



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Audubon National Wildlife Refuge  
3275 11<sup>th</sup> St. NW  
Coleharbor, ND 58531-9419



October 11, 2017

Mike Stahly  
CHS Pipelines and Terminals  
Cenex Pipeline LLC  
803 Highway 212 South  
Laurel, MT 59044

Dear Mr. Stahly,

The U.S. Fish and Wildlife Service (Service) acknowledges and recognizes the existing right-of-way across Haugen Waterfowl Production Area (WPA) in Ward County that is described in that certain Book 104, Page 441 dated June 28, 1960. Haugen WPA is located in Ward County, Township 154 N, Range 86 West, Section 14: S1/2 SE ¼. The right-of-way allows Cenex Pipeline, LLC the right of ingress and egress to and from, on or over, through and under the WPA on which the ROW traverses.

The Service also grants a 75 foot wide construction workspace area, running parallel to and contiguous with the existing right-of-way. This construction workspace area will be used during the time of construction and placement of the pipeline and will revert back to the Service at the end of construction.


As part of the consideration of this consent, the following conditions shall apply:

1. Grantee shall restore to their original condition any cut fences. If cattle are present during the construction, fences shall be maintained to prevent cattle from escaping.
2. Grantee further agrees to reseed at Grantee's expense the area in which the grass and foliage were destroyed with the same kind grass and foliage destroyed, or to local NRCS recommendations, to mulch (if necessary) or cover the ground properly until the ground is adequately covered with sufficient grass and foliage to prevent erosion. Grantee shall further control weeds and take particular measures to control and abate the spread of noxious weeds as may be transported on Grantee equipment. If reseeding efforts fail, the area will be reseeded by Grantee until it is fully reestablished. When Grantor determines that the restoration is completed, they will send a closure letter to Grantee documenting closure.
3. Grantee will provide notification of the time in which initial construction will occur on the property at least 7 days in advance of the construction.

4. Construction shall take place outside of the primary nesting season (April 15th to July 15th), for migratory bird, however as alternatives to this restriction, Grantee will be allowed to mow, grub or clear the construction area prior to the April 15th or provide a migratory bird survey to clear the construction area. If either alternative is exercised, the Grantee may conduct construction without any timing restrictions.
5. As part of its normal construction procedures, Grantee will segregate the top soil from sub soil during construction and replace the top soil after the trench is back filled. The trench shall be compacted during back filling to prevent excessive settling.
6. In accordance with Grantee's wetland construction procedures, wetland crossing practices will be determined based on the type of wetland or saturation of the soil. If wetlands are mostly dry and it is determined the team wants to trench through the basin, impacts will be minimized to the extents practicable and reclaimed to original contours.
7. Construction equipment shall be stored off of the Wetland Protection Area.

Please contact Jonathan Beyer, Wetland District Manager, at 701-442-5474 ext 116, prior to the commencement of work on the Haugen WPA. If you have any additional questions regarding this process feel free to contact Suzanne C Baird, Project Leader, Lostwood WMD Complex at 701-385-4046 ext 224. Thank you for your assistance in this matter.

Sincerely,



Todd Frerichs  
Project Leader