



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



NOV - 2 2006

Ms. Tracy Szela
Natural Resources Group
1000 IDS Center
80th South 8th Street
Minneapolis, Minnesota 55402

Re: Enbridge Energy Company, Inc. Southern
Lights Pipeline Project Pembina County,
North Dakota

Dear Ms. Szela:

The U.S. Fish and Wildlife Service (Service) has reviewed the proposed pipeline project presented in an August 29, 2006, letter from Enbridge Energy Company, Inc. (Enbridge). The proposed pipeline will be constructed adjacent to an existing Enbridge pipeline system in Pembina County, North Dakota. The pipeline project involves the transportation of a light weight petroleum project, called diluent, from refineries in the Chicago area to the oil sands region of Canada. The North Dakota portion of the project consists of a 20-or 24-inch crude oil pipeline that will run between Neche, North Dakota, and Clearbrook, Minnesota. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.).

The Service administers fee title and easement lands throughout North Dakota. A review of our county plat maps (photocopies enclosed) indicates Service property interests (fee title lands highlighted in green) are located along the pipeline route, (T. 162 N., R. 51 W., Section 32, NW¼). The Service requires that all wetlands and property interests under its jurisdiction be avoided during project construction, when possible. Special Use or right-of-way permits will be necessary for any construction resulting in impacts to wetlands protected by easements or fee title lands. The issuance of Special Use or right-of-way permits are subject to the final determination of a refuge compatibility review process. For specific information on Service property interests in Pembina County and to determine the need for permits, contact Roger Hollevoet, Project Leader, Devils Lake Wetland Management District, P.O. Box 908, 221 Second Street NW, Devils Lake, North Dakota 58301, (701-662-8611).

Our review of the National Wetland Inventory (NWI) maps and photographs indicate the proposed planning area includes numerous wetland basins and the Red River of the North,

Pembina River, and Tongue River. You may access the NWI data directly through their website (wetlands.fws.gov). The river reaches that the proposed pipeline will cross are classified by the North Dakota Game and Fish Department (Department) as a highest-valued fishery resource. These rivers have value for forage fish production and sport fisheries. To avoid impact to these important aquatic resources, the Service recommends that these river channels be crossed using directional boring techniques.

Projects which involve the burying of a pipeline should not significantly affect wetland basins or stream channels provided precautions are taken to restore natural basin contours. Precautions should also be taken during installation of underground facilities by sufficiently compacting trenches through the wetlands to prevent drainage along the trench or through bottom seepage. The Service recommends that construction through or adjacent to these areas be avoided where possible or measures be taken (e.g. directional boring) to minimize disturbance to these areas.

To minimize disturbance to fish and wildlife resources in the project area, the Service provides the following recommendations:

- Avoid construction in river channels during the fish migration and spawning period from April 15 - June 1 and use directional boring techniques for river crossings.
- Make no stream channel alterations or changes in drainage patterns.
- Defer the timing of construction to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions.
- Locate construction to avoid placement of fill in wetlands along the route.
- Replace unavoidable losses of wetland habitat with functionally equivalent wetlands and trees/shrubs at a ratio of two planted for each one removed.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.
- Reseed disturbed areas with a mixture of native grass and forb species.

If construction routes intersect wetlands, streams, or rivers, the Corps of Engineers (Corps) may require a Department of the Army permit for the placement of dredge or fill material into waters of the U.S., including wetlands, or other impacts to navigable waters. We suggest you contact Mr. Daniel Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine the Corps' permit requirements.

To minimize the electrocution hazard to birds, the Service, with support from the Rural Utilities Service, recommends that new or updated overhead power lines be constructed in accordance

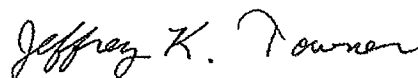
with the current guidelines for preventing raptor electrocutions. The recommended guidelines can be found in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996". To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends power lines that cross or run adjacent to rivers or large wetlands be modified according to "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994". Both publications can be obtained by writing or calling the Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266, (1-800-334-5453) or visiting their website at www.eei.org.

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is attached. This list fulfills requirements of the Service under Section 7 of the Endangered Species Act.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species. If the Federal agency determines the action "may affect" listed species, then the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" determination on listed species, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of section 7 consultation.

Thank you for the opportunity to comment on this project. If you require further information or the project plans change, please contact Terry Ellsworth of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address above.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

cc: Project Leader, Devils Lake WMD
Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)
Director, ND Game & Fish Department, Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED AND ENDANGERED SPECIES
FOUND IN PEMBINA COUNTY
NORTH DAKOTA
November 2006

ENDANGERED SPECIES

Mammals

Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

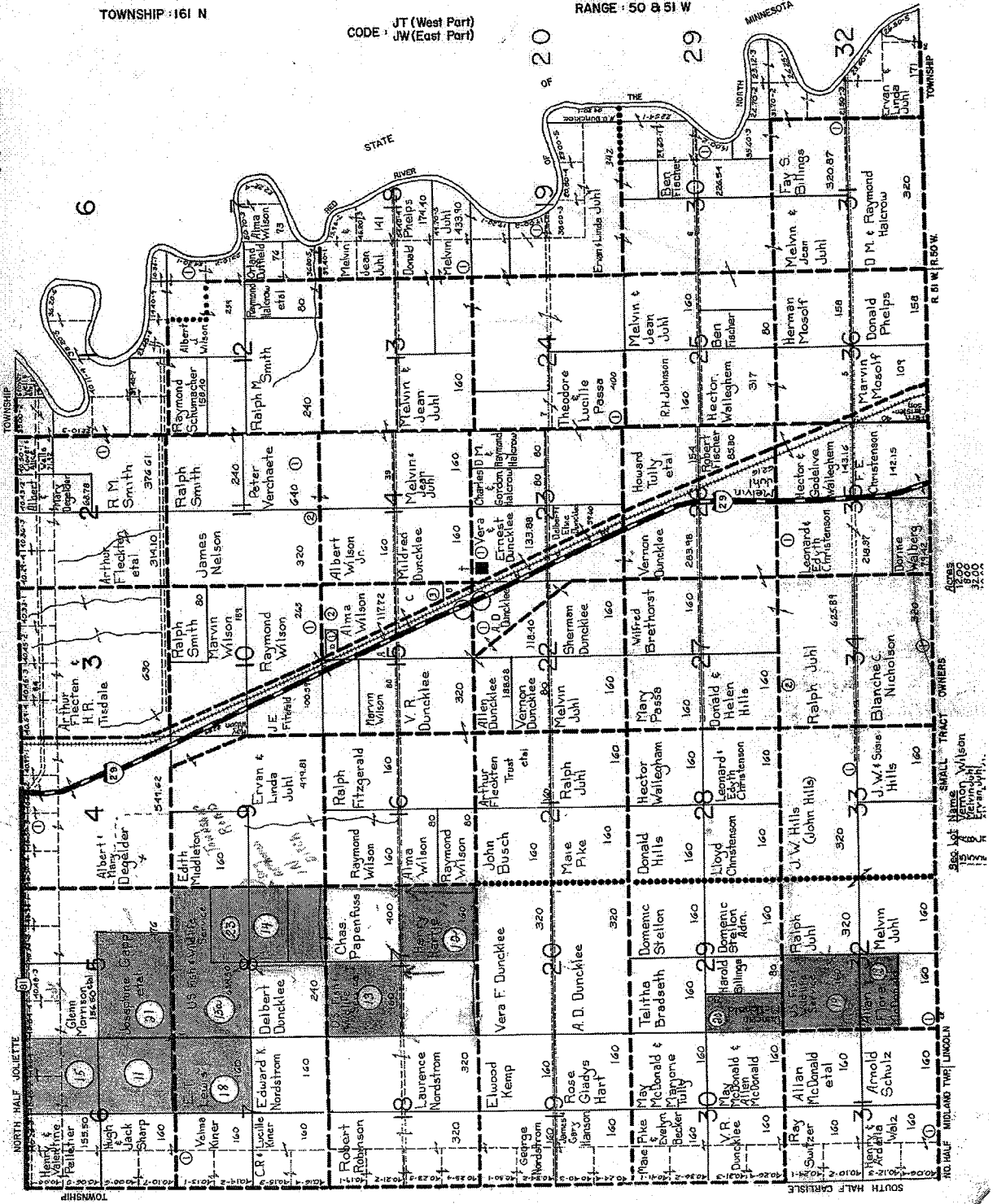
Bald eagle (Haliaeetus leucocephalus): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

JOLIETTE

TOWNSHIP 161 N

CODE JT (West Part)
JW (East Part)

RANGE 50 & 51 W



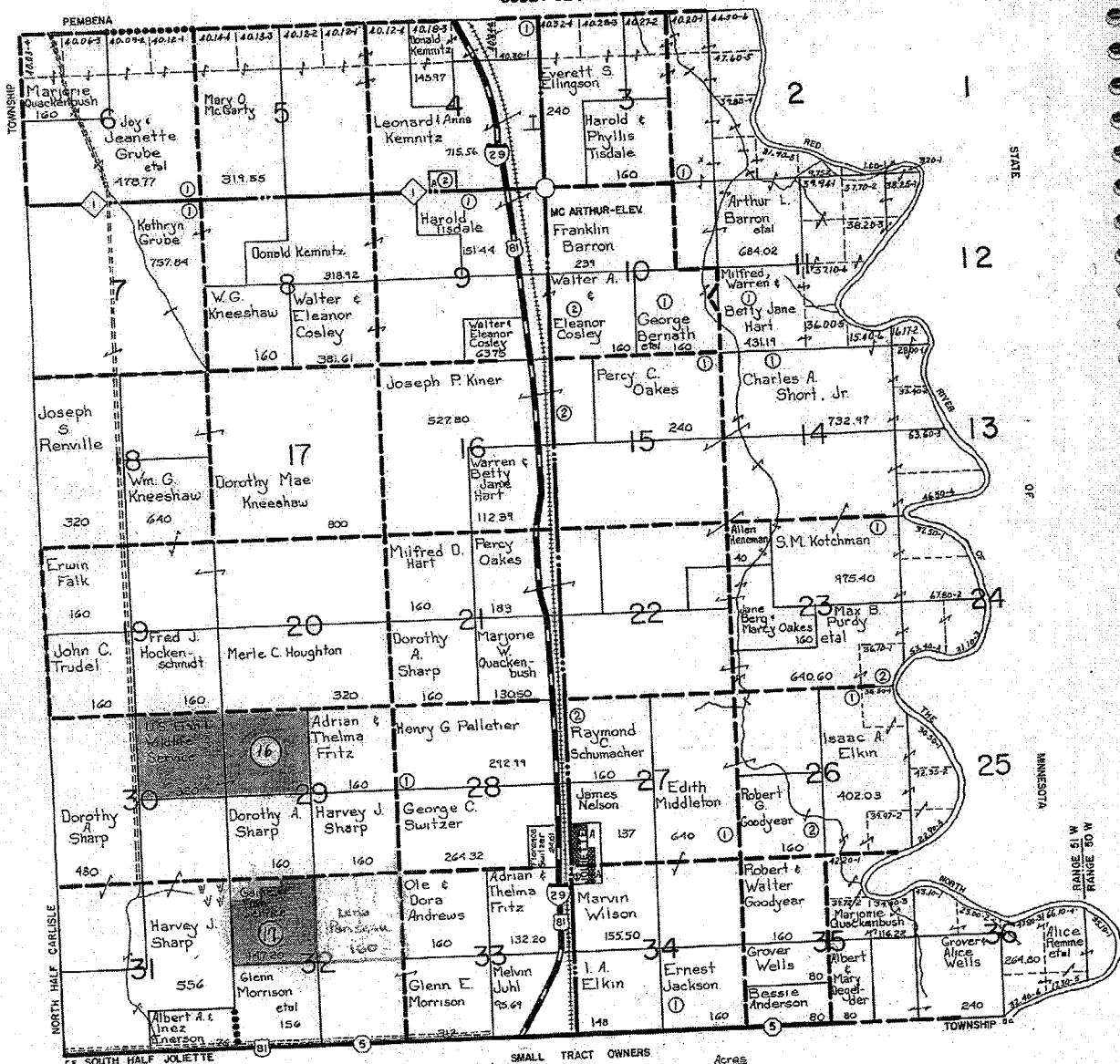
58-25

JOLIETTE

TOWNSHIP: 162 N

JM (EAST)
CODE: JL (WEST)

RANGE: 50&51 W



SMALL TRACT OWNERS

Sec	Lot	Name	Acres
4	A	Lyle U. Kennnitz	20.00
27	A	Florence Switzer	7.00
34	A	A.B. Duncliee	1.20



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

December 12, 2006

Tracy Szela
Natural Resource Group, Inc.
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Dear Ms. Szela:

RE: Southern Lights Pipeline Project

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. The State of North Dakota does not maintain an Endangered Species list, but instead defers to the Federal list.

As proposed, this pipeline will cross the Pembina and Tongue Rivers, both Class III fisheries, and the Red River, a Class I fishery. We recommend these streams be crossed by directional boring if possible. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation. We suggest the US Army Corps of Engineers' North Dakota Regulatory Office be contacted for permit requirements under Section 404 of the Clean Water Act.

The National Wetland Inventory maps indicate numerous wetlands within the proposed project corridor. We recommend that steps be taken to protect any wetlands that cannot be avoided, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns. We also ask that every effort be made to prevent destruction of woody vegetation and any loss of trees and shrubs be replaced on a 2:1 basis.

Sincerely,

A handwritten signature in cursive script that reads "Steve Dyke".

(for) Michael G. McKenna
Chief
Conservation & Communication Division

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