.3

Authority	Description	Application Section
3	Potential beneficial uses of waste energy from energy conversion facility	NA
4	Unavoidable adverse direct and indirect environmental effects	4.2.4
5	Corridor or route alternatives developed during the hearing which minimize adverse effects	4.2.1
6	Irreversible and irretrievable commitments of natural resources if designated	4.2.5
7	Direct and indirect economic impacts of the facility	4.2.6
8	Existing plans for other developments at or in the vicinity	4.2.7
9	Effect of project on scenic areas, historic sites and structures, paleontological and archaeological sites	4.2.8
10	Effect on route on unique biological areas	4.2.9
11	Problems raised by federal, state, or local entities	4.2.10
Administrative Code-Article 69-06 Energy Conversion and Transmission Facility Siting		
69-06-05-01	Application for a Transmission Facility Permit (Corridor Certificate)	
2.a.(1)	Type of facility proposed	1.1
2.a.(2)	Purpose of facility	1.2
2.a.(3)	Technology to be deployed	1.3
2.a.(4)	Type of produce to be transmitted	1.4
2.a.(5)	Source of produce being transmitted	1.4
2.a.(6)	Final destination of product being transmitted	1.4
2.a.(7)	Size and design and any alternative size and design	1.7 1.8
2.a.(7)(a)	The width of right-of-way	1.5
2.a.(7)(b)	The approximate length of facility	1.6
2.a.(7)(c)	The estimated span length for electrical facilities	NA
2.a.(7)(d)	The anticipated type of structure for electric facilities	NA
2.a.(7)(e)	The voltage for electric facilities	NA
2.a.(7)(f)	The requirement for and general location of any new associated facilities	1.9
2.a.(7)(g)	The estimated distance between pipeline surface structures	1.9

Authority	Description	Application Section
2.a.(7)(h)	The pipe size	1.7
2.a.(7)(i)	The maximum design for pipeline operating pressure and temperature	1.8
2.a.(7)(j)	The maximum design pipeline flow rate	1.8
2.a.(7)(k)	The number and general location of compressor or pumping stations	1.9
2.b	Time Schedule	1.10
2.b.(1)	Obtaining the Certificate of Corridor Compatibility	1.10.1
2.b.(2)	Obtaining the Route Permit	1.10.2
2.b.(3)	Completing the Right-of-Way Acquisition	1.10.3
2.b.(4)	Starting Construction	1.10.4
2.b.(5)	Completing Construction	1.10.4
2.b.(6)	Testing Operations	1.10.4
2.b.(7)	Commencing Operations	1.10.4
2.c	A copy of each evaluative study or assessment of the environmental impact of the proposed facility submitted to the agencies listed in section 69-06-01-05 and each response received.	Section 3.1 Appendix B
2.d	Need for facility	1.2
2.e	Description of Alternatives	4.2.1
2.f	Corridor Width	2.1
2.g	Study Area to enable the NDPSC to Evaluate the Factors in the Century Code Section 49-22.1-09	2.2
2.h	Discussion of Factors in Century Code 49-22-09.1 to aid NDPSC's Evaluation	Section 4
2.i	A discussion of the applicant's policies and commitments to limit the environmental impact of its facilities, including copies of the board resolutions and management directives	Section 4
2.j	Map of Criteria that led to Route Location	Appendix A
2.k	Discuss relative value of each criteria and how the location was selected; how operation will affect criteria	Section 3 Section 4
2.l	Mitigating Measures	Section 5
2.m	Qualifications of each person involved in location study	Section 8
2.n	Map identifying criteria that led to the route location and new facilities	Appendix A
2.o	8 ½ x 11-inch black and white map suitable for newspaper publication	Separate Cover

Authority	Description	Application Section
2.p.	Discussion of present and future natural resource development in the area	4.2.7
2.q.	Maps and GIS data meeting NDPSC requirements	Electronic Submittal
69-06-08-02	Transmission Facility Corridor and Route Criteria	--
1	Exclusion Areas	4.3
1.a.	Designated or registered national: parks, sites, landmarks, monuments or wilderness areas.	4.3.1
1.b.	Designated or registered state: parks, sites, monuments, archeological sites or nature preserves	4.3.2
1.c.	County parks and recreational areas, municipal parks, parks owned or administered by other governmental subdivisions	4.3.3
1.d.	Areas of Critical Habitat	4.3.4
1.e.	Areas where unique or rare species would be irreversibly damaged	4.3.4
1.f.	Areas within 1,200-feet of ICBM Facility	4.3.4
1.g.	Areas within 30-feet of direct lime of ICBM launch facilities	4.3.4
2	Avoidance Areas	4.4
2.a.	Designated or registered national: historic districts, wildlife areas, wild, scenic or recreational rivers, wildlife refuges or grasslands	4.4.1
2.b.	Designated or registered state: wild, scenic, recreational rivers, game refuges, game management areas, forest management lands or grasslands	4.4.2
2.c.	Historical resources which are not specifically designated as exclusion or avoidance areas	4.4.3
2.d.	Areas which are geologically unstable	4.4.3
2.e.	Within 500-feet of a residence, school, or place of business	4.4.3
2.f.	Reservoirs and municipal water supplies	4.4.3
2.g.	Water resources for organized rural water districts	4.4.3
2.h.	Irrigated land (does not apply to underground transmission facilities)	NA

Authority	Description	Application Section
2.i.	Areas of recreational significance but not designated exclusion areas	4.4.3
3	Selection Criteria. Impact on:	4.5
3.a.(1)	Agricultural Production	4.5.1
3.a.(2)	Family Farms and Ranches	4.5.1
3.a.(3)	Land Economically Suitable for Irrigation	4.5.1
3.a.(4)	Surface Drainage Patterns and Groundwater Flow Patterns	4.5.1
3.b.(1)	Sound Sensitive Land Uses	4.5.2
3.b.(2)	Visual Effect on Adjacent Areas	4.5.2
3.b.(3)	Extractive and Storage Resources	4.5.2
3.b.(4)	Wetlands, Woodlands and Wooded Areas	4.5.2
3.b.(5)	Radio and TV Reception and Other Communication or Electronic Facilities	4.5.2
3.b.(6)	Human Health and Safety	4.5.2
3.b.(7)	Animal Health and Safety	4.5.2
3.b.(8)	Plant Life	4.5.2
4	Policy Criteria	4.6
4.a.	Location and Design	4.6.1
4.b.	Training and Utilization of Instate Labor	4.6.2
4.c.	Economies of Construction and Operation	4.6.3
4.d.	Use of Citizen Coordinating Committees	4.6.4
4.e.	Commitment of Portion of Transmitted Product for use in State	4.6.5
4.f.	Labor Relations	4.6.6
4.g.	Coordination of Facilities	4.6.7
4.h.	Monitoring of Impacts	4.6.8
4.i.	Using Existing and Proposed Rights-of-Way and Corridors	4.6.9
4.j.	Other Existing or Proposed Transmission Facilities	4.6.9

APPENDIX F: ACRONYMS AND ABBREVIATIONS

ACRONYMS AND ABBREVIATIONS

BGEA	Bald and Golden Eagle Act
BMPs	Best Management Practices
bpd	Barrels per Day
CFR	Code of Federal Regulations
Corridor	1-Mile-Wide Area Centered Upon the Proposed Alignment
DOT	U.S. Department of Transportation
EIIO	North Dakota Energy Infrastructure and Impact Office
ESA	Endangered Species List
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FSA	Farm Service Agency
HDD	Horizontal Directional Drill
Hiland	Hiland Crude, LLC
IPaC	USFWS Information for Planning and Consultation
MBTA	Migratory Bird Treaty Act
MOP	Maximum Operating Pressure
NDDEQ	North Dakota Department of Environmental Quality
NDDTL	North Dakota Department of Trust Lands
NDGFD	North Dakota Game and Fish Department
NDGS	North Dakota Geologic Survey
NDPDES	North Dakota Pollution Discharge Elimination System
NDPRD	North Dakota Parks and Recreation Department
NDSWC	North Dakota State Water Commission
NFIP	National Flood Insurance Program
NHD	National Hydrography Data
NHRP	National Register of Historic Places
NLEB	Northern long-eared bat
NWI	National Wetland Inventory
PHMSA	Pipeline and Hazardous Materials Administration
Project	Epping Delivery Pipeline Project
PSC	North Dakota Public Service Commission
psi	Pounds Per Square Inch
Route	Approximate Centerline of Proposed Pipeline
ROW	Right-of-Way
SHPO	North Dakota State Historic Preservation Office
Study Area	1-mile-wide area centered upon the proposed alignment
Survey Corridor	Typically 250-Foot Corridor Centered Upon the Proposed Alignment

USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USDOD	U.S. Department of Defense-Cable Affairs
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WAWSA	Western Area Water Supply Authority
WCPZ	Williams County Planning and Zoning Department
WCWCB	Williams County Weed Control Board
WCWRD	Williams County Water Resource District
WNS	White-nose syndrome
WPA	Waterfowl Protection Area

APPENDIX G: LANDOWNER WAIVER



Hiland Crude, LLC
a Kinder Morgan company

July 13th, 2021

Jesus A. & Jennifer D. Urias
12381 Rainbow Loop
Epping, ND 58843-5011

RE: T155N-R99W-S12 Lot 5, Block 1, Epping Ranch Subdivision, a Rearrangement of Block 1, Lots 1 & 2, Epping Ranch Subdivision, located in the NW4 of Section 12 (physical address: 12381 Rainbow Loop, Epping, ND 58843-5011)

Mr. and Mrs. Urias,

Pursuant to the above described property, Hiland Crude, LLC ("Hiland") will be constructing a crude oil pipeline near your property that will be subject to certain North Dakota laws and regulations. This includes North Dakota Century Code §49-22-05.1 and North Dakota Administrative Code §69-06-08-02 which provide for certain areas located within the vicinity of this pipeline being designated as "avoidance areas." One such geographical avoidance area is the area within 500 feet of an occupied residence.

Since there is an occupied residence on the property which is subject to the above referenced easement within 500 feet of Hiland's crude oil pipeline, Hiland is notifying you of this fact. The significance of an "avoidance area" is that in routing transmission facilities (including crude oil pipelines that qualify as transmission facilities), these areas are to be avoided unless there is no reasonable alternative. Since the crude oil pipeline will be placed in a high traffic pipeline area and share an existing corridor, Hiland believes there is no reasonable alternative.

Given that there is an inhabited residence on your property within 500 feet of Hiland's crude oil pipeline, Hiland is requesting that you, as owner of such residence, acknowledge that you do not object to the placement of this pipeline within 500 feet of such residence. If you have any questions regarding this matter please contact me at 701-648-0246.

In exchange for the execution of this waiver and other good and valuable consideration, Hiland agrees as follows:

1. Hiland will indemnify and hold you harmless from and against any claim or liability or loss from personal injury, property damage resulting from or arising out of the use of the pipeline by Hiland, its servants, agents or invitees, excepting, however, such claims, liabilities, or damages as may be due to or caused by you or your servants, agents or invitees.

2. Hiland will not install additional above ground structures or buildings within ½ mile of your residence unless you agree to the same and agreement will not unreasonably be withheld.
3. Execution of this agreement by you is not a release of any liability Hiland may otherwise have to you.

If you have any questions regarding this matter, please contact me at 701-648-0246.

Sincerely,

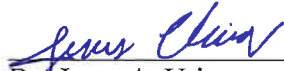


7/13/2021


Steve Lindquist
Senior ROW Agent II
Hiland Crude, LLC

Accepted and Agreed to this

13th day of July, 2021



By Jesus A. Urias



By Jennifer D. Urias

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF THE
APPLICATION OF HILAND
CRUDE, LLC FOR A CERTIFICATE
OF CORRIDOR COMPATIBILITY
AND ROUTE PERMIT FOR THE
EPPING DELIVERY PIPELINE
PROJECT IN WILLIAMS COUNTY,
NORTH DAKOTA

CASE NO. PU-21-_____

**Application of Hiland Crude, LLC for Waiver or Reduction of
Procedures and Time Schedules**

In connection with its submission of a consolidated application for a Certificate of Corridor Compatibility and Route Permit (“Consolidated Application”) for the construction of the Epping Delivery Pipeline Project (the “Project”), Hiland Crude, LLC (“Hiland”), submits to the North Dakota Public Service Commission (the “Commission”) this application for a waiver or reduction of procedures and time schedules set forth in Chapter 49-22.1 of the North Dakota Century Code (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code (“Siting Rules”). Hiland requests the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. In accordance with North Dakota Century Code Sections 49-22.1-05, 49-22.1-08 and 49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06, Hiland’s request includes, but is not limited to:

1. That the Commission accept the Consolidated Application for a certificate and route permit pursuant to Section 49-22.1-08 of the North Dakota Century Code and waive the provisions of North Dakota Century Code Sections 49-22.1-06, 49-22.1-07, and 49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 insofar as

they require separate notices of filing of applications for a Certificate of Corridor Compatibility (“Corridor Certificate”), a Route Permit, and the application for waiver of procedures and time schedules (“Waiver Application”), separate hearings on such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission hold a single consolidated hearing on this Waiver Application and the Consolidated Application.
3. That the Commission allow for a consolidated notice of publication with respect to the Consolidated Application and Waiver Application.
4. That the Commission waive the requirements of Section 69-06-05-01(2)(f) of the North Dakota Administrative Code insofar as this section may require a corridor width of ten percent of the corridor’s length with a maximum width of six miles, reducing the required corridor width to between 250 feet and one mile for the Project.

Consistent with Section 69-06-06-01(2) of the North Dakota Administrative Code, Hiland provides the following information in support of its waiver requests:

A. Description of Proposed Project.

1. **Type:** The Project will transport crude oil from existing producers to existing infrastructure capable of delivering the product to various mid-continent markets. The proposed Project consists of construction of one (1) buried 8-inch steel crude oil transmission pipeline commencing at Hiland’s Epping Station in Williams County, North Dakota, and terminating at the interconnection with the Dakota Access pipeline, a distance of approximately 2.9 miles.

2. **Product:** The Project will transport crude oil.

3. **Capacity and Design:** The Project will require installation of 8-inch nominal diameter steel crude oil pipeline with a wall thickness of 0.188-inches (0.250-inches for road

crossings or bore pipe). The maximum operating pressure for each pipeline is 1,440 pounds per square inch (psi), with the normal operating pressure for each pipeline being 450 psi. Each pipeline will be designed to operate at a maximum of 80 degrees Fahrenheit. The 8-inch diameter steel crude oil pipeline will have a normal throughput of 30,000 barrels per day (bpd) of crude oil, with a maximum throughput of approximately 62,800 bpd. The Project will be designed, constructed, operated, and maintained in compliance with industry standards, including the applicable portions of the U.S. Department of Transportation regulations set forth in 49 C.F.R. Part 195.

For additional analysis of the capacity, design and technology utilized for the proposed Project, please see Section 1 of Hiland's Consolidated Application, which accompanies this Waiver Application.

4. **Location:** As explained above, the 8-inch steel crude oil pipeline will originate at Hiland's Epping Station located in Section 1, Township 155 North, Range 99 West, Williams County, North Dakota, approximately 0.5 miles south of Epping, North Dakota. From the Hiland's Epping Station, the pipeline will travel east and north to the interconnection point with Dakota Access' existing transmission line located in Section 32, Township 156 North, Range 98 West. Maps of the proposed Project and route of the pipeline are provided in Appendix A to the Consolidated Application filed herewith.

5. **Geographical Service Area:** As noted above, the Project is located entirely in Williams County, North Dakota. The Project will consist of one (1) crude oil transmission pipeline which transfer the product to the existing Dakota Access pipeline infrastructure, ultimately serving several mid-continent markets.

6. **Time Schedule:** Hiland proposes to develop the Project on the following schedule:

- Right-of-way acquisition for the Project is complete.
- 3rd Quarter 2021 – The Commission issues Corridor Certificate and Route Permit for the Project.
- 3rd Quarter 2021 – Hiland will begin construction of the Project.
- 1st Quarter 2022 – Hiland will have completed construction of the Project.
- Commissioning and restoration activities will commence immediately following construction of the Project, and the Project is anticipated to be operational in the first quarter of 2022.

7. **Future Plans:** Hiland has no specific plans for additions to or modification of the Project at this time.

8. **Need for the Facility and Alternatives Considered.**

Hiland is proposing to construct the Project, which consists of an 8-inch crude oil pipeline, to deliver crude oil from Hiland’s Epping Station located in Williams County, North Dakota to a third-party transmission pipeline. The need for the proposed facility based on the present and projected demand for the product or products to be produced or transported by the proposed facility, including the most recent system studies supporting the analysis of the need. *See* N.D. Admin Code § 69-06-06-01(2)(h).

For additional analysis of alternatives evaluated for the Project, please see Sections 4.2.1, 4.2.1.1, 4.2.1.2 and 4.2.1.3 of the Consolidated Application which accompanies this Waiver Application.

9. **Cost.**

The total estimated cost of the Project is \$5.4 million.

10. **Waiver Request.**

Hiland requests that the Commission grant the waivers requested herein because these waivers are needed to prevent potentially significant delays to the Project. Without the waivers of time schedules and procedures requested, completion of Hiland's proposed Project will be delayed, which in turn, will delay the environmentally sound and economic development and utilization of the oil and gas resources in western North Dakota.

Section 49-22.1-05 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that "the proposed facility is of a length, design, location, or purpose that it will produce minimal adverse effects." Based upon the investigation and analysis set forth in Hiland's Consolidated Application, granting the requested waivers is appropriate because the proposed Project will produce minimal adverse effects due to its length (approximately 2.9 miles of new construction), its design (underground piping and limited above-ground appurtenances associated with an underground pipeline), its location (located in rural Williams County, and avoiding Exclusion and Avoidance Areas, as set forth in Section 69-06-08-02 of the North Dakota Administrative Code), and its purpose (underground transportation of crude oil).

In determining whether the proposed transmission facilities will result in adverse impacts on the environment, Hiland evaluated the Project using the criteria set forth in the Siting Act, the Siting Rules, and the Commission's Guidelines. More specifically, Hiland evaluated the impacts of the Project and associated facilities considering the siting criteria set forth in Section 69-06-08-02 of the North Dakota Administrative Code and the factors set forth in Section 49-22.1-09 of the North Dakota Century Code. Impacts associated with the Project, and mitigation measures that will be taken with respect to said impacts, are summarized in Sections 3, 4 and 5 of Hiland's

Consolidated Application. Based upon Hiland's siting criteria evaluation, and the factors set forth in the Siting Rules, the Project will have minimal adverse effects.

Accordingly, Hiland respectfully requests the Commission grant the requested waivers and render an expeditious decision.

Dated this 30th day of July 2021.

FREDRIKSON & BYRON, P.A.

By: 

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