



EXHIBIT 4
TO CONSOLIDATED APPLICATION OF
VANTAGE PIPELINE US LP for
CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT
PSC Case No. PU-11-109

Fish and Wildlife

February 2012

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EXHIBIT 4: FISH AND WILDLIFE

Fish and wildlife resources were assessed in accordance with the federal Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and with species listed in the Comprehensive Wildlife Conservation Strategy (CWCS) of the North Dakota Game and Fish Department (NDG&F).

METHODOLOGY

Surveys were conducted for active and inactive eagle and raptor nesting locations, migratory bird nesting concentrations, colonial waterbirds and shorebirds, and sharp-tailed grouse breeding areas (leks) during the months of April-August, 2011. Raptors included eagles, hawks, falcons, and harriers. The sharp-tailed grouse is a CWCS Level II Species of Conservation Priority. A one-mile study corridor centered along the proposed pipeline route was flown in quarter-mile transects while visual surveys were conducted from the air. Suspect areas were also spot checked by biologists during the wetland surveys conducted for the project prior to the aerial flight surveys and any observations of raptors in flight or sharp-tailed grouse were forwarded to the avian survey biologist with GPS coordinates.

RESULTS

Two raptor nests and 19 sharp-tailed grouse were identified during the survey. Figure 1 illustrates identified raptor nest and sharp tailed grouse lek locations along the pipeline.

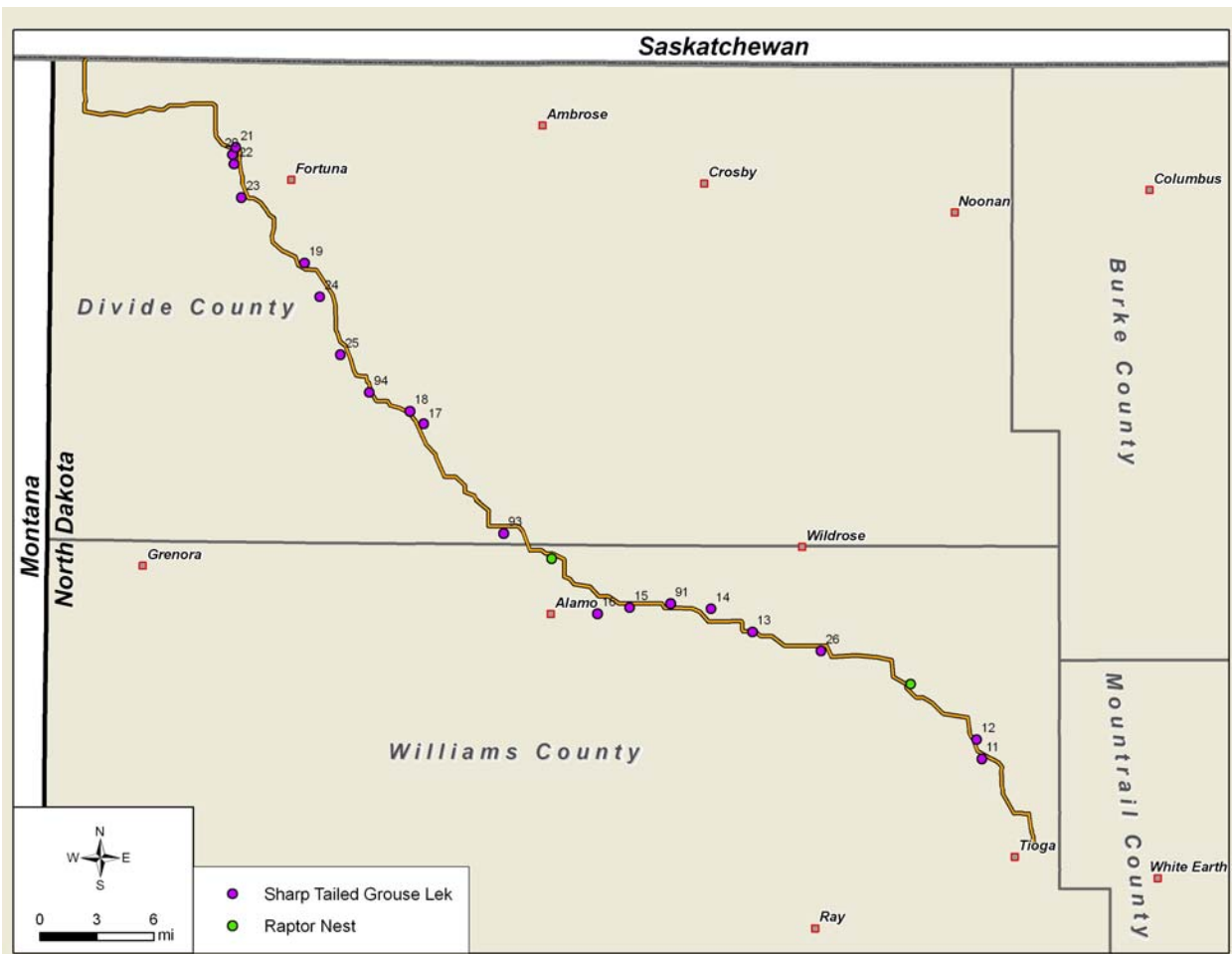


Figure 1: Raptor Nests and Sharp Tailed Grouse Leks within the 1 Mile wide Survey Corridor

Raptors

During the spring survey, five northern harriers and a Swainson's hawk were observed, along with two raptor nests. The documented raptor nests include: one active red-tailed hawk (approximately 1,300 ft. from the route centerline) and one inactive unidentified buteo species nest (approximately 1,200 ft. from the pipeline centerline). No golden or bald eagle nests or birds were documented within the survey corridor.

Northern harrier nests were not identified during the aerial survey, this species typically nest on the ground and in wetland habitats. The presence of ground nesting bird species will be evaluated during the pre-construction surveys. No cliff or bluff nest substrates were identified within the corridor, and tree nest substrates were limited to mostly shelter belts located in cultivated crop areas. The landscape was heavily fragmented with wheat stubble fields and summer fallowed dirt fields, leaving limited native pasture or grasslands for raptor foraging and prey production.

Sharp-tailed grouse

The spring sharp-tailed grouse survey identified 19 leks. Lek sizes ranged from 1-19 males. The area within the pipeline corridor is heavily fragmented with cropland and summer fallowed fields. All leks were found in Conservation Reserve Program (CRP) grasses or native rolling pastures and where larger tracts of grassland/pasture habitat were intact. One sharp-tailed grouse lek was identified within the construction disturbance area, approximately 15ft from the pipeline centerline. Sharp-tailed grouse leks identified within ¼ mile of the pipeline route would be avoided during the (nesting/breeding) season as per NDF&G stipulations.

Migratory birds

No nesting concentrations of migratory birds or suitable substrates for nesting concentrations of migratory birds were observed in the survey including; colonial waterbirds, suitable shorebird substrates or nests concentrations, or substrates or nest concentrations for cliff dwelling swallow species. No bridges over water or human structure substrates for barn swallows are present within or in close proximity to the project. Grassland nesting passerine and other grassland or ground nesting migratory bird nests will be evaluated if construction is to occur in these suitable habitats during the nesting season prior to any disturbance.

PROPOSED MITIGATION

A pre-construction survey will be conducted in the spring of 2012 to identify any new eagle or raptor nests and sharp-tailed grouse leks that may have been established since the 2011 survey. Environmental monitors will be present during construction to inspect areas prior to and during construction for nesting raptors and eagles and migratory bird nests if construction occurs during the breeding season. The primary objective is to schedule construction during the fall and winter months to the greatest extent practicable to avoid conflicts with raptor and migratory bird breeding. Construction will also be delayed until after the breeding season where the project is within 0.5 miles of active sharp-tailed grouse leks.

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ATTACHMENT 4-1: SURVEY DATA SHEETS

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