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July 26, 2011

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

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PUBLIC SERVICE COMMISSION

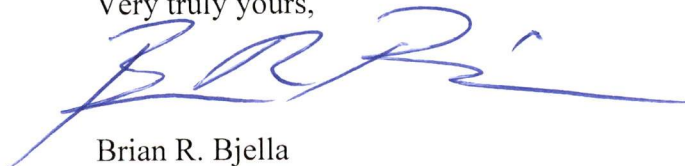
Dear Mr. Nitschke:

RE: Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Piping Plover Assessment
Case No. PU-10-613
Our File No. 31-411-003

Enclosed for filing in the captioned case on behalf of Enbridge Pipelines (North Dakota) LLC ("Enbridge") are the original and ten copies of a Piping Plover Assessment prepared by Merjent, Inc.

Please call should you have any questions.

Very truly yours,



Brian R. Bjella

bw
Enc.



July 19, 2011

Mr. Paul Meneghini
Supervisor, Environment Projects
Enbridge Energy
1409 Hammond Ave
Superior, WI 54880

RE: Enbridge Pipelines (North Dakota) LLC ("Enbridge")
Beaver Lodge Loop Project - Piping Plover Assessment
Mountrail County, North Dakota

Dear Mr. Meneghini,

On behalf of Enbridge, Merjent, Inc. ("Merjent") submitted a letter to the U.S. Fish and Wildlife Service (FWS) dated April 27, 2010. A response was received by letter dated June 3, 2010. Merjent reviewed the FWS's website¹ and June 3, 2010 letter for a list of species and critical habitat that may be present within the Project Area. The piping plover (*Charadrius melodus*) was identified as being federally listed as threatened with designated critical habitat in Mountrail County. In addition, a designated critical habitat unit for piping plover was identified approximately 0.2-mile to the north of the centerline of the Beaver Lodge Loop Project ("Project") (see Attachment A).

In North Dakota, piping plovers are known to nest on midstream sandbars of the Missouri River and along shorelines of saline wetlands, especially where there are salt-encrusted areas of gravel, sand, or pebbly mud wetlands. Piping plovers forage near the water where invertebrates are most readily available. The Project crosses wetlands and some waterbodies, but, in general, the Project Area occurs within agricultural lands where suitable nesting habitat does not exist.

To address agency concerns, Enbridge commissioned McCain and Associates, Inc. ("McCain") to perform a habitat assessment on a one-mile corridor (centered on the proposed pipeline) for threatened and endangered species in July 2010. No piping plovers or suitable habitat were observed within the survey corridor during the on-site assessment. The results of McCain's assessment is provided as Attachment B.

¹ <http://www.fws.gov/mountain-prairie/endspp/countylists/northdakota.pdf>

Mr. Paul Meneghini
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In addition, Enbridge commissioned qualified biologists of McCain to perform a second piping plover survey within a half-mile buffer of the FWS-designated critical habitat. This survey was completed July 18, 2011. The survey involved inspecting the lake shore and other potential suitable habitat areas (*e.g.*, wetland edges, non-vegetative areas, etc.) on foot. No piping plover was observed during the on-site survey. A map of the area surveyed is provided as Attachment C.

In conclusion, the Project's construction workspace will not impact the designated critical habitat unit. Additionally, piping plovers and their nests were not identified during the July 18, 2011 on-site surveys within a half-mile buffer of the Project's workspace near the designated habitat unit. Finally, construction of the Project is planned for mid-August 2011, which is the end of the piping plover nesting season. Merjent believes the Project will not impact the piping plover or its habitat.

If you have questions regarding this piping plover assessment or require additional information, please contact me at (612) 746-3669.

Sincerely,

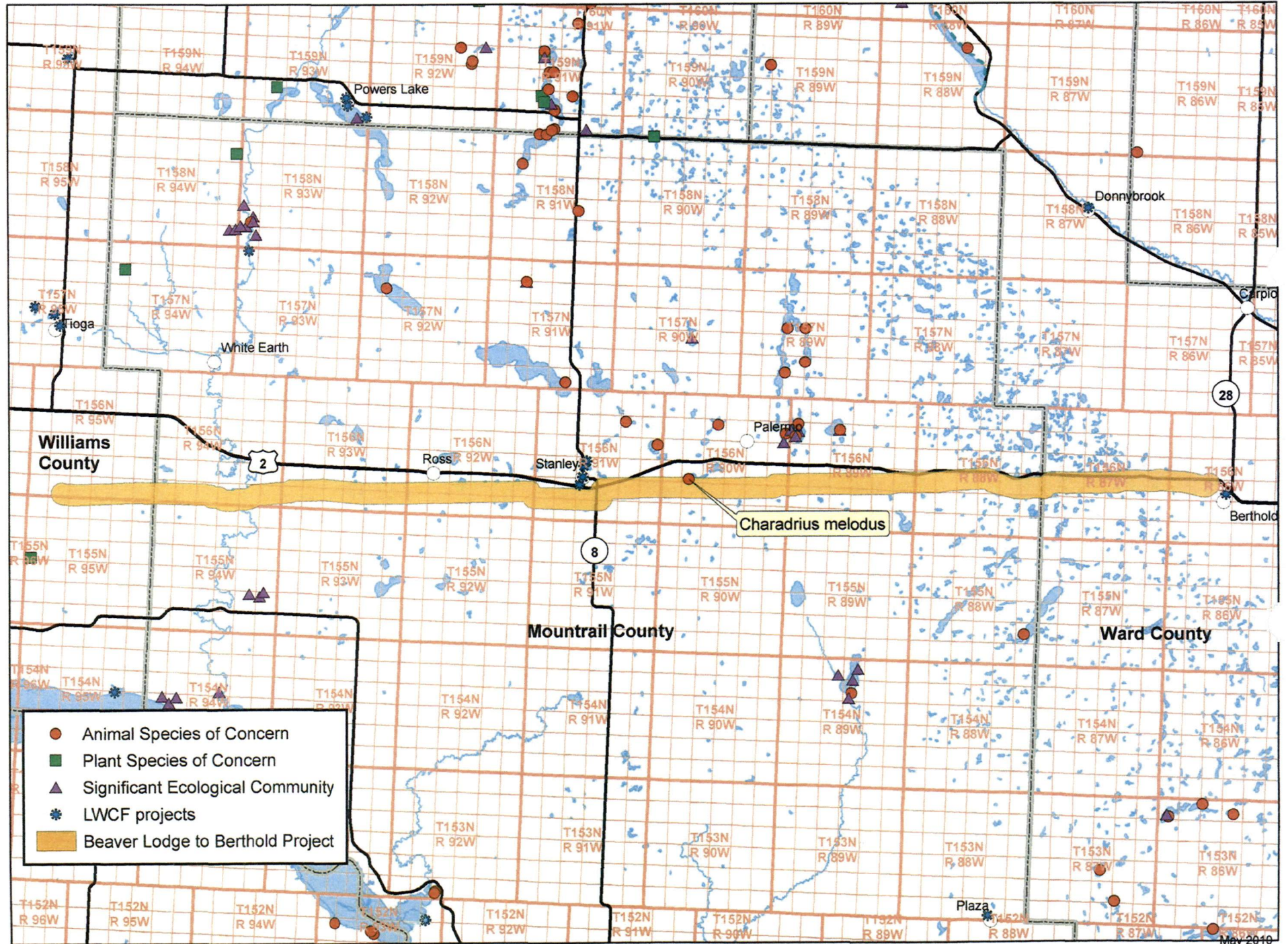
Merjent, Inc

A handwritten signature in blue ink that reads "Angela M. Ronayne". The signature is written in a cursive, flowing style.

Angela M. Ronayne, P.E.
Senior Analyst

Enclosures: Attachment A – Piping Plover Critical Habitat Map
Attachment B – McCain Habitat Assessment
Attachment C – McCain Piping Plover Survey Area

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	156N090W - 20	Mountrail	1996-06-10		S

September 16, 2010

Ms. Naomi Jensen
Merjent
615 First Avenue NE
Suite 425
Minneapolis, MN 55413

**Re: Habitat Assessment
Beaver Lodge Loop Project, Enbridge Energy**

Dear Ms. Jensen,

McCain and Associates, Inc. (McCain) performed a habitat assessment for threatened and endangered species (TES) and raptors along the proposed Enbridge Energy (Enbridge) Beaver Lodge Loop Project (BLLP) route. Habitat for TES and raptors was evaluated within ½ mile (either sides or a 1-mile corridor) of the proposed route. The habitat assessment was conducted on July 31-August 3 and August 28-31, 2010, by Kathie Kjar, Ryan Krapp, Greg Meyer, and Nate Harling, Biologists of McCain.

Below is a habitat assessment, a TES effects determination, and migratory bird effects assessment made by our qualified biologists. McCain did not consult the North Dakota Parks and Recreation Department (NDPR), which houses the North Dakota Natural Heritage biological conservation database prior to or after the on-site assessment.

The Beaver Lodge Loop Project area is located in portions of the Missouri Coteau Slope and Missouri Coteau Regions. The western portion of the project area is located within the Missouri Coteau Slope region. This area is characterized by a level to gently rolling landscape with sparse drainage patterns and few wetlands. The topography slopes towards the Missouri River.

The eastern portion of the project area is located within the Missouri Coteau region. This area is characterized by a hummocky landscape with rolling topography. Numerous wetland depressions are found in the region. Common agricultural crops of the area include: wheat, barley, canola, and sunflowers.

Habitat Assessment

Scattered depression wetlands are common along the BLLP. Many of the wetlands have been cultivated in 2010. Barnyard grass (*Echinochloa crus-galli*), foxtail barley (*Hordeum jubatum*), quackgrass (*Agropyron repens*), and curled dock (*Rumex crispus*) are prevalent in the shallow depression wetlands with a temporary water regime. Cattails (*Typha* spp.), reed canary grass (*Phalaris arundinacea*), and water smartweed (*Polygonum amphibium*) are prevalent in wetlands with seasonal water regimes. Many of the pothole wetlands in the native prairie areas contain fowl bluegrass (*Poa palustris*), wooly sedge (*Carex lanuginosa*), water smartweed (*Polygonum amphibium*), and whitetop (*Scolochloa festucacea*).

The majority of the project area has been cultivated and is presently in agricultural production. Native grasslands are located in the Missouri Coteau portion of the project area. Dominant

vegetation of the grasslands include needle-and-thread (*Stipa comata*), western wheatgrass (*Agropyron smithii*), blue grama (*Bouteloua gracilis*), and little bluestem (*Andropogon scoparius*). Common herbs in the native prairies include purple prairie clover (*Echinacea angustifolia*), blazing star (*Liatris punctata*), prairie coneflower (*Ratibida columnifera*), stiff sunflower (*Helianthus rigida*), and stiff goldenrod (*Solidago rigida*). Kentucky bluegrass (*Poa pratensis*) and smooth brome (*Bromus inermis*) are common in tame grasslands and have encroached upon many of the native prairie areas. Locations of native prairie areas are summarized in the Table 1.

Table 1. Summary of native prairie locations.

Section	Township	Range	Tract	Habitat
22	156	87	Northwest 1/4	Native Prairie
19	156	88	Section	Native Prairie
20	156	88	Section	Native Prairie
23	156	88	Northeast 1/4	Native Prairie
24	156	88	Northeast 1/4	Native Prairie
19	156	89	South 1/2	Native Prairie
21	156	89	South 1/2	Native Prairie
21	156	89	Section	Native Prairie
22	156	89	South 1/2	Native Prairie
23	156	89	South 1/2	Native Prairie
24	156	89	North 1/2	Native Prairie
24	156	90	Southwest 1/4	Native Prairie
24	156	90	Southeast	Native Prairie
26	156	90	North 1/2	Native Prairie
28	156	90	Section	Native Prairie
26	156	91	Northeast 1/4	Native Prairie
27	156	91	East 1/2	Native Prairie
33	156	91	Section	Native Prairie
36	156	92	Section	Native Prairie
35	156	93	Section	Native Prairie
36	156	93	Section	Native Prairie
33	156	94	Section	Native Prairie
36	156	95	Section	Native Prairie

Large shelter belt tree plantings are found around farmsteads near the BLLP. Single row tree plantings are scattered in crop fields along the BLLP. The tree plantings may provide nesting habitat for raptors. Green ash (*Fraxinus pennsylvanica*) and American elm (*Ulmus americana*) are common tree species in the planted tree belts.

The on-site survey did not reveal habitat areas of concern. The proposed project is not located across or near any significant ecological community and is not likely to adversely affect critical wildlife habitats. Potential impacts to wildlife include temporary displacement due to construction activities and temporary loss of ground cover in native and planted grassland areas. These effects are not likely to cause long-term declines in populations in the area. Ground clearing may temporarily unavoidably impact habitat for unlisted species, including small migratory birds, ground dwelling mammals, and other wildlife species.

Threatened and Endangered Species

Assessments for federally listed threatened, endangered and candidate species were conducted by evaluating historic and present occurrences, and by determining if potential habitat exists within the project area. Determinations were made concerning direct and cumulative effects of the proposed activities on each species and their habitat. Currently, five federally listed species have been documented in Mountrail and Williams Counties, and three in Ward County. In addition, critical habitat for the piping plover is listed as present in the counties.

Suitable habitat for the interior least tern and pallid sturgeon are limited to the Missouri River system. Since the BLLP does not cross and is not near the Missouri River, these species are not assessed in this report.

The Dakota Skipper has been determined to be a candidate species under the Endangered Species Act. No legal requirement exists to protect candidate species; however, the U.S. Fish and Wildlife Service (USFWS) considers this species to have significant value and worth protecting.

Table 1. Threatened, Endangered, Candidate species and Designated Critical Habitat

Species	Status	County		
		Mountrail	Ward	Williams
Whooping Crane	Endangered	X	X	X
Gray Wolf	Endangered	X	X	X
Piping Plover	Threatened	X	X	X
Dakota Skipper	Candidate	X	X	
Designated Critical Habitat - Piping Plover		X	X	X

¹ USFWS (updated March 17, 2010)

Species Assessments

Assessments for Federally listed threatened, endangered species were conducted by evaluating historic and present occurrences and by determining if potential habitat exists within the project area. A determination was made concerning direct and cumulative effects of the proposed activities on each species. Determinations made for federally listed species are:

- No effect
- May affect, but is not likely to adversely affect
- May affect, and is likely to adversely affect
- Is likely to jeopardize a proposed species or adversely modify critical habitat
- Is not likely to jeopardize a proposed species or adversely modify critical habitat

Whooping Crane

The primary nesting area for the whooping crane is in Canada's Wood Buffalo National Park. Arkansas 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 Park and Wildlife 2008).

The proposed project is located within the Central Flyway. Approximately 75% of the whooping crane sightings in North Dakota occur within a 90-mile corridor that includes the BLLP. One historic sighting has occurred within one mile and 11 historic sightings have occurred within five miles of the proposed BLLP. The BLLP corridor is adjacent to large wetlands that may be

possible roost areas. The majority of large wetland areas within the evaluated corridor have deep water and tall emergent vegetation in them.

Construction activities may cause migratory cranes to divert from the area but is not likely to result in any fatalities. Construction should be stopped if whooping cranes are sighted within one mile of the construction activities and not resume until the birds have left the area. Any sightings should be immediately reported to the US Fish and Wildlife Service (USFWS) and North Dakota Game and Fish Department (NDGFD). Following these guidelines, it is reasonable to expect that the proposed activities are **may affect, but is not likely to adversely affect** whooping cranes.

Gray Wolf

Gray wolves were historically found throughout much of North America including the Upper Great Plains. Human activities have restricted their present range to the northern forests of Minnesota, Wisconsin, and Michigan and the Northern Rocky Mountains of Idaho, Montana, and Wyoming. They now only occur as occasional visitors in North Dakota. The most suitable habitat for the gray wolf is found around the Turtle Mountains region where documented and unconfirmed reports of gray wolves in North Dakota have occurred (Grondahl and Martin, no date). The proposed project **may affect, but is not likely to adversely affect** this species.

Piping Plover

Piping plovers are found along the Missouri and Yellowstone River systems and on large alkaline wetlands. Nesting sites and critical habitat have been documented on the shorelines of Lake Sakakawea and on large alkaline wetlands. Suitable nesting habitat is not located within the evaluated route. Uncultivated wetlands within the evaluated route have extensive emergent vegetation growing in them. One large saline lake that may provide suitable habitat is located approximately one half mile north of the corridor in Section 29, T156N, R90W.

No piping plovers were observed during the on-site assessment and the project will not disrupt any designated Critical Habitat. The proposed project **may affect, but is not likely to adversely affect** this species at this time and will have **no effect** on critical habitat.

Dakota Skipper

Dakota skippers are currently listed as a candidate species in North Dakota and have been documented in Mountrail and Ward Counties. Larvae of the Dakota skipper feed on grasses, favoring little bluestem. Adults emerge in mid-June, feeding on the nectar of flowering native forbs. Harebell (*Campanula rotundifolia*), wood lily (*Lilium philadelphicum*), and purple coneflower (*Echinacea angustifolia*) are common components of their diet (Canadian Wildlife Service, 2004). Dakota skippers are most likely to be found along river valleys or in mesic segments of mixed grass prairie. Although no individuals were seen during the on-site review, preferred plant species were present along the BLLP in the native prairie areas.

Activities from pipeline installation may temporarily disturb some forage species of the Dakota skipper but is not likely to cause to a decline in the Dakota skipper population. The proposed project **may affect, but is not likely to adversely affect** this species.

Raptors and Migratory Birds

The proposed project may affect raptor and migratory bird species through direct mortality, habitat degradation, and/or displacement of individual birds. These impacts are regulated in part through the *Migratory Bird Treaty Act* (916 USC 703-711) and the Bald and Golden Eagle Protection Act (BGEPA).

Ms. Naomi Jensen
September 16, 2010
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A ground survey for tree and ground raptor nests was conducted within the survey corridor during the on-site evaluation. No raptor nests were observed during the on-site evaluation but buteos and northern harriers were sighted along the route.

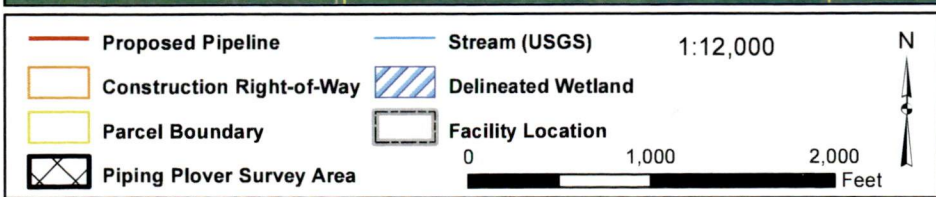
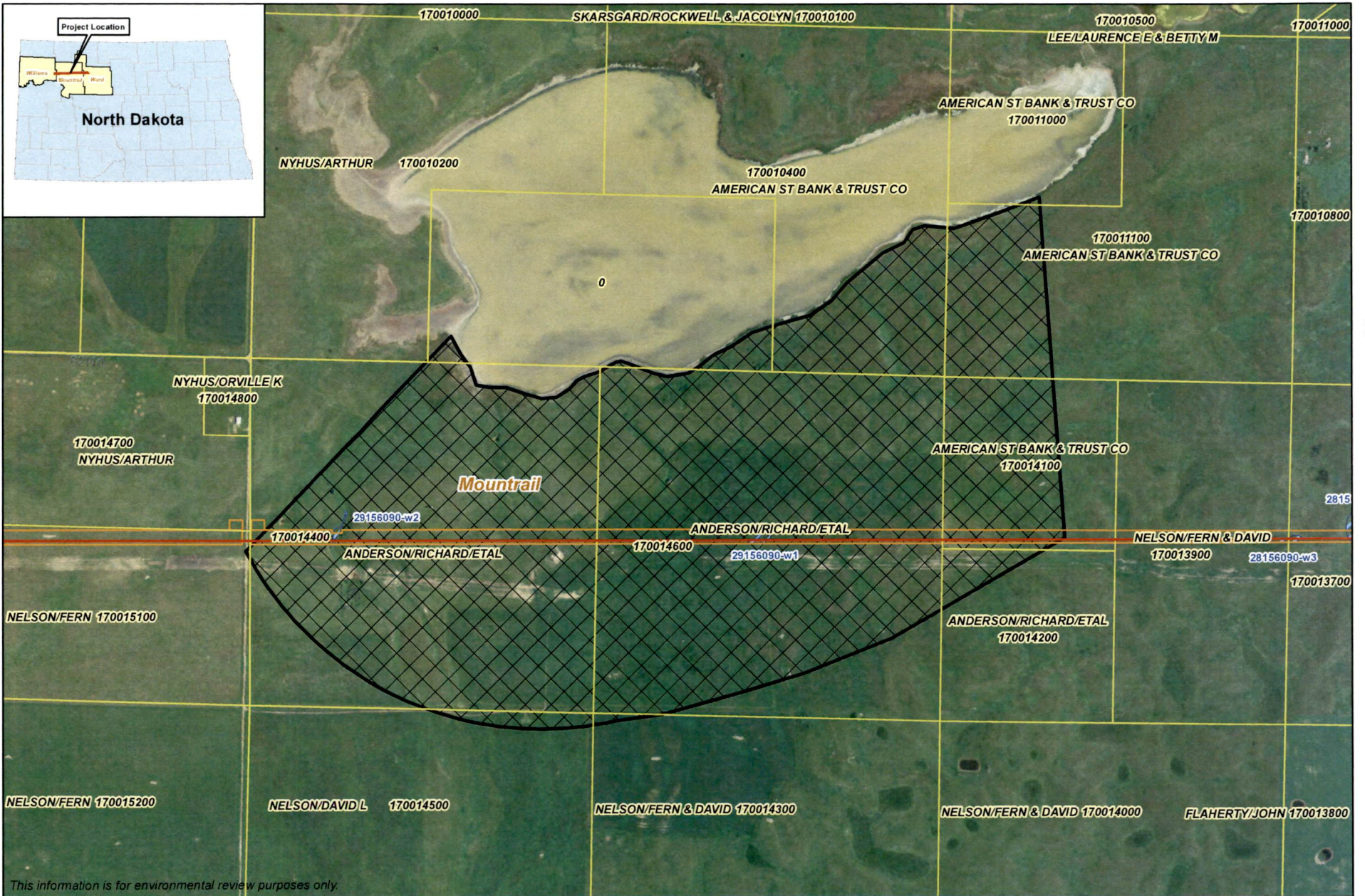
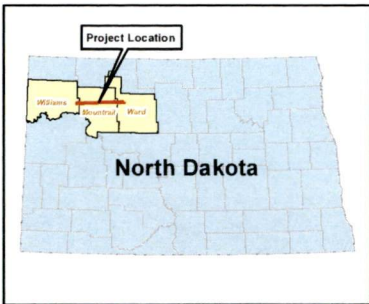
Suitable nesting habitat for migratory birds exists within the proposed route in native prairie areas and adjacent to wetlands and road crossings. The on-site evaluation was performed outside of the nesting season for migratory birds; therefore, nesting sites were not observed.

Conclusion

No threatened, endangered species or critical habitats were observed during the on-site evaluation. Suitable nesting habitat for raptors and migratory birds is located within the survey corridor. Please call me at 701-255-1475 if you have questions or need additional information.

Sincerely,

Ryan Krapp
Biologist/GIS Specialist



Enbridge Pipelines (North Dakota) LLC
 Beaver Lodge Loop Project
 Piping Plover Survey Map

Revised: 07/14/2011