

400 North Fourth Street
Bismarck, ND 58501
701-222-7900

April 19, 2021

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave. Department 408
Bismarck, ND 58505-0480

Re: Case No. PU-21-____
Application for Corridor Certificate
and Route Permit

Montana-Dakota Utilities Co. ("Montana-Dakota" or "Company") electronically submits this Consolidated Corridor Certificate and Route Permit for the Mandan Transmission Reroute Project for a 230 kV Transmission Line and an Application for a Waiver of Procedures and Time Schedules pursuant to North Dakota Century Code Sections 49-22-08, 49-22-08.1 and 49-22-07.2, under the Energy Conversion and Transmission Facility Siting Act, and promulgated rules.

The Mandan Transmission Reroute Project involves rerouting an existing 230 kV transmission line for a new substation and terminating at a new line terminal in the Mandan Transmission Substation north of Mandan, North Dakota and was identified in the Company's 10-year plan submitted July 1, 2020. The 230 kV transmission line currently terminates in the Heskett Transmission Substation and connects the Heskett and Mandan transmission system with the Company's transmission system near Napoleon, North Dakota.

There is a cultural resource avoidance area identified within the proposed route. However, based on Montana-Dakota's evaluations and correspondence with the federal and state agencies, the construction associated with the Project is not expected to have any adverse effects on the avoidance area identified. No exclusion area has been identified within the proposed route.

Please refer all inquiries regarding this filing to:

Robert Frank
Director of Electric Transmission Engineering
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501
robert.frank@mdu.com

Also, please send copies of all written inquiries, correspondence, and pleadings to:

Allison Mann
Attorney
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58506-5650
allison.mann@mduresources.com

Montana-Dakota will submit a check payable to the North Dakota Public Service Commission based upon the Commission's determination of a filing fee.

Due to the COVID-19 pandemic, Montana-Dakota respectfully requests that this electronic filing be accepted as being in full compliance with the filing requirements of this Commission in lieu of an original and ten copies.

Sincerely,

/s/ Travis R. Jacobson

Travis R. Jacobson
Director of Regulatory Affairs

Attachments

Cc: Dawn Rhone
County Auditor
210 2nd Ave NW
Mandan, ND 58554

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of)
MONTANA-DAKOTA UTILITIES CO. for)
a Consolidated Corridor Certificate and) Case No. PU-21-____
Route Permit for the Mandan)
Transmission Reroute Project and a)
Waiver of Procedures and Time)
Schedules)

I. Summary of Application

Montana-Dakota Utilities Co. (“Montana-Dakota” or “Company” or “Applicant”) herewith electronically submits this Application for Corridor Certificate and Route Permit for the Mandan Reroute Project. Montana-Dakota is requesting the Certificate and Permit to allow the Company to reroute certain 230 kilovolt (kV) transmission facilities (the “Project”), primarily due to the closure of the Heskett Units 1 and 2 coal-fired generating stations located in Morton County north of Mandan.

Montana-Dakota submits this Application for a Consolidated Corridor Certificate and Route Permit for the Mandan Transmission Reroute Project and a Waiver of Procedures and Time Schedules to construct the Project and respectfully requests that the Commission approve the corridor and route developed for the Project.

II. Description of Applicant

Montana-Dakota is a Delaware corporation duly authorized to do business in the State of North Dakota as a foreign corporation and is doing business in the State of North Dakota as a public utility subject to the jurisdiction of and regulation by the North Dakota Public Service Commission (“Commission”) under North Dakota Century Code (“NDCC”) Title 49. Montana-Dakota’s Certificate of Incorporation and amendments thereto have been previously filed with the Commission and such Certificate and Amendments are hereby incorporated by reference as though fully set forth herein. Montana-Dakota provides electric service to approximately 93,400 customers in North Dakota as of February 28, 2021.

III. Background

The Project involves rerouting an existing 230 kV transmission line for a new substation and terminating at a new line terminal in the Mandan Transmission Substation north of Mandan, North Dakota. The 230 kV transmission line currently terminates in the Heskett Transmission Substation and connects the Heskett and Mandan transmission system with the Company’s transmission system near Napoleon, North Dakota. The Mandan Transmission Substation was constructed in 2010 and included plans to ultimately relocate all 230 kV facilities from Heskett to the new substation. With the closures of the Heskett coal-fired generating units 1 and 2, a new 115/69/41.6 kV substation on the Heskett Transmission Substation site was required and moved forward those plans. The Project was identified in

Schedule G of the Company's 10-year plan submitted July 1, 2020.

The existing Heskett Transmission Substation was built in 1966 with a straight bus arrangement. Moving the Napoleon 230 kV terminal to the Mandan Substation will eliminate the straight bus arrangement which will increase reliability as the straight bus arrangement causes all lines on the bus to trip in the event of a fault or circuit breaker failure. The Mandan Transmission Substation provides a superior bus arrangement for reliability and control. Terminating all of the 230 kV transmission lines into one substation reduces outage contingencies and improves reliability on the Company's bulk electric integrated system that serves portions of Montana, North Dakota and South Dakota.

There is only one (cultural resource) avoidance area identified within the proposed route. No exclusion area has been identified. Based on Montana-Dakota's evaluations and correspondence with the federal and state agencies identified in Table B1 of the attached report, the construction associated with the proposed route of the new 230 kV transmission lines is not expected to have any adverse effects on any known avoidance or exclusion areas.

IV. Corridor Certificate and Route Permit

The North Dakota Energy Conversion and Transmission Facility Siting Act ("Siting Act") requires applications for a Corridor Certificate and Route Permit demonstrating the Project meets the criteria established in NDCC Chapter 49-22 through discussion of the relevant information listed in NDAC § 69-06-04-01 and

NDAC § 69-06-05-01. The various requirements are described below and, to aid in the Commission's review, Montana-Dakota has prepared a table identifying each of the criteria listed in the Siting Act and the location where each is addressed. The table is attached as Exhibit C. To the extent available, Montana-Dakota presents herein information required by the Siting Act:

- **Description** – The Project is to remove an existing 230 kV electric transmission line and replace with a new 230 kV transmission line along a new corridor. The transmission line will be constructed from wood H-frame structures approximately 90 feet in height with an average span between structures of 500 feet. Two separate reroutes are required along the approximately 1.4 mile existing line, each about 0.5 miles in length. This transmission line is part of the Company's integrated electric transmission system used to move power from and through the Heskett generating station to the bulk power system. The electric power is used for Montana-Dakota's customers or offered into the regional transmission operator's energy markets. An overview of the Project is further provided in the Introduction on Page 1 of the Environmental Resource Impacts Assessment for the Montana-Dakota Utilities Co. Mandan Reroute, Morton County, North Dakota dated February 2021 prepared by SWCA Environmental Consultants and included as Exhibit A to this application (the "Report").
- **Studies** – The Report provides the results of the environmental impact of the Project. As noted above, there is only one (cultural resource) avoidance area identified within the proposed route. No exclusion area has been identified. Based on Montana-Dakota's evaluations and correspondence with the federal and state agencies identified in Table B1 of the report (Exhibit A), the construction associated with the proposed route of the new 230 kV transmission lines is not expected to have any adverse effects on any known avoidance or exclusion areas.
- **Need** – The Project is a replacement of existing facilities and will be performing the same function as the current facilities. The line relocation is necessary to build new substation facilities because of the Heskett Units 1 and 2 coal-fired generating stations closure. In addition, the replacement of the current facilities will improve the reliability of the system. This project is consistent with the 10-year plan on file with the Commission.
- **Location & Merits** – The Project is located on or adjacent to the Heskett Station property in Morton County north of Mandan. The area is an industrial site with existing transmission facilities and the new facilities will

- be located relatively close to the existing facilities. This site is best suited for this project due to the proximity of the current facilities and the nature of the site's current use. A map showing the existing and proposed facilities is provided as Exhibit B.
- **Timing** – As described in the Report, the Project is expected to begin in the spring of 2021 and completed, tested and placed in service during the spring of 2022. The majority of the Project is on private land owned by the Company and all remaining rights-of way have been acquired.
 - **Evaluation** – The Report prepared by SWCA Environmental Consultants is included as Exhibit A. In addition, Montana-Dakota has prepared a table identifying the Commission's considerations identified in NDCC 49-22-09. The table is attached as Exhibit C.
 - **Alternatives** – Due to the closure of the Heskett units 1 and 2, the Company is required to make changes in the current facilities which were built in 1966. The existing facilities are aged and the technology used does not support the reliability of the system. There are no reasonable alternatives to the Project.
 - **Corridor** – The Project, as shown in the Report, is in an industrial area near Mandan and primarily on Company owned land near the Heskett generating site. The property not owned by the Company is owned by Marathon Petroleum Corporation. The Company has acquired an easement for the transmission line from Marathon Petroleum. The easement width is 100 feet and is located parallel and adjacent to 38th Street. The easement agreement requires reclamation and payment for any damages caused by construction or maintenance activities. The appropriate factors in NDCC § 49-22-09 have been addressed in the as shown in the Checklist provided as Exhibit C. No other easement or right-of-way is required for the Project.
 - **Cost** – The estimated total cost of the project is \$1,325,000 which includes engineering, materials, and construction costs. The primary operating and maintenance costs for a transmission line is the cost of inspection, which for this length of line is estimated at under \$1,000 per year.

V. Waiver of Procedures and Schedules

The North Dakota Administrative Code Section 69-06-06-01(2) sets forth the information requested by the Commission for consideration of an application for a waiver of procedures and time schedules. The requirements include facility description, need for, cost of, and justification for the request for waiver, together

with evidence that the Project will produce minimal adverse effects. As demonstrated in the Application and Report, Montana-Dakota's Waiver Request and the issuance of a Corridor Certificate and Route Permit is justified, as the proposed facility is of such design, location, and purpose that it will produce minimal adverse effects. Additionally, Montana-Dakota has addressed the other factors set forth in N.D.A.C. § 69-06-06-01(2) in Section IV above. As noted previously, the Project is consistent with, and does not deviate from Montana-Dakota's most recently filed ten-year plan.

Thus, Montana-Dakota requests the Commission waive the requirement that the Commission hold separate hearing as may be required by NDCC Sections 49-22-08, 49-22-08.1, and 49-22-13 and North Dakota Administrative Code (NDAC) Section 69-06-01-02. Montana-Dakota requests that the Commission hold a single consolidated hearing on this waiver request and Application for a Certificate of Corridor Compatibility and Route Permit. Montana-Dakota also requests that the Commission shorten the three-month period specified in NDCC Section 49-22-08(5) and the six-month period specified in NDCC Section 49-22-08.1(5).

VII. Qualifications

The following individuals have contributed to the siting study: Robert Frank, Director of Electric Transmission Engineering of Montana-Dakota Utilities Co., Michael Retter, Cultural Resources Principal Investigator with SWCA

Environmental Consultants, Sarah Sappington, Environmental PSC Expert with SWCA Environmental Consultants, Michael Endicott, GIS Specialist with SWCA Environmental Consultants and Jana Heisler-White, Project Manager formerly with SWCA Environmental Consultants. Their qualifications are attached as Exhibit D.

VIII. Conclusion

Montana-Dakota respectfully requests that the Commission approve the Company's Application for Corridor Certificate and Route Permit for the Mandan Reroute Project as well as the Waiver of Procedures and Time Schedules as submitted.


Dated this 19th day of April 2021

/s/ Travis R. Jacobson

Travis R. Jacobson
Director of Regulatory Affairs

Of Counsel:
Allison Mann
Attorney
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58506-5650

Exhibit A

The logo for SWCA (Soil Water Conservation Agency) is displayed vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' stacked vertically in a large, light blue, serif font.

Environmental Resource Impacts Assessment for the Montana-Dakota Utilities Co. Mandan Reroute, Morton County, North Dakota

FEBRUARY 2021

PREPARED FOR

Montana-Dakota Utilities Co.

PREPARED BY

SWCA Environmental Consultants

ENVIRONMENTAL RESOURCE IMPACTS ASSESSMENT FOR THE MONTANA-DAKOTA UTILITIES CO. MANDAN REROUTE, MORTON COUNTY, NORTH DAKOTA

Prepared for

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SWCA Project No. 62896

February 2021

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INTRODUCTION

SWCA Environmental Consultants (SWCA) is assisting Montana-Dakota Utilities Co. (Montana-Dakota) with an assessment of environmental resource impacts associated with the proposed Mandan Reroute Project (Project) (Figure 1). This assessment was completed to fulfill the requirements of Part 2c for a Transmission Facility Permit under North Dakota Administrative Code (NDAC) Chapter 69-06-05. The assessment addressed potential impacts to natural and cultural resources that may be in the Project area.

The Project includes the construction of two segments of 230-kilovolt (kV) electrical transmission line within the city of Mandan, Morton County, North Dakota (see Figure 1). The first segment is approximately 0.6 mile long and originates at the Mandan Substation. It will subsequently connect with an existing 230-kV transmission line approximately 900 feet south of the substation. Project activities associated with this segment will include the addition (stringing) of conductors to six existing pole structures (Poles 1 through 6). The second proposed segment of the transmission line will begin at Pole 10 and continue south for 0.13 mile and east for 0.28 mile before turning north for 0.60 mile to connect with the existing transmission line that crosses the Missouri River. Poles 11 through 15 are proposed to be placed as shown on the Project location map (see Figure 1). Pole placement will include limited surface disturbance and stringing conductors between the poles to tie into and energize the line.

The Project will be privately funded and is located on privately owned land in Sections 10 and 15, Township (T) 139 North (N), Range (R) 81 West (W). The Project will have a 200-foot-wide right-of-way easement on property not owned by Montana-Dakota.

Project construction is scheduled to begin in the spring of 2021. H-frame, three-pole guyed suspension, and dead-end structures will be used. Pole 15 is being placed as a temporary structure and is expected to be removed in 2022 when the transmission line crossing of the Missouri River is restructured with permanent structure replacement.

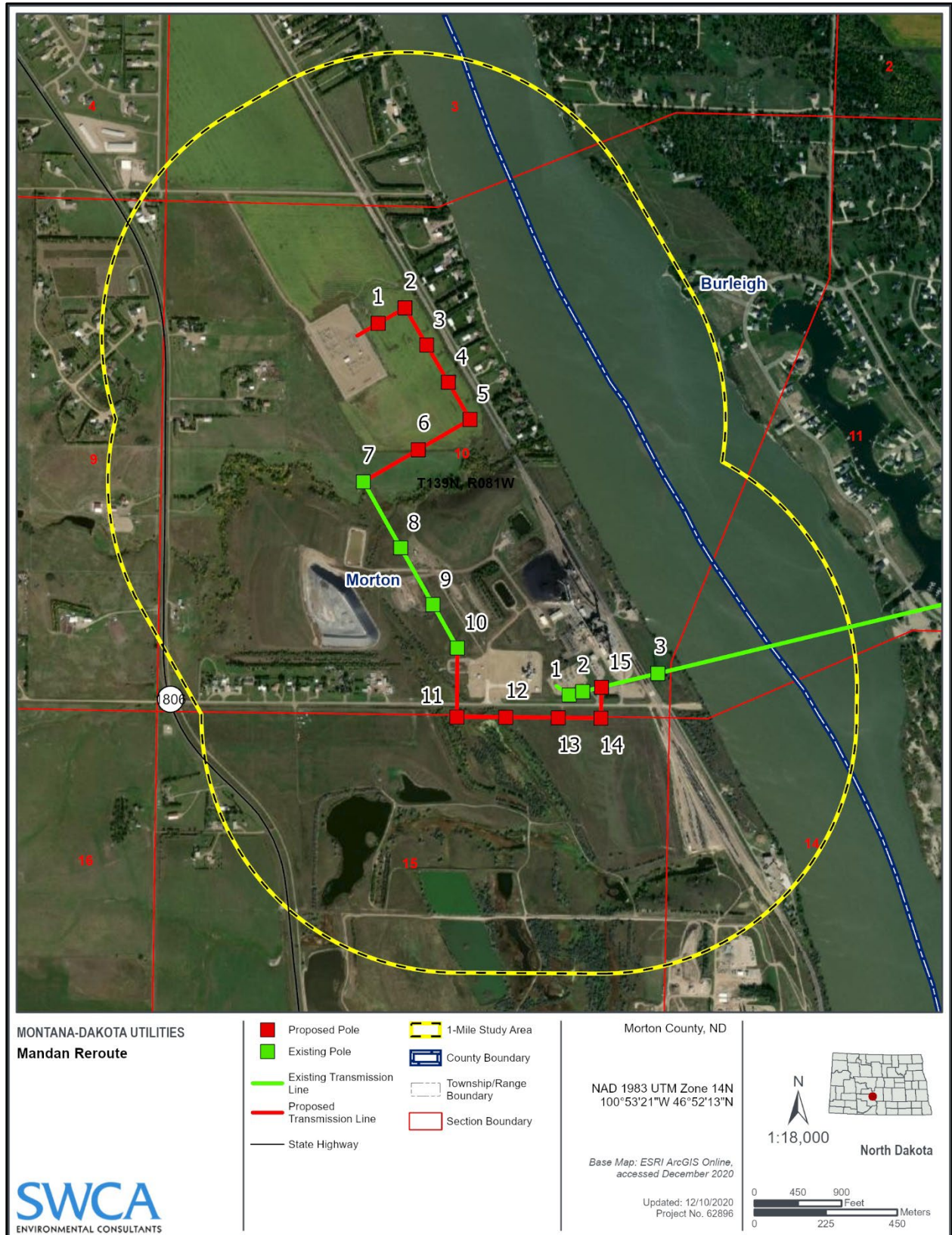


Figure 1. Project location map.

ASSESSMENT OF ENVIRONMENTAL IMPACTS

This assessment was prepared as supporting material for a Transmission Facility Permit application per NDAC 69-06-05. The assessment included a natural resource desktop review and Class I cultural resource inventory of a 1-mile-wide study area, followed by natural and cultural resources field surveys. A summary of each step in the assessment process is described in the sections that follow.

Project Setting

The Project area is in the Missouri Plateau section of the Great Plains physiographic province in west-central North Dakota (Fenneman 1931). This area is within the River Breaks ecoregion, which is characterized by broken terraces and uplands formed from erodible soil strata (Bryce et al. 1998). Photographs from the site visit to the Project area are provided in Appendix A. The site visit consisted of general reconnaissance to identify natural resources and a Class III cultural resource survey. The Project area is in an upland setting, overlooking terraces and the Missouri River to the east. The northern section of proposed new transmission line is almost entirely within a level agricultural field that is immediately east and south of the existing North Heskett Substation. The southern section of proposed new transmission line is along an existing crown and ditch road and spans a wetland complex and hay field. The topography within the Project area is generally level, ranging from approximately 1,600 to 1,700 feet in elevation.

Hydrology

The Project area is situated within the Missouri River drainage system (North Dakota Geographic Information Systems 2020). The Project area generally drains into Rock Haven Creek, which is between the two proposed segments of new transmission line. Rock Haven Creek flows east, draining into the Missouri River approximately 725 feet east-southeast of the Project area. Several artificial (i.e., human-made) drainage features, small retaining ponds or reservoirs, and wetlands associated with the construction of the Montana-Dakota RM Heskett Station are within the Project area.

Geology

The surface geology of the Project area consists of the Oahe Formation-River Sediment from the Holocene epoch, which is described as dark, obscurely bedded clay and silt (overbank sediment). The Oahe Formation-River Sediment is up to 30 feet (10 meters) thick, generally overlying cross-bedded sand (channel sediment) (Clayton 1980).

Soils

The Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2020) identified seven soil series within the Project area (Table 1). Three of the soil series—Shambo Loam, Farland Silt Loam, and Femvik-Wilton Silt Loams—represent approximately 70% of the Project area. These soil series represent areas that are generally flat, with slopes of less than 3 percent, and are all well-drained.

Table 1. Soils within the Project Area

Map Unit Symbol	Map Unit Name	Percent Slope	Percent of APE	Landform	Drainage Class	Parent Material
E2145A	Shambo Loam	0 to 2	27.9	Hillslopes	Well drained	Alluvium derived from mudstone
E2203A	Farland Silt Loam	0 to 2	25.6	Alluvial fans	Well drained	Fine-silty alluvium
E3755A	Femvik-Wilton Silt Loams	0 to 3	17.4	Rises	Well drained	Fine-silty loess over till
E3801A	Mandan-Linton Silt Loams	0 to 2	4.0	Flats	Well drained	Coarse-silty loess
E3802B	Linton-Mandan Silt Loams	2 to 6	13.9	Alluvial fans	Well drained	Coarse-silty loess
E4139A	Korchea-Fluvaquents Complex	0 to 2	1.3	Floodplains	Somewhat poorly drained	Stratified fine-loamy alluvium derived from sedimentary rock
E4569F	Wabek-Cabba-Shambo Complex	6 to 35	0.5	Escarments	Excessively drained	Sandy and gravelly alluvium

APE = area of potential effects

General Ecology

The Project area is situated within the northwestern Great Plains ecoregion, characterized by native grasslands over rolling plains. The parcels of land themselves are part of industrial facilities, and the soils and vegetation appear to have been disturbed for the purposes of cultivation or facility management and operation. Native vegetation within this ecoregion typically contains such species as western wheatgrass (*Pascopyrum smithii*), little bluestem (*Schizachyrium scoparium*), and prairie sandreed (*Calamovilfa longifolia*) (Bryce et al. 1998). The western portion of the Project area is within a recently harvested sunflower (*Helianthus annuus*) field, allowing for 90% to 100% bare ground visibility. The eastern portion of the Project area is dominated by smooth brome (*Bromus inermis*) and Kentucky bluegrass (*Poa pratensis*) with prairie cordgrass (*Spartina pectinata*) and a small portion of hay field, which reduced the bare ground surface visibility to 30%. In the area of the southern segment, there is a mixture of upland and wetland vegetation due to enhanced hydrology.

Agency Notification

As required by NDAC 69-06-01-05, 27 agencies are entitled to notice and an opportunity to provide feedback and comment on perceived potential impacts on resources under their jurisdiction. Notification letters that included a Project description and construction right-of-way map were sent to all of the agencies on December 18, 2020. The notified agencies and received responses are summarized in Table B1 of Appendix B. Also included in Appendix B are copies of the correspondence received, as well as the notification letter.

Natural Resource Impacts Evaluation

Natural resource evaluations were completed for potential wetlands, federally listed threatened and endangered species, and species managed under the North Dakota State Wildlife Action Plan. The completed evaluations were transmitted to the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (USFWS), and the North Dakota Game and Fish Department (NDGFD); copies of the agency letters and correspondence are presented in Appendix C. Below is a summary of agency responses.

- USACE provided concurrence that jurisdictional wetlands may be located within the Project area and Project permitting under Section 404 of the Clean Water Act should be pursued as needed.

- USFWS provided concurrence that no impacts to federally listed threatened and endangered species are anticipated from Project activities.
- NDGFD provided concurrence that no impacts to state-managed species are anticipated from Project activities.

Cultural Resource Impacts Evaluation

The Class I and Class III cultural resource inventories were completed for the Project study area and proposed route and SWCA's report was submitted to the State Historical Society of North Dakota (SHSND) on December 23, 2020, with a recommended finding of No Historic Properties Adversely Affected and that the Project should proceed as planned. The SHSND concurred with that finding in a letter dated January 11, 2021. Both the report and SHSND correspondence are included in Appendix D.

CONCLUSION

SWCA completed an environmental resource impacts assessment for Montana-Dakota's proposed Mandan Reroute Project to fulfill the requirements of Part 2c for a Transmission Facility Permit under NDAC 69-06-05. The 27 agencies designated in NDAC 60-06-01-05 were notified of the proposed Project in December 2020 and nine agencies provided responses. The natural resource environmental impacts assessment was provided to the USACE, USFWS, and NDGFD. The USFWS and NDGFD provided concurrence that impacts to federally listed threatened and endangered species and state-managed species from Project activities are not anticipated. With regard to the USACE response, Montana-Dakota understands that potentially jurisdictional wetlands and waterbodies are present in the project area. In the event that the Project impacts exceed regulatory thresholds Montana-Dakota will seek the appropriate approvals with the USACE to ensure compliance with Section 404 of the Clean Water Act. Class I and Class III cultural resource inventories were completed for the Project study area and route and submitted to the SHSND for concurrence. SHSND concurred that a good faith effort had been made to avoid significant cultural resources during Project construction. All other agencies who provided comments expressed no objections to the Project and/or indicated that impacts to resources under their jurisdiction were expected to be minimal to none.

LITERATURE CITED

- Bryce, S., J.M. Omernik, D.E. Pater, M. Ulmer, J. Schaar, J. Freeouf, R. Johnson, P. Kuck, and S.H. Azevedo. 1998. Ecoregions of North Dakota and South Dakota. Jamestown, North Dakota: Northern Prairie Wildlife Research Center Online. Available at: <http://www.npwrc.usgs.gov/resource/habitat/ndsdeco/index.htm> (Version 30NOV1998). Accessed September 30, 2020.
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- Fenneman, N.M. 1931. *Physiography of Western United States*. New York, New York: McGraw-Hill.
- Natural Resources Conservation Service. 2020. Web Soil Survey – Morton County, ND. Available at: <http://websoilsurvey.nrcs.usda.gov>. Accessed September 30, 2020.
- North Dakota Geographic Information Systems. 2020. North Dakota Geographic Information Systems. Available at: <http://www.nd.gov/gis/>. Accessed September 30, 2020.

APPENDIX A

Site Overview Photographs



Photo A1. Survey area overview, southern segment, facing west.



Photo A2. Southern segment, overview from western edge of the Project area facing east. Wetland mosaic is present within and adjacent to the construction right-of-way.



Photo A3. Overview of the southern segment of the Project area facing south. The adjacent road to the north of the proposed new section of transmission line is shown.



Photo A4. Overview of Project area showing wetland south of east-west-trending improved road, southern segment, facing south.



Photo A5. Overview of agricultural field within the Project area for the proposed northern segment, facing east.



Photo A6. Overview of two-track road surface disturbance in agricultural field of northern segment of the Project area, facing southeast.



Photo A7. Overview of survey area from the western extent of the southern segment of the Project area, facing east.



Photo A8. Overview of surface disturbance and vegetation in the northern segment of the Project area, facing northwest.



Photo A9. Overview of agricultural field along the eastern side of northern segment of the Project area, facing north.

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APPENDIX B

Agencies Notified and Response Summary

Table B1. Summary of Notified Agencies and Responses

Agency	Date Notified	Response Received	Response Summary
North Dakota Aeronautics Commission	12/18/2020	No	Not applicable
Office of Attorney General	12/18/2020	No	Not applicable
North Dakota Department of Agriculture	12/18/2020	No	Not applicable
North Dakota Department of Environmental Quality	12/18/2020	Yes	Adverse impacts expected to be minor and can be minimized by recommended construction practices
North Dakota Department of Human Services	12/18/2020	No	Not applicable
North Dakota Department of Labor	12/18/2020	No	Not applicable
North Dakota Department of Career and Technical Education	12/18/2020	No	Not applicable
North Dakota Department of Commerce	12/18/2020	No	Not applicable
North Dakota Energy Development Impact Office	12/18/2020	No	Not applicable
North Dakota Game and Fish Department	12/18/2020	Yes	No adverse impacts anticipated
North Dakota Industrial Commission	12/18/2020	No	Not applicable
North Dakota Office of the Governor	12/18/2020	No	Not applicable
North Dakota Department of Transportation	12/18/2020	Yes	No adverse impact on ND DOT anticipated
State Historical Society of North Dakota	12/18/2020	Yes	No Historic Properties Adversely Affected
Indian Affairs Commission	12/18/2020	No	Not applicable
Job Service North Dakota	12/18/2020	No	Not applicable
Department of Trust Lands	12/18/2020	No	Not applicable
Parks and Recreation Department	12/18/2020	Yes	No adverse impacts expected
North Dakota State University Extension Service, North Dakota State Soil Conservation Committee	12/18/2020	No	Not applicable
North Dakota State Water Commission	12/18/2020	No	Not applicable
U.S. Department of Defense	12/18/2020	Yes	No comment
U.S. Fish and Wildlife Service	12/18/2020	Yes	No concerns with project as described
U.S. Army Corps of Engineers	12/18/2020	Yes	Guidance to obtain Nationwide Permit 12 as needed
U.S. Federal Aviation Administration	12/18/2020	No	Not applicable
County Commission of Morton County, North Dakota	12/18/2020	Yes	No comment
North Dakota Transmission Authority	12/18/2020	No	Not applicable
North Dakota Pipeline Authority	12/18/2020	No	Not applicable

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December 18, 2020

Andy Zachmeier
County Commission of Morton County, ND
210 2nd Ave NW
Mandan, ND 58554

Re: Montana-Dakota Utilities Co. Mandan Transmission Line Reroute Project
Morton County, North Dakota

Dear Andy Zachmeier,

Montana-Dakota Utilities Co. (Montana-Dakota) is proposing to construct two new segments of 230-kilovolt transmission line as part of the Mandan Transmission Line Reroute project (Project). The lengths of the two proposed segments are 0.60 and 0.47 mile. As shown on the enclosed Project location map, the first proposed segment of the transmission line will originate at the North Heskett substation and continue northeast for 0.11 mile before turning southeast for 0.25 mile and then southwest for 0.24 mile where it will connect to the existing transmission line. Poles 1 through 6 have already been placed as shown on the Project location map and are proposed to be conductored and wired in the future. The second proposed segment of the transmission line will begin at pole 10 and continue south for 0.13 mile and then east for 0.28 mile before turning north for 0.60 mile to connect with the existing line that crosses the Missouri River. Poles 11 through 15 are proposed to be placed and constructed as shown on the Project location map.

A Transmission Facility Permit Application will be submitted to the North Dakota Public Service Commission (PSC) under North Dakota Administrative Code Chapter 69-06-05. The Project study area is a 1-mile-wide corridor centered on the transmission line centerline in Morton County, Sections 10 and 15, Township 139 North, Range 81 West. Construction of the Project is scheduled to begin in the spring 2021. Although the anticipated area required for placing the poles and conductoring and stringing the line is estimated to be a maximum of 200 feet on either side of the centerline, this area likely will be less and typically averages 50 to 100 feet. The pole structures themselves will be approximately 80 to 100 feet in height, with the wires strung approximately 60 to 80 feet above the ground surface. Both H-frame and 3-pole guyed suspension and deadened structures will be used. Pole 15 is being placed as a temporary structure and is expected to be removed in 2022 when the transmission line crossing of the Missouri River is reconducted with some pole replacement.

SWCA Environmental Consultants is notifying County Commission of Morton County, ND of the proposed Project and offering the opportunity for comments. Information received from County Commission of Morton County, ND will be used in a North Dakota PSC application being prepared for the Project. Please send your replies and/or requests for additional Project information within 30 days of receipt of this letter to:

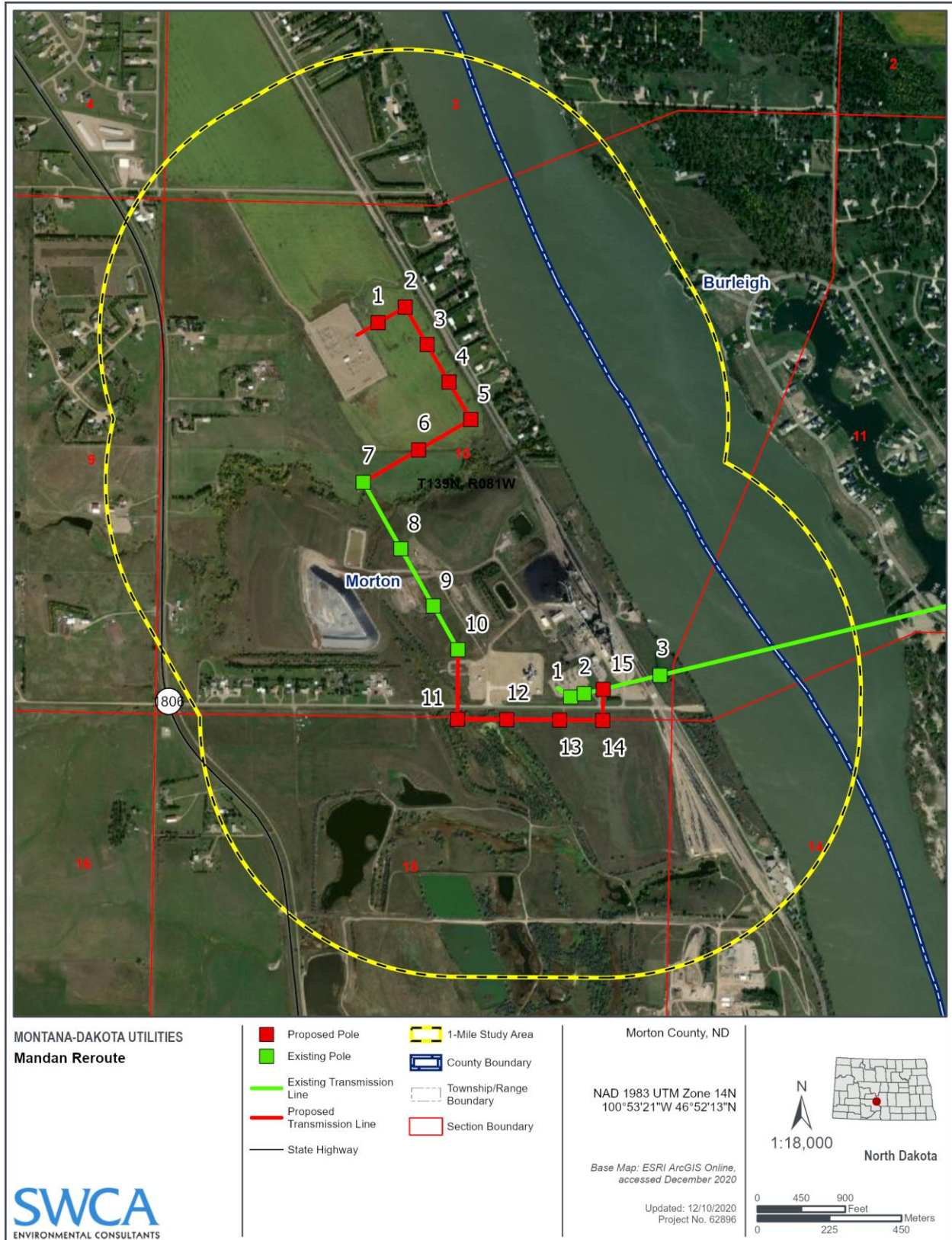
Jana Heisler-White, Project Manager
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jana.heislerwhite@swca.com

Sincerely,



Jana Heisler-White

Enclosure: Project Location Map



Proposed Mandan Transmission Line Reroute Project location map.



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December 18, 2020

Andy Zachmeier
County Commission of Morton County, ND
210 2nd Ave NW
Mandan, ND 58554

Re: Montana-Dakota Utilities Co. Mandan Transmission Line Reroute Project
Morton County, North Dakota

Dear Andy Zachmeier,

Montana-Dakota Utilities Co. (Montana-Dakota) is proposing to construct two new segments of 230-kilovolt transmission line as part of the Mandan Transmission Line Reroute project (Project). The lengths of the two proposed segments are 0.60 and 0.47 mile. As shown on the enclosed Project location map, the first proposed segment of the transmission line will originate at the North Heskett substation and continue northeast for 0.11 mile before turning southeast for 0.25 mile and then southwest for 0.24 mile where it will connect to the existing transmission line. Poles 1 through 6 have already been placed as shown on the Project location map and are proposed to be conductored and wired in the future. The second proposed segment of the transmission line will begin at pole 10 and continue south for 0.13 mile and then east for 0.28 mile before turning north for 0.60 mile to connect with the existing line that crosses the Missouri River. Poles 11 through 15 are proposed to be placed and constructed as shown on the Project location map.

A Transmission Facility Permit Application will be submitted to the North Dakota Public Service Commission (PSC) under North Dakota Administrative Code Chapter 69-06-05. The Project study area is a 1-mile-wide corridor centered on the transmission line centerline in Morton County, Sections 10 and 15, Township 139 North, Range 81 West. Construction of the Project is scheduled to begin in the spring 2021. Although the anticipated area required for placing the poles and conductoring and stringing the line is estimated to be a maximum of 200 feet on either side of the centerline, this area likely will be less and typically averages 50 to 100 feet. The pole structures themselves will be approximately 80 to 100 feet in height, with the wires strung approximately 60 to 80 feet above the ground surface. Both H-frame and 3-pole guyed suspension and deadened structures will be used. Pole 15 is being placed as a temporary structure and is expected to be removed in 2022 when the transmission line crossing of the Missouri River is reconducted with some pole replacement.

SWCA Environmental Consultants is notifying County Commission of Morton County, ND of the proposed Project and offering the opportunity for comments. Information received from County Commission of Morton County, ND will be used in a North Dakota PSC application being prepared for the Project. Please send your replies and/or requests for additional Project information within 30 days of receipt of this letter to:

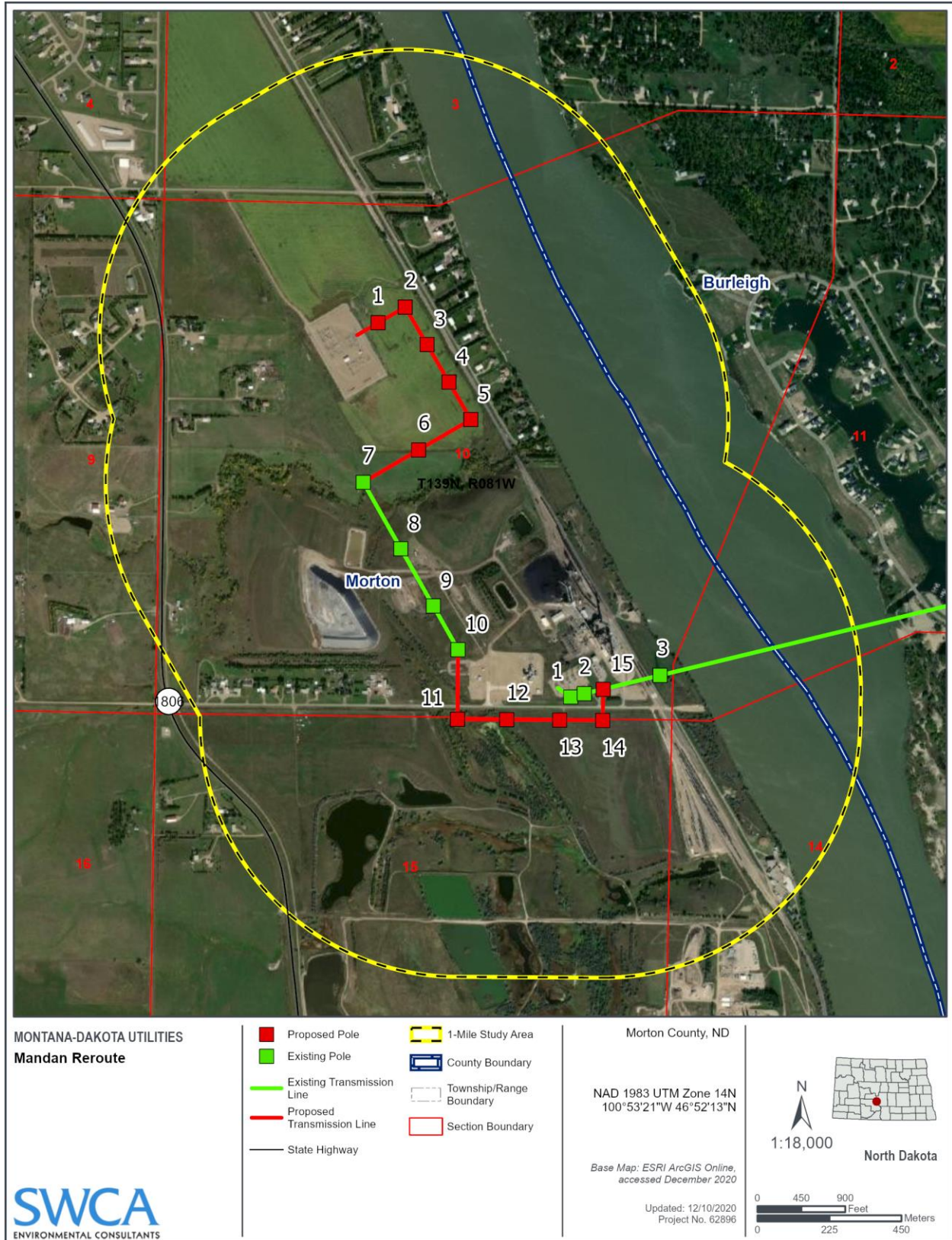
Jana Heisler-White, Project Manager
SWCA Environmental Consultants
201 Slate Drive, Suite 8
Bismarck, North Dakota 58503
(307) 655-1152
jana.heislerwhite@swca.com

Sincerely,



Jana Heisler-White

Enclosure: Project Location Map



Proposed Mandan Transmission Line Reroute Project location map.

January 7, 2021

Jana Heisler-White
Project Manager
SWCA- Environmental Consulting
201 Slate Drive, Suite 8
Bismarck, ND 58503

Re: MDU Mandan Transmission Line Reroute in Morton County

Dear Ms. Heisler-White:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on December 23, 2020 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local stormwater management considerations are addressed.
3. The construction project is located within Bismarck's and Mandan's source water protection areas. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this department and appropriate remedial actions performed.
4. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste

918 East Divide Avenue | Bismarck ND 58501-1947 | Fax 701-328-5200 | deq.nd.gov

Director's Office
701-328-5150

Division of
Air Quality
701-328-5188

Division of
Municipal Facilities
701-328-5211

Division of
Waste Management
701-328-5166

Division of
Water Quality
701-328-5210

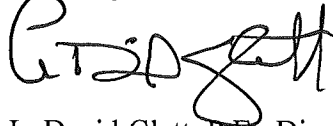
Division of Chemistry
701-328-6140
2635 East Main Ave
Bismarck ND 58501

management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction or environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of soil and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be controlled to minimize silt movement, nutrient upsurges, plant dislocations, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill materials. All temporary fill must be removed. Debris and solid wastes must be properly disposed or recycled. Impacted areas must be restored to near original condition.

December 31, 2020

Jana Heisler-White
SWCA
201 Slate Drive, Suite 8
Bismarck ND 58503

MONTANA DAKOTA UTILITIES CO TO CONSTRUCT TWO NEW SEGMENTS OF 230-KILOVOLT TRANSMISSION LINE AS PART OF MANDAN TRANSMISSION LINE REROUTE PROJECT, MORTON COUNTY, MANDAN, NORTH DAKOTA

We have reviewed your December 18, 2020, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineers, Larry Gangl at 701-328-6955.



CHAD M. ORN, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/cmo/js

c: Larry Gangl, Bismarck District Engineer

January 21, 2021

Jan Heisler-White
SWCA
201 Slate Drive, Suite 8
Bismarck, ND 58503

Re: MDU Mandan Transmission Line Reroute Project – Morton County

Dear Ms. Heisler-White:

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced Montana-Dakota Utilities Mandan Transmission Line in Morton County, North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties 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 does not appear to affect properties that NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

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 no known rare species or significant ecological communities documented within or immediately adjacent to the project site. Because the Natural Heritage information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The absence of data may indicate that the project area has not been surveyed, rather than confirm that it lacks natural heritage resources.

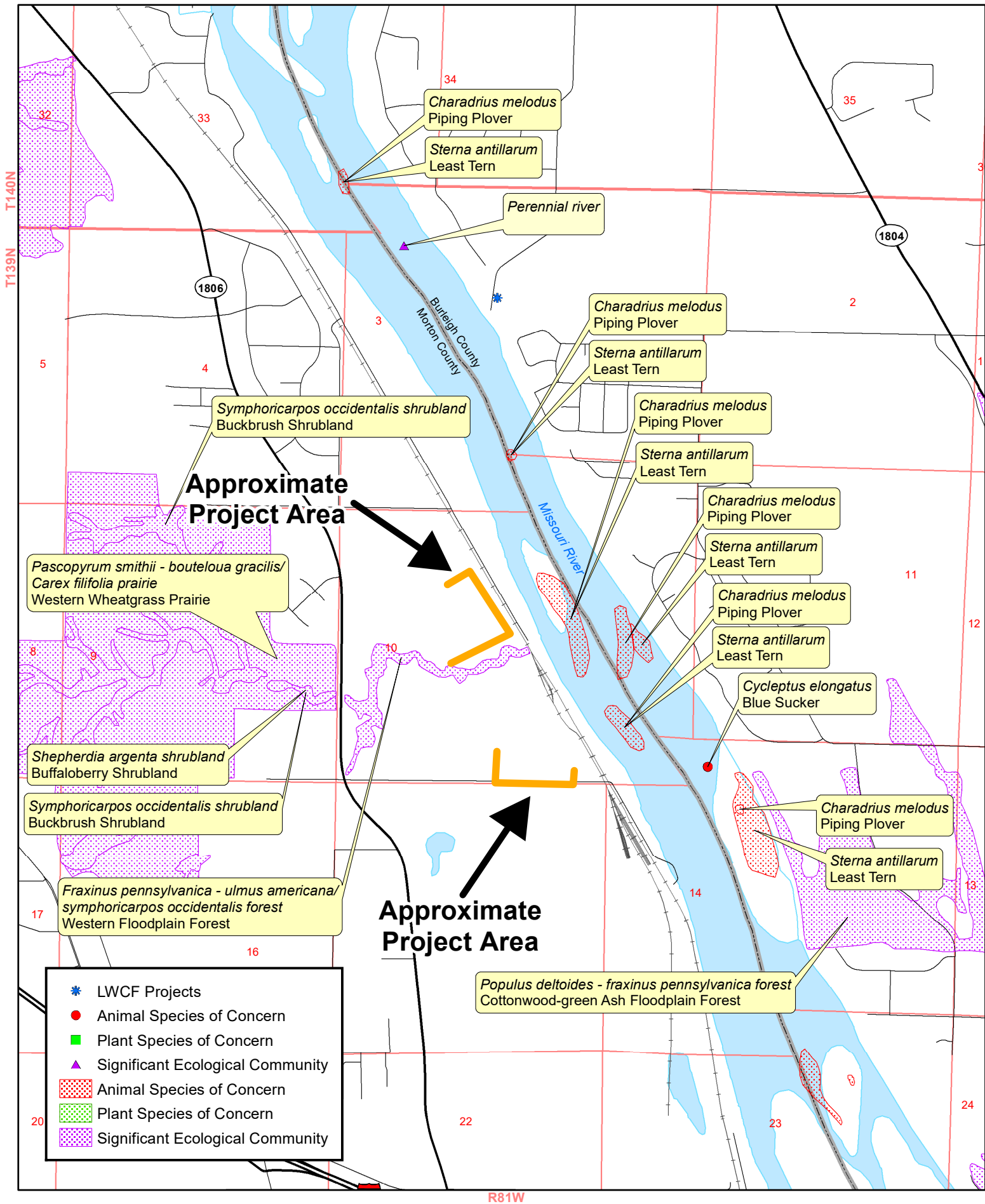
We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation to date. For additional information, please contact Natural Resources Coordinator Kathy Duttonhefner at 701-328-5370, 701-220-3377 (cell), or kgduttonhefner@nd.gov.

Thank you for the opportunity to comment on the proposed project.



Kathy Duttonhefner
Coordinator/Biologist II, Natural Resources Division

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



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>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	139N081W - 03; 139N081W - 10	Burleigh, M	1991	High	S
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	139N081W - 10	Morton	2003-05-28	Medium	S
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	139N081W - 10	Morton	2003-06-09	Medium	
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	139N081W - 10	Burleigh, Morton	2002-06-11	Medium	
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	139N081W - 14	Burleigh	1999-06-22	Medium	S
<i>Charadrius melodus</i>	Piping Plover	S1S2	G3	LE,LT	140N081W - 33; 139N081W - 03	Burleigh, M	1993-07-14	Medium	S
<i>Cycleptus elongatus</i>	Blue Sucker	S3	G3G4		139N081W - 14	Burleigh	1994-08-17		S
<i>Fraxinus pennsylvanica</i> - <i>ulmus americana</i> / <i>symphoricarpos occidentalis</i> forest	Western Floodplain Forest	S3	GNR		139N081W - 10	Morton	2007-06-22	Very High	
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> / <i>carex filifolia</i> prairie	Western Wheatgrass Prairie	S3S4	GNR		139N081W - 09; 139N081W - 17; 139N081W - 04; 139N081W - 16; 139N081W - 08	Morton	2007-06-22	Medium	
Perennial river		S1	GNR		139N081W - 03	Burleigh, Morton	1986		S
<i>Polyodon spathula</i>	Paddlefish	SNR	G4		139N081W - 14	Burleigh	1994-06-15		S
<i>Populus deltoides</i> - <i>fraxinus pennsylvanica</i> forest	Cottonwood-green Ash Floodplain Forest	S3	GNR		139N081W - 14; 139N081W - 11; 139N081W - 13	Burleigh	2007-09-18	Medium	
<i>Shepherdia argenta</i> shrubland	Buffaloberry Shrubland	S4	GNR		139N081W - 09; 139N081W - 04; 139N081W - 16; 139N081W - 08	Morton	2007-06-22	Medium	
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	139N081W - 03; 139N081W - 10	Burleigh, Morton	1993-07-14	Medium	S
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	139N081W - 10	Burleigh	1993-07-14	Medium	S
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	139N081W - 10	Morton			
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	139N081W - 10	Morton			
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	139N081W - 14	Burleigh	1998	Medium	S
<i>Sterna antillarum</i>	Least Tern	S1	G4	PS:LE	140N081W - 33; 139N081W - 03	Burleigh, Morton	1993-07-14	Medium	S
<i>Symphoricarpos occidentalis</i> shrubland	Buckbrush Shrubland	S4	GNR		139N081W - 08; 139N081W - 16; 139N081W - 09; 139N081W - 04	Morton	2007-06-22	Medium	

From: [MCCULLOUGH, DAVID D GS-13 USAF ACC 319 CES/CEI](#)
To: [Jana Heisler-White](#)
Cc: [STROM, DIANE M GS-11 USAF ACC 319 CES/CENPL](#); [FUQUA, JEFFREY M GS-12 USAF ACC 319 CES/CENP](#); [LONDON, LANCE E GS-13 USAF ACC 319 CES/CD](#)
Subject: RE: Notification of proposed transmission line reroute in Mandan, ND
Date: Monday, December 21, 2020 1:39:27 PM
Attachments: [image001.png](#)

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

Ms Heisler White,

Thanks for the opportunity to review and comment on the proposed rerouting of the transmission line in Mandan. We have reviewed and no comment.

If you have questions, please let me know.

Thanks,
Dave McCullough
Chief, Installation Management Flight
Grand Forks AFB, ND 58205
701-747-6154

From: Jana Heisler-White <Jana.HeislerWhite@swca.com>
Sent: Friday, December 18, 2020 6:24 PM
To: MCCULLOUGH, DAVID D GS-13 USAF ACC 319 CES/CEI <david.mccullough@us.af.mil>
Subject: [Non-DoD Source] Notification of proposed transmission line reroute in Mandan, ND

Dear Mr. McCullough,
Please see the attached letter that SWCA Environmental Consultants is submitting on behalf of Montana-Dakota Utilities Co. for a proposed transmission line reroute in Mandan, North Dakota. This letter serves as notification of the project under North Dakota Administrative Code Chapter 69-06-05. We respectfully request any comments on the project from your agency within 30 days of receiving this letter.

Sincerely,
Jana

Jana Heisler White, Ph.D. | she, her, hers
Senior Ecologist
Natural Resources Lead | Sheridan, WY and Bismarck, ND

SWCA Environmental Consultants
Direct: 307.655.1152

Mobile: 970.988.9360

jana.heislerwhite@swca.com



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From: [Natalie Pierce](#)
To: [Jana Heisler-White](#)
Cc: [Andy Zachmeier](#)
Subject: RE: MDU reroute in Mandan, ND
Date: Wednesday, December 30, 2020 1:31:56 PM
Attachments: [image001.png](#)

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

Hi Jana,

Thanks for the response. I see. So all the comments you're looking for are regarding the thick red and green lines (punctuated with square points), all on the west side of the river, correct? If that is the case, we have no comment. We'll have comments on the river crossing, assuming that is coming later. Do you know who that communication would be coming from so I can watch out for it?

Thanks,

Natalie Pierce, CFM
Morton County
Director of Planning & Zoning
2916 37th Street NW
Mandan, ND 58554
Direct: 701-667-3361

From: Jana Heisler-White [mailto:Jana.HeislerWhite@swca.com]
Sent: Wednesday, December 23, 2020 10:46 AM
To: Natalie Pierce
Subject: RE: MDU reroute in Mandan, ND

Hi Natalie,

Thanks for reaching out for clarification on this. Please note, that the map is a little confusing in that the section line as it crosses the Missouri River is shown with a thin red line and this should not be interpreted as the proposed River crossing. The two proposed new sections of transmission line are indicated by the thicker red lines. I apologize for the confusion, and please let me know if you have any additional questions or want to further discuss. New pole and line locations for the Missouri River crossing will be permitted separately.

Thanks,
Jana

From: Natalie Pierce <natalie.pierce@mortonnd.org>
Sent: Monday, December 21, 2020 8:33 AM

To: Jana Heisler-White <Jana.HeislerWhite@swca.com>

Subject: MDU reroute in Mandan, ND

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

Hi Jana,

I received the attached letter from Morton County Commissioner Zachmeier. On October 16, representatives from Morton, Mandan, Bismarck and the MPO had a conference call with MDU representatives and their engineers regarding the proposed route for the power line over the Missouri. I thought we had come to an understanding that the parties involved did not want the power line to intersect with the proposed Northern Bridge corridor. The diagram you provided to Commissioner Zachmeier does not seem to reflect that October 16th conversation.

Could you give me a call at your convenience so that I can understand where this reroute project is at in the planning process?

Thank you,

Natalie Pierce, CFM

Morton County

Director of Planning & Zoning

2916 37th Street NW

Mandan, ND 58554

Direct: 701-667-3361

From: Jana Heisler-White <Jana.HeislerWhite@swca.com>

Date: December 18, 2020 at 6:26:08 PM CST

To: azachmeier@bis.midco.net

Subject: Notification of proposed transmission line reroute in Mandan, ND

Dear Mr. Zachmeier,

Please see the attached letter that SWCA Environmental Consultants is submitting on behalf of Montana-Dakota Utilities Co. for a proposed transmission line reroute in Mandan, North Dakota. This letter serves as notification of the project under North Dakota Administrative Code Chapter 69-06-05. We respectfully request any comments on the project from your agency within 30 days of receiving this letter.

Sincerely,

Jana

Jana Heisler White, Ph.D. | she, her, hers
Senior Ecologist

Natural Resources Lead | Sheridan, WY and Bismarck, ND

SWCA Environmental Consultants

Direct: 307.655.1152

Mobile: 970.988.9360

jana.heislerwhite@swca.com



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APPENDIX C

Natural Resource Agency Evaluation Letters and Responses



ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

201 Slate Drive, Suite 8
Bismarck, North Dakota 58503
Tel 701.258.6622 Fax 701.258.5957
www.swca.com

December 18, 2020

Greg Link
Chief, Conservation and Communication Division
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501

Re: Montana-Dakota Utilities Co. Mandan Transmission Line Reroute Project
Morton County, North Dakota

Dear Mr. Link:

Montana-Dakota Utilities Co. (Montana-Dakota) is proposing to construct two new segments of 230-kilovolt transmission line as part of the Mandan Transmission Line Reroute project (Project). The lengths of the two proposed segments are 0.60 and 0.47 mile. As shown on the enclosed Project location map, the first proposed segment of the transmission line will originate at the North Heskett substation and continue northeast for 0.11 mile before turning southeast for 0.25 mile and then southwest for 0.24 mile where it will connect to the existing transmission line. Poles 1 through 6 have already been placed as shown on the Project location map and are proposed to be conductored and wired in the future. The second proposed segment of the transmission line will begin at pole 10 and continue south for 0.13 mile and then east for 0.28 mile before turning north for 0.60 mile to connect with the existing line that crosses the Missouri River. Poles 11 through 15 are proposed to be placed and constructed as shown on the Project location map.

A Transmission Facility Permit Application will be submitted to the North Dakota Public Service Commission (PSC) under North Dakota Administrative Code Chapter 69-06-05. The Project study area is a 1-mile-wide corridor centered on the transmission line centerline in Morton County, Sections 10 and 15, Township 139 North, Range 81 West. Construction of the Project is scheduled to begin in the spring 2021. Although the anticipated area required for placing the poles and conductoring and stringing the line is estimated to be a maximum of 200 feet on either side of the centerline, this area likely will be less and typically averages 50 to 100 feet. The pole structures themselves will be approximately 80 to 100 feet in height, with the wires strung approximately 60 to 80 feet above the ground surface. Both H-frame and 3-pole guyed suspension and deadened structures will be used. Pole 15 is being placed as a temporary structure and is expected to be removed in 2022 when the transmission line crossing of the Missouri River is reconducted with some pole replacement.

Due to the highly developed nature of the study area, which includes two existing substations, industrial buildings, a housing development, and other previously disturbed land, SWCA Environmental Consultants (SWCA) does not believe that the proposed Project poses a risk to threatened or endangered plant or animal species, species of conservation priority, or their habitats.

SWCA is notifying the North Dakota Game and Fish Department of the proposed Project and offering the opportunity for comments. Information received from the North Dakota Game and Fish Department will

be used in a North Dakota PSC application that is being prepared for the Project. Please send your replies and/or requests for additional Project information within 30 days to:

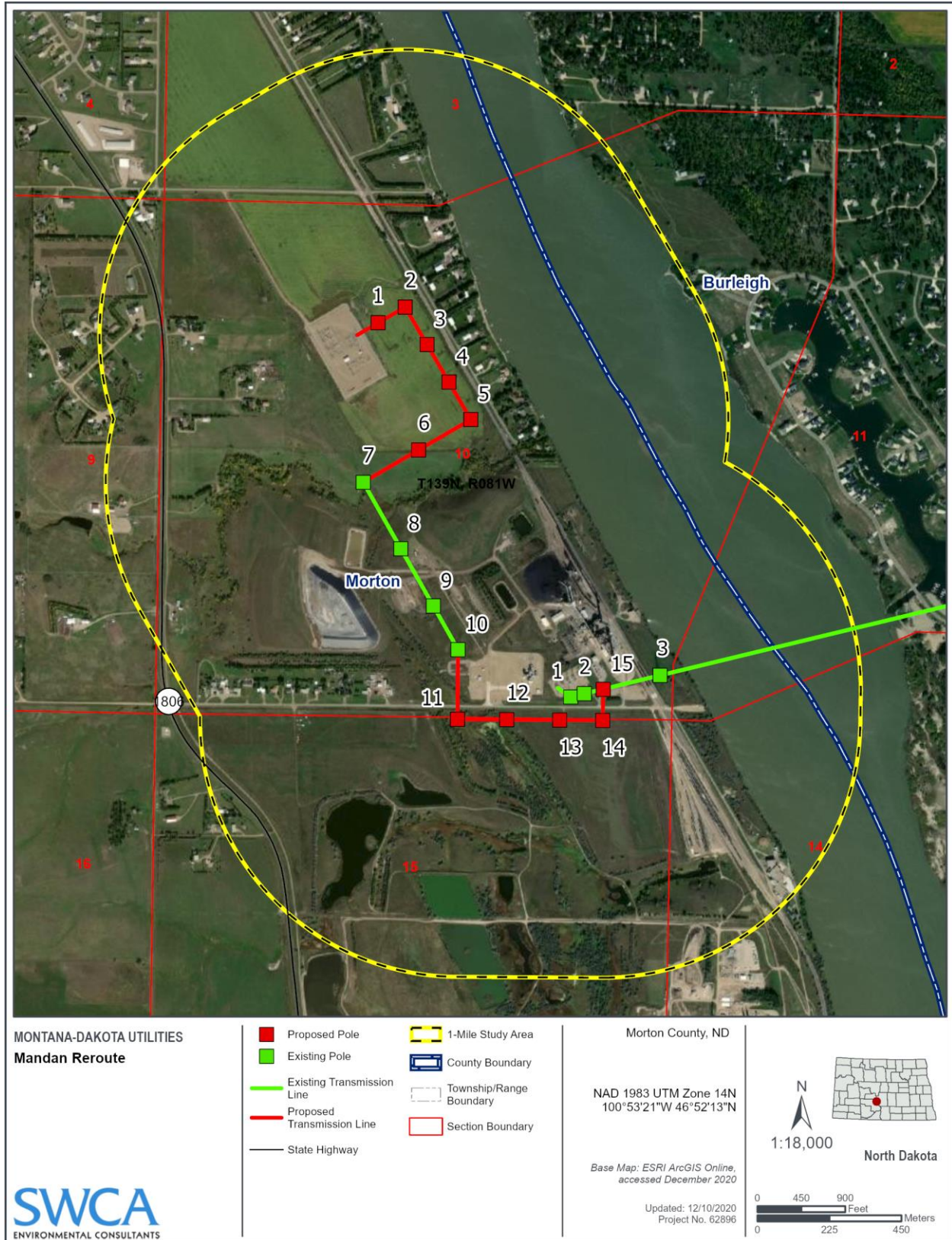
Jana Heisler-White, Project Manager
SWCA Environmental Consultants
201 Slate Drive, Suite 8
Bismarck, North Dakota 58503
(307) 655-1152
jana.heislerwhite@swca.com

Sincerely,

A handwritten signature in black ink that reads "Jana Heisler-White". The signature is written in a cursive style with a large initial "J" and "H".

Jana Heisler-White

Enclosure: Project Location Map



Proposed Mandan Transmission Line Reroute Project location map.

Jana Heisler-White

From: Schumacher, John D. <jdschumacher@nd.gov>
Sent: Monday, February 8, 2021 5:16 PM
To: Jana Heisler-White
Subject: RE: Notification of proposed transmission line reroute in Mandan, ND

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

Jana Heisler-White
Project Manager
SWCA Environmental Consultants

RE: Montana-Dakota Utilities Co. – Mandan Transmission Line Reroute Project

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have significant adverse effects on wildlife or wildlife habitat based on the information provided.

J.D. Schumacher
Resource Biologist

701.328.6321 • jdschumacher@nd.gov • gf.nd.gov

NORTH
Dakota | Gar

From: Jana Heisler-White <Jana.HeislerWhite@swca.com>
Sent: Sunday, February 7, 2021 4:04 PM
To: Link, Greg W. <glink@nd.gov>
Subject: RE: Notification of proposed transmission line reroute in Mandan, ND

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Mr. Link,
I wanted to check back in with you to determine if North Dakota Game and Fish Department was indeed going to provide a comment on the Montana-Dakota Utilities' proposed transmission line reroute in Mandan.

Please let me know if you have a comment and/or comments are forthcoming.

Sincerely,
Jana

From: Link, Greg W. <glink@nd.gov>
Sent: Monday, December 21, 2020 7:54 AM
To: Jana Heisler-White <Jana.HeislerWhite@swca.com>
Subject: RE: Notification of proposed transmission line reroute in Mandan, ND

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

Jana,

We have received your request for our agency's review of the proposed Montana-Dakota Utilities Co. transmission line reroute in Mandan, North Dakota. I have forwarded this request on to our project review team; they will assess the project for potential wildlife impacts and provide you with our avoidance, minimization, and mitigation recommendations.

Thank you.
G. Link

Greg Link
Division Chief, Conservation and Communications

701.328.6331 • glink@nd.gov • gf.nd.gov



From: Jana Heisler-White <Jana.HeislerWhite@swca.com>
Sent: Friday, December 18, 2020 6:30 PM
To: Link, Greg W. <glink@nd.gov>
Subject: Notification of proposed transmission line reroute in Mandan, ND

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear Mr. Link,
Please see the attached letter that SWCA Environmental Consultants is submitting on behalf of Montana-Dakota Utilities Co. for a proposed transmission line reroute in Mandan, North Dakota. This letter serves as notification of the project under North Dakota Administrative Code Chapter 69-06-05. We respectfully request any comments on the project from your agency within 30 days of receiving this letter.

Sincerely,
Jana

Jana Heisler White, Ph.D. | she, her, hers
Senior Ecologist

Natural Resources Lead | Sheridan, WY and Bismarck, ND

SWCA Environmental Consultants

Direct: 307.655.1152

Mobile: 970.988.9360

jana.heislerwhite@swca.com



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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

December 30, 2020

NWO-2020-02304-BIS

SWCA

Attn: Ms. Jana Heisler-White
201 Slate Drive, Suite 8
Bismarck, North Dakota 58503

Dear Ms. Heisler-White:

This is in response to your solicitation letter received on December 18, 2020 requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Montana-Dakota Utilities Co. Mandan Transmission Line Reroute Project. The project site is located in Section 10, Township 139 North, Range 81 West, City of Mandan, Morton County, North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the fact sheet for Nationwide Permit 12, Utility Line Activities. Utility lines are already authorized by Nationwide Permit 12 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 2 of the fact sheet. If a project involves any one of the seven notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 18 thru 21 of the fact sheet.

In the event your project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will be required. A project that requires a Standard or Individual Permit is intensely

reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If any of these projects require a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 6082) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, North Dakota 58504 or to the email address (preferred) below. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

Due to precautions taken in response to the COVID-19 pandemic, The North Dakota Regulatory office prefers that all submissions are sent electronically to the following email address: CENWO-OD-RND@usace.army.mil instead of a hard copy by mail. Please split large attachments (>25 MB) into multiple emails if needed.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,



Patricia L. McQueary
State Program Manager
North Dakota

Enclosure
ENG Form 6082
Fact Sheet NWP 12



ENVIRONMENTAL CONSULTANTS

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Bismarck, North Dakota 58503
Tel 701.258.6622 Fax 701.258.5957
www.swca.com

December 18, 2020

Jerry Reinisch
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
3425 Miriam Drive
Bismarck, North Dakota 58501

Re: Montana-Dakota Utilities Co. Mandan Transmission Line Reroute Project
Morton County, North Dakota

Dear Mr. Reinisch:

Montana-Dakota Utilities Co. (Montana-Dakota) is proposing to construct two new segments of 230-kilovolt transmission line as part of the Mandan Transmission Line Reroute project (Project). The lengths of the two proposed segments are 0.60 and 0.47 mile. As shown on the enclosed Project location map, the first proposed segment of the new transmission line will originate at the North Heskett substation and continue northeast for 0.11 mile before turning southeast for 0.25 mile and then southwest for 0.24 mile where it will connect to the existing transmission line. Poles 1 through 6 have already been placed as shown on the Project location map and are proposed to be conductored and wired in the future. The second proposed segment of the transmission line will begin at pole 10 and continue south for 0.13 mile and then east for 0.28 mile before turning north for 0.60 mile to connect with the existing line that crosses the Missouri River. Poles 11 through 15 are proposed to be placed and constructed as shown on the Project location map.

A Transmission Facility Permit Application will be submitted to the North Dakota Public Service Commission (PSC) under North Dakota Administrative Code Chapter 69-06-05. The Project study area is a 1-mile-wide corridor centered on the transmission line centerline in Morton County, Sections 10 and 15, Township 139 North, Range 81 West. Construction of the Project is scheduled to begin in the spring 2021. Although the anticipated area required for placing the poles and conductoring and stringing the line is estimated to be a maximum of 200 feet on either side of the centerline, this area likely will be less and typically averages 50 to 100 feet. The pole structures themselves will be approximately 80 to 100 feet in height, with the wires strung approximately 60 to 80 feet above the ground surface. Both H-frame and 3-pole guyed suspension and deadened structures will be used. Pole 15 is being placed as a temporary structure and is expected to be removed in 2022 when the transmission line crossing of the Missouri River is reconductored with some pole replacement.

SWCA Environmental Consultants (SWCA) requested a U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report for the study area (enclosed). Six federally listed species were identified in the IPaC report: northern long-eared bat (*Myotis septentrionalis*; threatened); least tern (*Sterna antillarum*; endangered); piping plover (*Charadrius melodus*; threatened); rufa red knot (*Calidris canutus rufa*; threatened); whooping crane (*Grus americana*; endangered); and pallid sturgeon (*Scaphirhynchus albus*; endangered). Due to the highly developed nature of the study area, which includes two existing substations, an existing transmission line, industrial buildings, a housing

development, and other previously disturbed land, SWCA does not believe that the proposed Project poses a risk to threatened or endangered species or their habitats.

SWCA is notifying the USFWS of the proposed Project and offering the opportunity for comments. Information received from the USFWS will be used in a North Dakota PSC application being prepared for the Project. Please send your replies and/or requests for additional Project information within 30 days to:

Jana Heisler-White, Project Manager
SWCA Environmental Consultants
201 Slate Drive, Suite 8
Bismarck, North Dakota 58503
(307) 655-1152
jana.heislerwhite@swca.com

Sincerely,

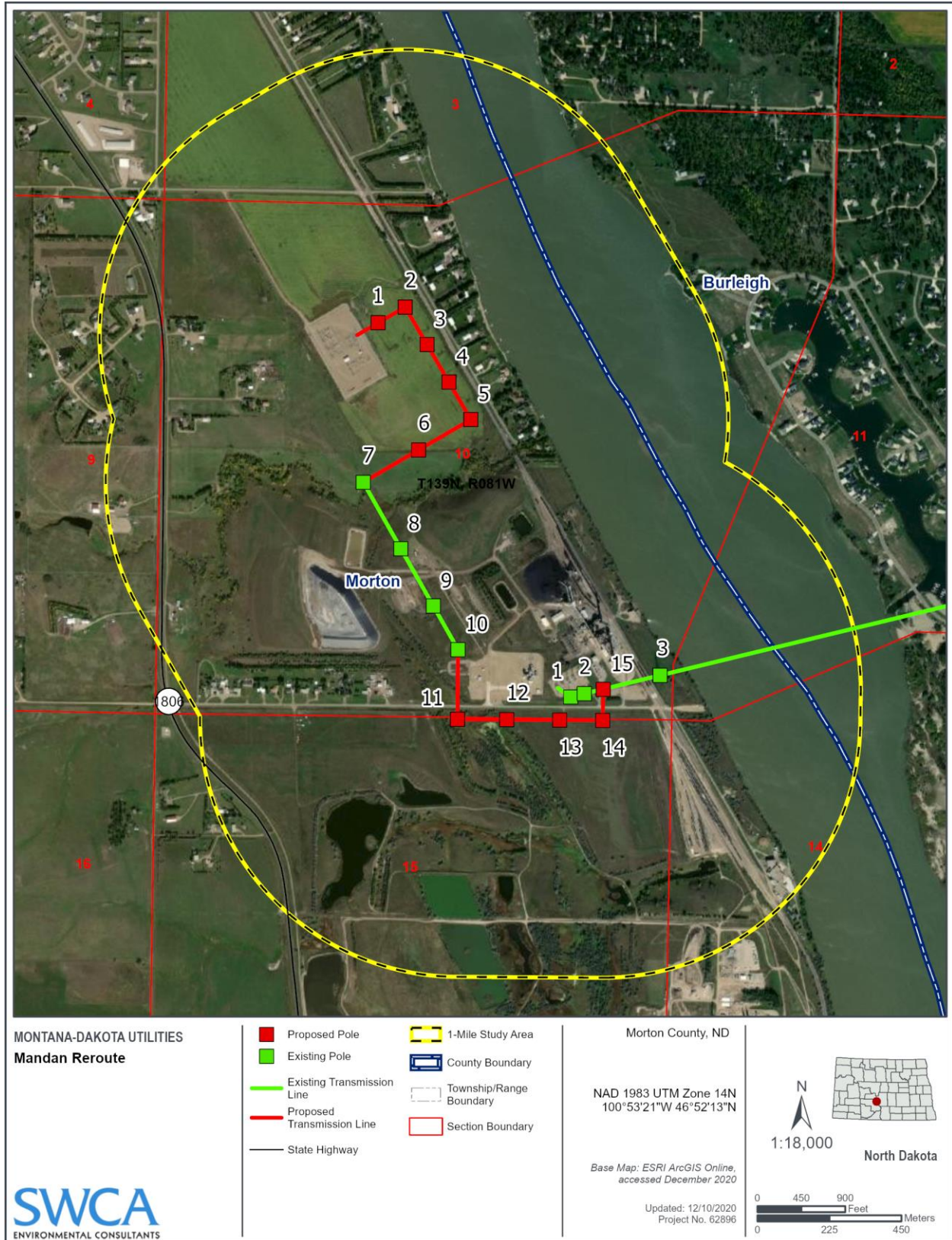


Jana Heisler-White

Enclosure: Project Location Map
IPaC Report

This Constitutes a report of the Department of the Interior prepared in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq). We have reviewed and have NO OBJECTION to this proposed project.

Field Supervisor



Proposed Mandan Transmission Line Reroute Project location map.

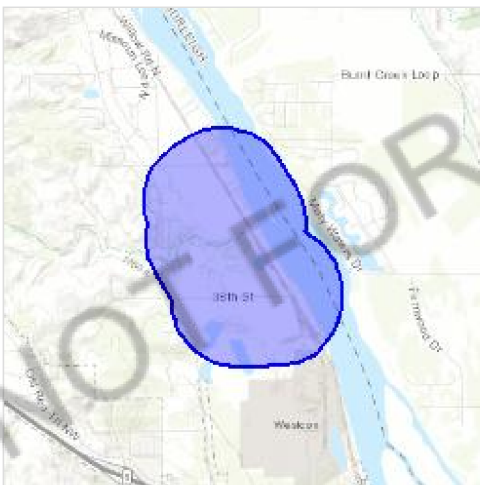
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Burleigh and Morton counties, North Dakota



Local office

North Dakota Ecological Services Field Office

☎ (701) 250-4481

📠 (701) 355-8513

3425 Miriam Avenue

Bismarck, ND 58501-7926

http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis* Threatened
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/9045>

Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8505	Endangered
Piping Plover <i>Charadrius melodus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/758	Endangered

Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7162	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Piping Plover <i>Charadrius melodus</i> https://ecos.fws.gov/ecp/species/6039#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE.

"BREEDS ELSEWHERE" INDICATES
 THAT THE BIRD DOES NOT LIKELY
 BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Lewis's Woodpecker *Melanerpes lewis*

Breeds Apr 20 to Sep 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9408>

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of

presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1A](#)

[PEM1C](#)

[PEM1Cx](#)

FRESHWATER POND

[PABFx](#)

[PABFh](#)

[PUSCx](#)

RIVERINE

[R2UBH](#)

[R4SBC](#)

[R2USC](#)

[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

APPENDIX D

Class I and Class III Cultural Resource Inventory Report and State Historical Society of North Dakota Correspondence