



**EXHIBIT 5**  
TO CONSOLIDATED APPLICATION OF  
VANTAGE PIPELINE US LP for  
CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT  
PSC Case No. PU-11-109

Threatened, Endangered, and Sensitive Species  
Surveys

February 2012

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## **EXHIBIT 5: THREATENED, ENDANGERED, AND SENSITIVE SPECIES**

Early coordination and informal consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated in 2010. The project is located within the known distributional ranges of several species of fauna listed as endangered or threatened under the federal Endangered Species Act. Habitats for two of these species were identified as potentially affected by the project; the remaining listed species occurred in the Missouri and Yellowstone River channels and will not be affected. The two species include the piping plover (*Charadrius melodus* – Threatened) and whooping crane (*Grus americana* – Endangered). Breeding habitat is present in the project area for the piping plover and spring/fall migration stopover habitat is present for the whooping crane. A third species that is shown as a Candidate species for listing, the Sprague's pipit (*Anthus spragueii*) is a grassland songbird that will be subjected to the same mitigation commitments as migratory birds. The piping plover was the main listed species of interest that was evaluated in coordination with the USFWS. No state or federally listed Threatened, Endangered, or Sensitive plant species are present within the project area.

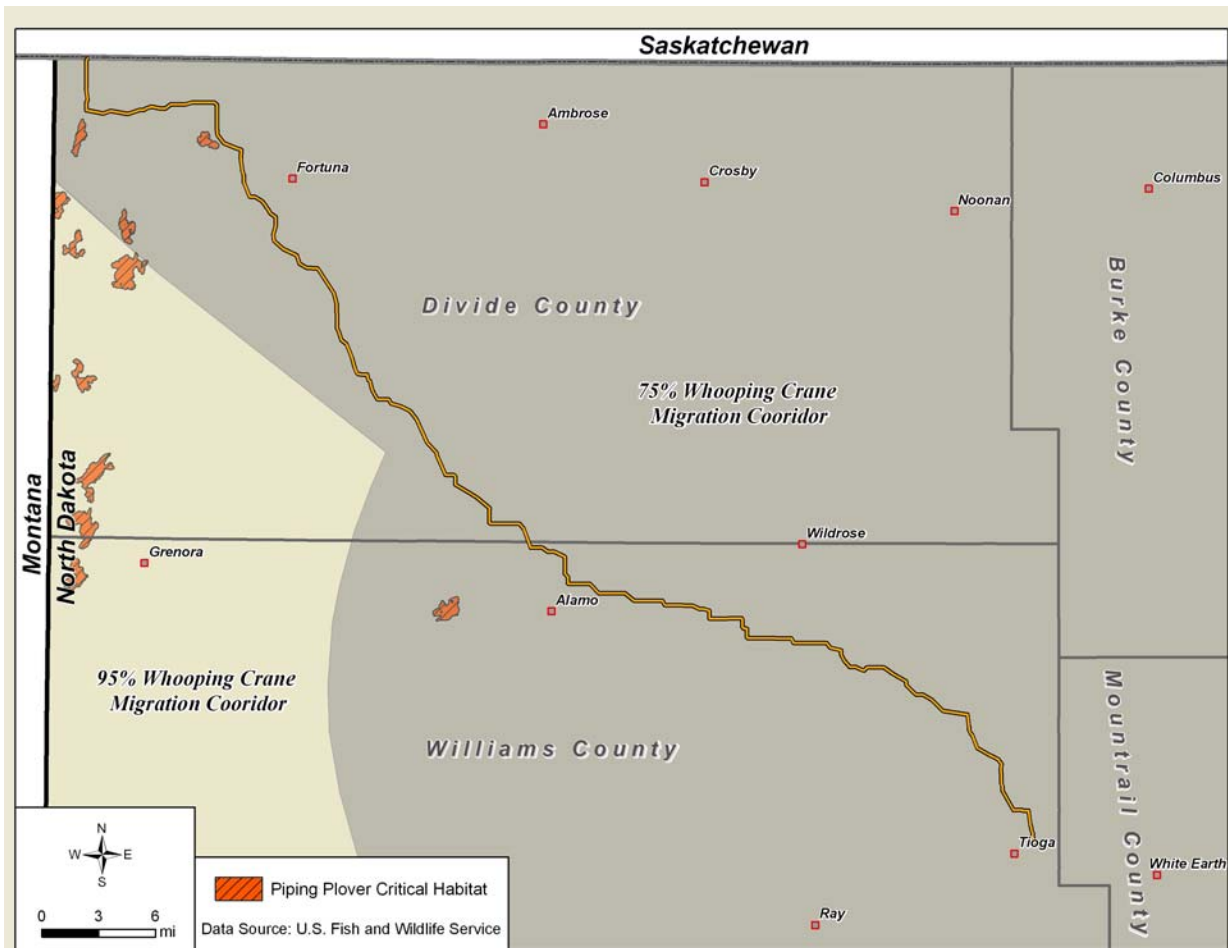
### **METHODOLOGY**

The USFWS provided data on several designated critical habitat areas located in the project vicinity, two of which are located within a one mile radius of the proposed route. A third area not designated as critical habitat was also referenced and is referred as Hapet Lake. Refer to Figure 1, below, for a map of piping plover critical habitat. The objective of the survey was to evaluate other potential breeding habitats not associated with these three known breeding areas. GIS was used to overlay aerial photographs and wetland survey results to identify indicator signatures of potential piping plover breeding wetlands in the project vicinity (i.e. within 500 feet of both sides of the proposed route). Indicator signatures that were used as determination criteria include salt rings around wetland basin margins, halophytic wetland vegetation recorded in the wetland surveys, and extensive gravel and sandy beaches and topographic formations on wetland basin margins. The wetlands that showed evidence of these indicators that are located outside of the three known breeding areas were identified to be surveyed for breeding piping plovers by an experienced avian biologist using a ground survey method. The survey was planned for the spring/early summer of 2011.

### **Results**

Spring and early summer of 2011 saw unprecedented, record-setting flooding in northwest North Dakota. As the planned piping plover survey of breeding habitats approached, communications with the USFWS revealed that high water had inundated known breeding habitats and that birds were nesting in unusual settings (e.g. gravel roads, *pers. communication USFWS*). The May start to the surveys was delayed until July, at which time flooding persisted. As a result and through continued communication with the USFWS, surveys for piping plover breeding habitats were delayed until the spring of 2012. Vantage will continue to work with the USFWS North Dakota Field Office Endangered Species Biologist and the biologists who monitor piping plovers at Lostwood National Wildlife Refuge to coordinate and conduct the 2012 surveys. Coordination will include USFWS data sharing of the latest records and research with Vantage Pipeline biologist to assure that these areas are surveyed adequately and satisfactorily as part of the ongoing informal Section 7 Consultation process.

Informal Section 7 Consultation with the USFWS also identified the project area as a stopover for migrating federally Endangered whooping cranes (*Grus americana*) during the fall and spring flights from breeding habitat in Canada to wintering habitat in Texas. Migrating whooping cranes have been documented stopping to rest and forage in fields and wetlands during their flights. Stopovers are usually for short periods up to several days in length. No other federally listed Threatened or Endangered species of birds or other fauna concerns were expressed by the USFWS for the project. Refer to Figure 1 for an illustration of the migration corridor.



**Figure 1: Critical Habitat and Whooping Crane Migration Corridor**

No migrating whooping cranes other federally listed species of birds or other fauna were observed in the project area during the spring surveys.

### MITIGATION

Please refer to the status of proposed piping plover surveys in the Methods and Coordination section above, and the ongoing informal Section 7 Consultation with the USFWS. The results of any surveys and further coordination with the USFWS on the piping plover will be provided at a later date. If piping plover nesting is present within a 0.5-mile radius of the proposed project, all construction activities will cease or not be implemented within that radius until the birds are done utilizing those breeding habitats.

If migrating whooping cranes are observed by the environmental monitors or USFWS to be resting/foraging on the ground within a 0.5-mile radius of any active construction of the project, all construction activities will cease within that radius until the birds have left the area. This is consistent with the request of the USFWS through informal Section 7 Consultation for the project. The environmental monitor will conduct inspections and monitor known endangered species occurrences, the fall/spring whooping crane migration, and the potential for Sprague's pipit nesting during construction.

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