

August 24, 2020

Public Service Commission
600 East Boulevard Dept. 408
Bismarck, ND 58505-0480

Re: BOE Pipeline in Dunn and McKenzie Counties

Dear Commissioners,

The North Dakota Parks and Recreation Department has reviewed the above referenced proposed BOE Pipeline for the construction, operation and maintenance of approximately 41.8 miles of crude oil pipeline in Dunn and McKenzie Counties in North Dakota.

NDPRD's scope of authority and expertise covers properties that our agency owns, leases or manages, state-wide properties that are protected under Section 6(f) of the Land and Water Conservation Fund (LWCF) and rare plants and ecological communities established through the Natural Heritage Program. The project as defined does not affect state lands under NDPRD's jurisdiction.

The North Dakota Natural Heritage biological conservation database has reviewed the project to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have several rare species and significant ecological communities documented within or immediately adjacent to the project site. Attached is the list of natural heritage occurrences and a map identifying approximate locations.

We appreciate your commitment to rare plant, animal and ecological community conservation, management, and inter-agency cooperation to date. For additional information, please contact me at (701) 220-3377 or kgduttenhefner@nd.gov Thank you for the opportunity to comment on this proposed project.

Sincerely,



Kathy Duttenhefner
Coordinator/Biologist II, Natural Resources Division

55 PU-16-94 Filed 08/24/2020 Pages: 5
Agency Correspondence
North Dakota Parks & Recreation Department
Kathy Duttenhefner

1600 East Century Ave. Ste. 3 | Bismarck, ND 58503

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Andropogon gerardii</i> - <i>sporobolus heterolepis</i> - <i>schizachyrium western hillslope prairie</i>	Western Big Bluestem Prairie	S1	GNR		147N096W - 28; 147N096W - 29; 147N096W - 22; 146N096W - 04; 147N096W - 31; 147N096W - 27; 146N096W - 05; 147N096W - 33; 147N096W - 20; 147N096W - 30; 147N096W - 21; 147N096W - 34; 147N096W - 32	Dunn	1976		M
<i>Aquila chrysaetos</i>	Golden Eagle	S3	G5		148N096W - 15; 148N096W - 16; 148N096W - 17; 148N096W - 23; 148N096W - 09; 148N096W - 11; 148N096W - 14; 148N096W - 10; 148N096W - 22; 148N096W - 21; 148N096W - 20	Dunn	1976-06-21		M
<i>Artemisia cana</i> / <i>pascopyrum smithii</i> sparse shrubland	Silver Sage-western Wheatgrass Scrub	S2S3	GNR		148N096W - 28; 148N096W - 29; 148N096W - 20; 148N096W - 19; 148N096W - 31; 148N096W - 32; 148N096W - 33; 148N096W - 27; 148N096W - 30; 148N096W - 21; 148N096W - 34	Dunn	1976-07-30		M
<i>Astragalus vexilliflexus</i>	Bent-flowered Milkvetch	S3	G4		146N096W - 10	Dunn	1983-09-08		S
<i>Astragalus vexilliflexus</i>	Bent-flowered Milkvetch	S3	G4		146N096W - 09	Dunn	1983-09-08		S
<i>Betula papyrifera</i> / <i>corylus cornuta</i> forest	Paper Birch Forest	S3	GNR		146N096W - 10; 146N096W - 15	Dunn	1983-09-08		S
<i>Calamagrostis stricta</i> - <i>carex sartwellii</i> - c. <i>praegracilis</i> wet meadow	Brackish Wet Meadow	S2S3	GNR		146N096W - 09; 147N096W - 32; 146N096W - 04; 146N096W - 08; 146N096W - 15; 146N096W - 17; 146N096W - 03; 146N096W - 05; 147N096W - 33; 146N096W - 16; 147N096W - 34; 146N096W - 10	Dunn	1976		M
<i>Cathartes aura</i>	Turkey Vulture	S4	G5		146N096W - 03	Dunn	1977		S
<i>Clematis columbiana</i> var. <i>tenuiloba</i>	Slender-lobed Clematis	S1	G5?T4?		146N096W - 10	Dunn	1983-09-08		S
<i>Clematis columbiana</i> var. <i>tenuiloba</i>	Slender-lobed Clematis	S1	G5?T4?		147N096W - 34; 147N096W - 35	Dunn	1982-08-05		S
<i>Cypripedium parviflorum</i>	Small Yellow Lady's-slipper Orchid	S2	G5		146N096W - 10	Dunn	1988-05-30		S
<i>Distichlis spicata</i> - <i>hordeum jubatum</i> / <i>puccinellia nuttalliana</i> saline meadow	Saltgrass Saline Meadow	S2S3	GNR		145N095W - 04; 146N095W - 33; 145N095W - 06; 145N095W - 08; 145N095W - 05; 145N095W - 09; 146N095W - 31; 146N095W - 28; 146N095W - 34; 146N095W - 32; 146N095W - 29; 145N095W - 03	Dunn	1935-08-07		M
<i>Distichlis spicata</i> - <i>hordeum jubatum</i> / <i>puccinellia nuttalliana</i> saline meadow	Saltgrass Saline Meadow	S2S3	GNR		145N095W - 09; 145N095W - 04; 145N095W - 15; 145N095W - 17; 145N095W - 22; 145N095W - 16; 145N095W - 20; 145N095W - 21; 145N095W - 08; 145N095W - 10	Dunn	1976		M
<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		147N096W - 15; 147N096W - 21; 147N096W - 23; 147N096W - 11; 147N096W - 09; 147N096W - 16; 147N096W - 14; 147N096W - 13; 147N096W - 10; 147N096W - 22	Dunn	1980-06-07		M
<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		148N096W - 03; 149N096W - 36; 148N096W - 02; 148N096W - 10; 149N096W - 35; 148N096W - 11; 149N095W - 32; 148N096W - 04; 149N095W - 31; 148N096W - 09	Dunn, McKenzie	1981-06-10		M

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<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		148N096W - 21; 148N096W - 29; 148N096W - 23; 148N096W - 17; 148N096W - 16; 148N096W - 15; 148N096W - 14; 148N096W - 20; 148N096W - 22; 148N096W - 28; 148N096W - 27	Dunn	1980		M
<i>Fraxinus pennsylvanica</i> - (<i>ulmus americana</i>)/ <i>prunus virginiana</i> woodland	Green Ash Upland Woodland	S3	GNR		148N096W - 32; 148N096W - 29; 147N096W - 04; 147N096W - 06; 148N096W - 31; 148N096W - 28; 148N097W - 36; 148N096W - 33; 148N096W - 30; 147N096W - 05; 147N097W - 01	Dunn	1976-07-30		M
<i>Fraxinus pennsylvanica</i> - (<i>ulmus americana</i>)/ <i>prunus virginiana</i> woodland	Green Ash Upland Woodland	S3	GNR		147N096W - 05; 148N096W - 29; 147N096W - 07; 148N096W - 31; 148N096W - 28; 148N096W - 32; 148N096W - 33; 147N096W - 09; 147N096W - 08; 147N096W - 06; 147N096W - 04	Dunn	1976-07-30		M
<i>Fraxinus pennsylvanica</i> - <i>ulmus americana</i> / <i>symphoricarpos occidentalis</i> forest	Western Floodplain Forest	S3	GNR		147N096W - 32; 146N096W - 03; 147N096W - 28; 146N096W - 05; 147N096W - 21; 147N096W - 34; 147N096W - 29; 147N096W - 33; 146N096W - 04; 147N096W - 27	Dunn	1976-07-28		M
<i>Haliaeetus leucocephalus</i>	Bald Eagle	S1	G5	PS:LT,PDL	146N096W - 11; 147N096W - 28; 145N096W - 01; 147N096W - 29; 145N096W - 02; 145N096W - 03; 145N096W - 04; 145N096W - 05; 146N096W - 30; 146N096W - 18; 147N096W - 31; 146N096W - 35; 146N096W - 14; 147N096W - 21; 146N095W - 21; 147N095W - 33; 146N095W - 05	Dunn	1923-12-02		G
<i>Linnaea borealis</i>	Twinflower	S4	G5		146N096W - 09; 146N096W - 15; 146N096W - 21; 146N096W - 02; 146N096W - 04; 146N096W - 11; 146N096W - 14; 146N096W - 10; 146N096W - 03; 146N096W - 22; 146N096W - 16	Dunn	1955-07-02		M
<i>Monotropa uniflora</i>	Indianpipe	S3	G5		147N096W - 34	Dunn	1982-08-05		S
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> / <i>carex filifolia</i> prairie	Western Wheatgrass Prairie	S3S4	GNR		146N096W - 01; 147N095W - 31; 146N096W - 11; 147N096W - 35; 146N096W - 12; 146N096W - 13; 147N096W - 36; 146N095W - 06; 146N095W - 07; 146N096W - 02	Dunn	1935-08-07		M
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> / <i>carex filifolia</i> prairie	Western Wheatgrass Prairie	S3S4	GNR		146N096W - 02; 146N096W - 03; 147N096W - 33; 147N096W - 34; 147N096W - 35; 146N096W - 01; 147N096W - 36; 146N096W - 12; 146N096W - 11; 146N096W - 10; 146N096W - 04	Dunn	1976		M
<i>Phalaenoptilus nuttallii</i>	Common Poorwill	S4	G5		148N096W - 29; 148N096W - 32; 148N096W - 31; 148N096W - 19; 148N096W - 20; 148N096W - 33; 148N096W - 28; 148N096W - 21; 148N096W - 30	Dunn	1980-08		M
<i>Populus tremuloides</i> / <i>corylus cornuta</i> forest	Western Aspen Woodland	S3	GNR		146N096W - 10; 146N096W - 14; 146N096W - 16; 146N096W - 02; 146N096W - 04; 146N096W - 09; 146N096W - 11; 146N096W - 03; 146N096W - 22; 146N096W - 15	Dunn	1976-07-28		M

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<i>Quercus macrocarpa/ corylus cornuta</i> woodland	Bur Oak-hazelnut Woodland	S2	GNR		146N096W - 03; 146N096W - 09; 147N096W - 33; 147N096W - 34; 147N096W - 35; 146N096W - 11; 146N096W - 10; 146N096W - 04; 146N096W - 02	Dunn	1976-06-04		M
<i>Quercus macrocarpa/ corylus cornuta</i> woodland	Bur Oak-hazelnut Woodland	S2	GNR		146N096W - 03; 146N096W - 02; 147N096W - 27; 147N096W - 33; 147N096W - 34; 146N096W - 09; 147N096W - 35; 146N096W - 11; 146N096W - 10; 146N096W - 04	Dunn	1976-06-04		M
<i>Quercus macrocarpa/ corylus cornuta</i> woodland	Bur Oak-hazelnut Woodland	S2	GNR		148N096W - 34; 148N096W - 22; 147N096W - 02; 148N096W - 36; 148N096W - 33; 148N096W - 25; 148N096W - 27; 148N096W - 35; 147N096W - 03; 148N096W - 23; 148N096W - 28; 148N096W - 26	Dunn	1976-07-30		M
<i>Quercus macrocarpa/ corylus cornuta</i> woodland	Bur Oak-hazelnut Woodland	S2	GNR		146N096W - 10	Dunn	1983-09-08		S
<i>Schizachyrium scoparium - bouteloua</i> spp. (curtipendula, gracilis) prairie	Western Little Bluestem Prairie	S2	GNR		148N096W - 29; 148N096W - 19; 148N096W - 28; 148N096W - 18; 148N096W - 17; 148N096W - 20; 148N096W - 33; 148N096W - 30; 148N096W - 21; 148N096W - 31; 148N096W - 16; 148N096W - 32	Dunn	1976		M
<i>Stipa comata - bouteloua gracilis/ carex filifolia</i> prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		146N095W - 29; 146N095W - 21; 146N095W - 19; 146N095W - 30; 146N095W - 28; 146N095W - 32; 146N095W - 33; 146N095W - 31; 146N095W - 20	Dunn	1935-08-07		M
<i>Stipa comata - bouteloua gracilis/ carex filifolia</i> prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		147N096W - 34; 146N096W - 02; 146N096W - 03; 146N096W - 04; 147N096W - 33; 147N096W - 35; 147N096W - 28; 147N096W - 27; 147N096W - 26	Dunn	1976		M

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