



January 12, 2012

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

RE: Magellan Midstream Pipeline, L.P. – Fargo Relocation Project
Federally Listed Species, USFWS Managed Lands, and Migratory Bird Consultation

Magellan Midstream Pipeline, L.P. (Magellan) has proposed the relocation of approximately 2,300 feet of existing co-located six (6)- and eight (8)-inch petroleum product pipelines to accommodate a North Dakota Department of Transportation (DOT) road improvement project. This project is located in the City of Fargo, Cass County, North Dakota. Construction is scheduled to begin no later than March 5, 2012.

The proposed route is located in Township 139N, Range 49W, Section 9.

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 siting requirements for Energy Transmission Facility Siting. On December 21, 2011, E3 Environmental, LLC 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 December 21, 2011 found the following:

Whooping crane (*Grus americana*) – 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 projects on these resources.

The project area is located in a highly developed area located within approximately five (5) miles of downtown Fargo, North Dakota. Over the course of the last 50 years this area has been urbanized through the construction of roads, highways, housing, retail and industry. As such, the project area offers little or no natural habitat for either of the species listed above. For this reason, we believe the pipeline relocation will have no effect on either the Whooping crane or the Gray wolf.



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. Magellan 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). Magellan 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. Magellan 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 March, 2012. Given that the project area exists in the highly urbanized environment within the city limits of Fargo, North Dakota, it is unlikely that the project will impact suitable migratory bird breeding habitat. In addition, the pipeline relocation is tied to the DOT road improvement project and is a small piece of a much larger construction plan. Lastly, the short duration of pipeline relocation activities (>90 days), and the continuous activity at the worksite from onset of construction will also greatly reduce the likelihood that the project will impact migratory bird species.

Magellan seeks confirmation that the location of the project area will adequately avoid and mitigate potential impacts to migratory birds.

E3 has been retained by Magellan 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

U.S. FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

2-16-12
Date

Jeffrey K. Towner
Field Supervisor