



March 18, 2014

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

**E3 ENVIRONMENTAL**  
**U.S. FISH AND WILDLIFE SERVICE**  
**ECOLOGICAL SERVICES**  
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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 and/or are not likely to be adversely affected. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

3-28-14 *Jeffrey K. Towner*  
Date Jeffrey K. Towner  
Field Supervisor

RE: ONEOK Rockies Midstream L.L.C. - Lonesome Creek Gas Processing Plant  
Federally Listed Species, USFWS Managed Lands, and Migratory Bird  
Consultation

ONEOK Rockies Midstream (ORM) is proposing to construct the Lonesome Creek Gas Processing Plant, in response to growing demand for gas processing capacity of natural gas liquids (NGL) produced in North Dakota. Site preparation and associated plant activities for the project under consideration would be initiated during the 3<sup>rd</sup> quarter of 2014 until the 1<sup>st</sup> quarter of 2016, requiring approximately 18 months to complete.

The Lonesome Creek Gas Processing Plant is located in the NE 1/4 of Section 36, Township 150N, and Range 101W in McKenzie County, North Dakota. A topographic map and aerial photograph depicting the project location are attached.

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 Conversion facilities. On February 20, 2014, 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:**

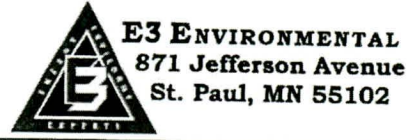
The results of the search on February 20, 2014 found the following:

- Whooping crane (*Grus americana*) - Endangered
- Piping plover (*Charadrius melodus*) - Threatened
- Least tern (*Sternula antillarum*) - Endangered
- Pallid sturgeon (*Scaphirhynchus albus*) - Endangered
- Gray wolf (*Canis lupus*) - Endangered
- Dakota skipper (*Hesperia dacotae*) - Proposed Threatened
- Sprague's pipit (*Anthus spagueii*) - Candidate



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23 PU-14-218 Filed: 6/30/2014 Pages: 4  
Exhibit 2



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.

Project precautionary measures would be implemented if a whooping crane is sighted in or near the project area. ORM 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). The project under consideration will not result in a loss of crane habitat. Construction activities would likely serve as a deterrent and once constructed the proposed facility would present a fairly prominent feature to be avoided relative to its surrounding landscape.

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 proposed project will not result in a loss of piping plover habitat, as it is not located within/adjacent to preferred habitat.

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, which is greater than 6.5 miles from the project site. The proposed project will not result in a loss of least tern habitat, as it is not located within/adjacent to preferred habitat

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 proposed project will not result in a loss of pallid sturgeon habitat, as it is not located within/adjacent to preferred habitat.

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.

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. ORM 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. ORM 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). ORM 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. ORM also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15.

In recognition of these facts, ORM is considering construction during the 3<sup>rd</sup> quarter of 2014 and 1<sup>st</sup> quarter of 2016 and maintain an active construction site through plan commissioning and final restoration which is anticipated to occur approximately 18 months later. The proposed project schedule would take place during the 2014 and 2015 breeding seasons. However, ORM will enlist additional measures to avoid direct impacts to breeding birds, which may include surveys and/or habitat manipulation to deter nesting.

ONEOK Rockies Midstream  
Lonesome Creek Gas Processing Plant  
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**E3 ENVIRONMENTAL**  
871 Jefferson Avenue  
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E3 Environmental, LLC has been retained by ORM 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](mailto:wmcCarthy@go2e3.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'William F. McCarthy', is written over a horizontal line.

William F. McCarthy  
Project Manager  
E3 Environmental, LLC

Enclosures: Project map – USGS topographic map  
Project aerial photograph

cc: Peter Ruffenach, ORM  
E3 Project Files