



October 10, 2011

Mr. Jeffrey Towner, Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

RE: ONEOK Rockies Midstream, L.L.C. – Stateline Plant NGL Pipeline Project
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Consultation

ONEOK Rockies Midstream, L.L.C. (ONEOK), a subsidiary of ONEOK Partners, LP, Tulsa, Oklahoma, has proposed the construction of the Stateline NGL Pipeline. This project is designed to transport natural gas liquids (NGL) a distance of approximately 53.7 miles from its origin at the ONEOK Stateline 1 & 2 Gas Plants in Williams County, North Dakota, to the ONEOK Riverview Terminal in Richland County, Montana. The project is currently scheduled to begin construction in April 2012 and will continue for approximately 3 to 6 months with restoration to immediately follow.

The proposed project covers a distance of approximately 12.8 miles in Williams County, North Dakota, 7 miles in Roosevelt County, Montana, and 33.9 miles in Richland County, Montana. The proposed route is described below as well as on the attached topographic maps.

In Williams County, North Dakota, the pipeline crosses:

- Township 154N, Range 103W, Sections 5, 6, 7, 18, 19
- Township 154N, Range 104W, Sections 24, 25, 26, 35
- Township 153N, Range 104W, Sections 2, 10, 11
- Township 155N, Range 103W, Sections 21, 28, 32, 33

Pipeline construction activities will typically occupy a 100-foot right of way. Following construction, the pipeline will occupy a 50-foot permanent right of way.

The purpose of this request is to compile U.S. Fish and Wildlife Service's (USFWS) comments on environmental topics that are relevant to the North Dakota Public Service Commission's (PSC) siting requirements for Energy Transmission Facility Siting. On September 29, 2011, E3 conducted a web-based consultation using USFWS's IPaC system. This request has been prepared to augment that effort and facilitate a thorough project review.

Federally Listed Species Analysis:

The results of the search on September 29, 2011 found the following:

Whooping crane (*Grus americana*) – Endangered
Arctic peregrine falcon (*Falco peregrines tundrius*) – Recovery
Sprague's pipit (*Anthus spagueii*) - Candidate
Piping plover (*Charadrius melodus*) – Threatened
Least tern (*Sternula antillarum*) – Endangered
Greater sage grouse (*Centrocercus urophasianus*) - Candidate
Pallid sturgeon (*Scaphirhynchus albus*) – Endangered
Dakota skipper (*Hesperia dacotae*) – Candidate
Black-footed ferret (*Mustela nigripes*) - Endangered
Gray wolf (*Canis lupus*) – Endangered

E3 has reviewed the available data describing the life history, critical habitat, and conservation measures associated with each species to evaluate the potential effects of the project on these resources. The results of this analysis are as follows:

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 small population. North Dakota provides migratory habitat 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. The proposed project will not result in a loss of crane habitat. Pipeline construction involves temporary impacts, with a post-construction restoration standard of restoring disturbed areas to their original pre-construction condition. Potential impacts are anticipated to be limited to the time period during active construction should it coincide with the spring migration period. Spring migration by the Aransas/Wood Buffalo population from the Texas Gulf Coast begins between the end of March and mid-April, with the last birds generally leaving Texas by the first of May. Experienced breeders are among the first to arrive in Canadian nesting areas in late April, with the rest of the birds arriving throughout the following 6-8 weeks.

Project precautionary measures would be implemented if a whooping crane is sighted in or near the project area. ONEOK would 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 would resume upon the departure of the individual(s). Once operational, the pipeline is a buried utility and will not have a direct impact on this species. As a result, the proposed pipeline would have no effect on the species.

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% of the area. Current breeding range on the Northern Great Plains extends south along major prairie rivers including the Yellowstone and Missouri, and in alkali wetlands including those in northeastern Montana and North Dakota. The project will utilize horizontal directional drilling (HDD) technology, which will avoid impacting the shoreline breeding habitat of the



Missouri River and any associated nesting habitat. Therefore, this project will have no effect on the species.

Least tern: The interior population(s) of the least tern has historically been associated with large river systems for breeding and migratory habitats. Breeding birds are known to breed in colonies, utilizing sandbar habitat common to larger rivers. The Missouri River is known to host remnant breeding populations of terns. The project will utilize horizontal directional drilling (HDD) technology, which will avoid impacting the shoreline breeding habitat of the Missouri River and any associated nesting habitat. Therefore, this project will have no effect on the species.

Pallid sturgeon: The pallid sturgeon preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity. The species inhabits the Missouri and Mississippi Rivers from Montana to Louisiana. The project will utilize horizontal directional drilling (HDD) technology, which will avoid impacting sturgeon habitat. Therefore, this project will have no effect on the species.

Gray wolf: The gray wolf is a large carnivore that through conservation measures has experienced strong population recovery, particularly in the Great Lakes states of the upper Midwest. As populations rebound, individuals may break from packs to explore opportunities to establish packs in unoccupied territory. Roaming individuals can cover great distances without establishing viable breeding populations in previously unoccupied habitat(s). This species is not tolerant of human disturbance and will tend to avoid interaction with humans. The activities associated with construction and later plant operations would likely serve as a deterrent to this species. Therefore, this project will have no effect on the species.

Black-footed ferret: The black-footed ferret is limited to open grasslands, steppe and shrub steppe habitat in close association with prairie dogs. They use underground burrows, typically made by prairie dogs, for resting and birthing. There is no known population in Williams County, North Dakota.

Based upon this analysis it is concluded that the proposed project will not result in the taking of or adverse impact to these listed species. Species that USFWS has listed as "candidate" or populations identified as "experimental" are not yet considered threatened or endangered and were not included in this study. ONEOK request your comments regarding this analysis.

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. ONEOK requests confirmation regarding the presence or absence of USFWS managed lands within the proposed study area.



Migratory Bird Consultation:

USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). ONEOK 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. ONEOK also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15.

The current proposed schedule calls for construction initiation in April, 2012 and the maintenance of an active construction site for 3-6 months with restoration to immediately follow. Based on previous consultations with the USFWS, the project Right of Way (ROW) will be prepared in advance (e.g. mowed) to remove potential breeding habitat from the project area and effectively deter migrants from establishing nest(s) within the construction corridor. ONEOK seeks confirmation that the proposed measures adequately avoid and mitigate potential impacts to migratory birds.

E3 Environmental, LLC has been retained by ONEOK to provide environmental consulting support for this project. Should you have any questions or require additional information, please contact me at 651.282.0650 or wmccarthy@go2e3.com

Sincerely,

William F. McCarthy, CWB
Project Manager
E3 Environmental, LLC

Enclosures: Project map – USGS topographic

cc: Jim Kline, ONEOK
Russ Clark, ONEOK
Mark Wilson, USFWS, Montana Field Office
E3 Project Files