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January 28, 2020

Via U.S. Mail and Electronic Mail

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

ndpsc@nd.gov

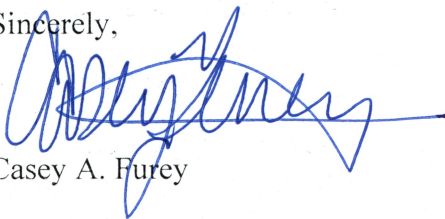
In re: ONEOK Bakken Pipeline, L.L.C.
Tioga Lateral Pipeline Project
Case No. PU-19-368
Our File No. 072591-000009

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find eight copies of Updated U.S. Fish and Wildlife Service Agency Correspondence.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh
enc.

cc: Wade C. Mann (via email)
Victor Schock (via email)
Zachary Pelham (via email)
Michael Dailey (via email)
Beth Ludwig (via email)
Maddy Krumwiede (via email)
Paul Hartzheim (via email)

41 **PU-19-368** Filed: 1/28/2020 Pages: 4
Agency correspondence

Ludwig, Beth

From: Jessica Johnson <jessica_n_johnson@fws.gov>
Sent: Friday, January 24, 2020 3:01 PM
To: Andrea Sampson
Cc: Drew Becker; Paul Hartzheim
Subject: RE: [EXTERNAL] Tioga Lateral Pipeline: Proposed piping plover conservation measures and survey protocols

Dear Ms. Sampson:

The U.S. Fish and Wildlife Service (Service) has reviewed the description of the proposed conservation measures and survey protocols designed to prevent adverse impacts to piping plovers during construction of the Tioga Lateral Pipeline Project. We have no objections to the project based on the commitments made by ONEOK in the January 24th email.

Thank you for the opportunity to comment on this project. If you require further information, please contact me directly or Drew Becker, North Dakota Ecological Services Office Supervisor at 701-355-8512 or drew_becker@fws.gov.

-Jessica Johnson

Jessica Johnson
Environmental Contaminants Specialist
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501
Phone: 701-355-8507
Cell: 720-626-5250

From: Andrea Sampson <andrea.sampson@merjent.com>
Sent: Friday, January 24, 2020 2:36 PM
To: Jessica Johnson <jessica_n_johnson@fws.gov>; Becker, Drew <drew_becker@fws.gov>
Cc: Paul Hartzheim <paul.hartzheim@merjent.com>
Subject: [EXTERNAL] Tioga Lateral Pipeline: Proposed piping plover conservation measures and survey protocols

Drew and Jessica –

Thank you again for taking the time to meet with ONEOK and Merjent yesterday. We appreciate your input regarding the conservation measures and survey protocols ONEOK is proposing to implement on its Tioga Lateral Pipeline Project to prevent adverse impacts to piping plovers.

As discussed on our call and with your confirmation, ONEOK will implement the following measures for the wetland with potentially suitable habitat for piping plover (48.312843, -103.070580, see image below):



- ONEOK will include information on piping plovers (i.e., description of habitat, species identification, etc.) in the pre-construction training presentation given during the Project kickoff meetings.
 - Environmental Inspectors and construction staff will be informed of how to identify these species and what steps to take if individuals are identified.
- A biologist will conduct surveys for the presence of suitable piping plover nesting and/or foraging habitat at the one wetland location that was found during 2019 surveys to have the potential to provide suitable piping plover nesting habitat.
 - These surveys would be conducted after April 15, 2020 (i.e., after plovers arrive in North Dakota), one week prior to the onset of construction activities in this area.
- If surveys determine that suitable habitat is not present at this location, presence/absence surveys for individuals will *not* be necessary.
- If suitable habitat *is* deemed to be present, a trained biologist will conduct surveys/monitor for piping plover presence daily during daylight hours (i.e., between 30 minutes prior to sunrise and 30 minutes after sunset).
 - If no plovers are identified and construction begins in this area, the biologist will discontinue surveys/monitor for piping plover presence; however, Environmental Inspectors and construction crews will be asked to report any sightings of the species to ONEOK Environment and your office.

ONEOK will also review the construction plans for this area with engineering and other staff to determine whether it would be possible to prioritize the area and construct prior to April 15. However, given the current permitting schedule and unpredictability of weather in this region, this may not be feasible. If construction in this area cannot be completed before April 15, ONEOK will implement the conservation measures described above to prevent adverse impacts to piping plovers.

Based on our phone conversation yesterday, we assume that you were in agreement with the proposed measures described above. With this submittal, we are asking for written confirmation that we have accurately captured the content of our discussion and that you are in agreement with the proposed measures. A copy of your response will be filed with the North Dakota Public Service Commission under the Project's docket (PU-19-368).

Thank you for your assistance and please do not hesitate to contact me with any questions you may have.

Andrea

Andrea Sampson, MS

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