

May 10, 2022

VIA EMAIL AND HAND DELIVERY

Mr. Adam Renfandt
Analyst
Public Service Commission
State of North Dakota
600 East Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480

**RE: Case No. PU-22-141
Continental Resources, Inc.
8-inch NG Buddy Domindgo Pipeline,
Williams County Siting Application**

Dear Mr. Renfandt:

This responds to your letter dated April 8, 2022 requesting further information with respect to the above-referenced application. For the purpose of responding to your letter, we have quoted the questions in your letter, with responses immediately following thereafter.

1. Please provide specific dates for obtaining a certificate of corridor compatibility, obtaining a route permit, completing right-of-way acquisition, starting construction, completing construction, testing operations and commencing operations.

Obtain certificate of corridor compatibility:..... July 15, 2022
Obtain route permit:..... July 15, 2022
Complete right-of-way acquisition:..... Complete
Commence construction:..... July 31, 2022
Complete construction:..... September 30, 2022
Testing operations:..... October 1, 2022
Commence operations:..... October 8, 2022

2. Please file copies of all correspondence with the U.S. Fish and Wildlife Service.

Copies of all correspondence with the U.S. Fish and Wildlife Service are enclosed herewith.

19 PU-22-141 Filed 05/10/2022 Pages: 23
Response to 8 April 2022 request for information
Continental Resources, Inc.
Lawrence Bender, Fredrikson&Byron, P.A.

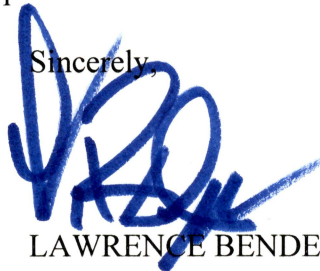
Mr. Adam Renfandt
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Page 2

3. Please send notification of the application to the following agencies, and please file copies of the correspondence with the Commission:
 - a. Grand Forks Air Force Base
 - b. Twentieth Airforce Ninety-First Missile Wing
 - c. U.S. Department of Defense

We understand that notification of the application will be sent to the above-referenced agencies and that copies of all correspondence with said agencies will be filed with the Commission.

A compact disc containing a copy of this letter the referenced enclosures is also enclosed herewith. Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
75967160.1



November 3, 2021

Drew Becker
U.S. Fish and Wildlife Service
North Dakota Ecological Services-Field Office
3425 Miriam Ave.
Bismarck, ND 58501-7926

RE: Continental Resources, Inc.
Buddy Domindgo Pipeline Project
Project Notification Letter and Review Request

Mr. Becker,

Continental Resources, Inc. (Continental) is proposing to construct and operate 5.1 miles of 8-inch natural gas pipeline in Williams County. The project is referred to as the Buddy Domindgo Pipeline Project (Project). The Project is characterized as a transmission line by state regulatory authorities. The Project would span across:

- Section 2, Township 155N, Range 99W
- Section 25, Township 156N, Range 99W
- Section 26, Township 156N, Range 99W
- Section 27, Township 156N, Range 99W
- Section 35, Township 156N, Range 99W
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The Project will transfer natural gas that will be compressed and used for enhanced oil recovery. Construction activities are scheduled to begin in the first quarter of 2022 with pipeline commissioning and right-of-way restoration immediately following construction. The Project site and a 1-mile-wide corridor (Study Area) are depicted on the attached map.

The purpose of this request is to provide the U.S. Fish and Wildlife Service (USFWS) with notification of the proposed Project and to share Continental's analysis of the environmental topics relevant to the Commission's siting requirements. The siting process allows agencies to participate in the regulatory process should you choose to comment on the Project, or the analysis contained herein.

On October 29, 2021, Carlson McCain conducted a web-based consultation using USFWS's IPaC system. The species addressed in this analysis are based upon results of the project specific query of the IPaC system.

Federally Listed Species Analysis:

The results of the search of the USFWS's IPaC system on May 20, 2021 found the following:

- Northern long-eared bat (*Myotis septentrionalis*) – threatened
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- Red knot (*Calidris canutus rufa*) – threatened
- Dakota Skipper (*Hesperia docatoae*) – threatened
- Whooping crane (*Grus americana*) – endangered

Northern long-eared bat:

The northern long-eared bat (NLEB) roosts underneath bark, in cavities, or in crevices of both live and dead trees. Populations have also been found in cool environments such as caves and mines and prefer to spend winter hibernating in locations with high humidity and no air currents. Breeding females will congregate and form colonies in May to late July for pup rearing. White-nose syndrome (WNS) is the predominant threat to the northern long-eared bat. North Dakota is included in the current extent of WNS zone per the Final 4(d) Rule. The field survey recorded three peachleaf willow (*Salix amygdaloides*) trees and one eastern cottonwood (*Populus deltoides*) located in the SW1/4 of Section 25, T156N, R99W. The trees were mature (> 3" DBH) and may provide suitable summer roosting habitat. No potential winter hibernacula were observed within the Survey Corridor and there are no known bat hibernacula in Williams County (NDGFD 2021). It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the northern long-eared bat.

Piping plover

The Piping plover is associated with shorelines along small alkaline lakes, large reservoir beaches, and river islands and adjacent sand pits. Breeding birds select wide beaches with highly clumped vegetation covering less than 25 percent of the area. Breeding season in North Dakota occurs mid-April through August. The Missouri River and Lake Sakakawea, approximately 12 miles south of the site at its nearest point, are the closest designated critical habitats for the piping plover. Desktop analysis supported with field studies have concluded that no suitable habitat is present within the Project area. On this basis we conclude that the Project will have **no effect** on the piping plover.

Red knot

The red knot migrates between breeding grounds in Canada and wintering grounds in South America. A significant factor threatening the red knot is destruction and modification of its habitat due to beach erosion and shoreline protection and stabilization projects. Migratory behavior and habitat requirements of this species are poorly understood particularly for those populations utilizing the midcontinent flyways. Inland stopovers include the Mississippi Valley, Great Lakes, and Great Plains. Desktop analysis supported with field studies have concluded that no suitable habitat is present within the Project area. On this basis we conclude that the Project will have **no effect** on the red knot.

Whooping crane

The whooping crane is a large-bodied marsh species that breeds primarily in Canada and winters in the Gulf of Mexico. This species has been closely studied and monitored in recent years due to its limited population. North Dakota is located within the migratory route for the species, providing roosting and feeding opportunities during migration. This species prefers larger wetland complexes for roosting habitat, typically using adjacent uplands for foraging opportunities.

Precautionary measures will be implemented if whooping cranes are sighted in or near the Project area. Continental will voluntarily suspend heavy equipment operation activities and notify the USFWS should a whooping crane be spotted within 0.5 mile of the Project area. Heavy equipment activities will resume upon the departure of the individual(s). Construction activities would likely serve as a deterrent for migrating cranes. Once the Project has been constructed and disturbed areas restored, the Project would largely resemble the surrounding landscape and would be available for crane utilization. The Project would not result in a loss of crane habitat. Provided the mitigation measures are fully implemented, we concluded that the Project would have **no effect** on the whooping crane.

Dakota skipper

The Dakota skipper is a diminutive butterfly of the prairie. The species is an obligate resident of high-quality prairie grasslands whose range includes the prairies of Canada in Manitoba and Saskatchewan, and North Dakota, South Dakota, and Minnesota. The species is native to these areas (USFWS, 2019). The historic range may have previously extended south to include portions of Illinois and Iowa; locations where the species is now considered extirpated (USFWS, 2016). The preferred habitat ranges from wet-mesic tall grass prairie to dry-mesic mixed grass

prairie of high quality (Larson, 2019). Additionally, they prefer habitats which have wood lily (*Lilium philadelphicum*) and mountain deathacamas (*Zigadenus elegans*), and where nectar sources are present. Based upon field survey and desktop analysis, the Project is located on cultivated cropland and heavily utilized rangeland and therefore is not likely to provide suitable habitat for the Dakota skipper. It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the Dakota skipper.

USFWS Managed Lands:

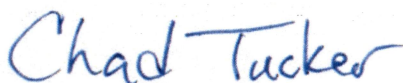
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Migratory Bird Consultation:

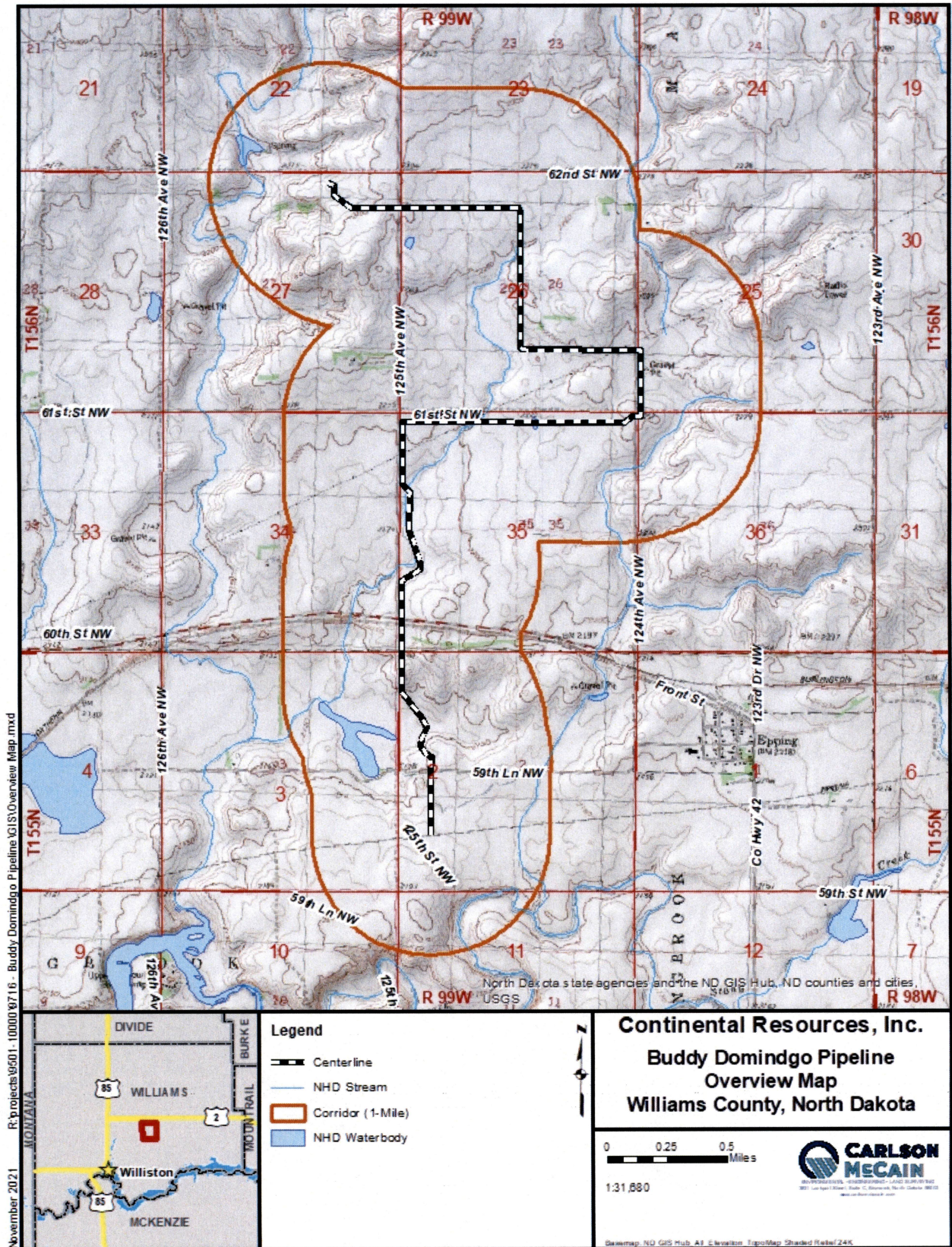
The USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). Continental understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of a take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. Continental also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15. Construction is scheduled to take place in the first quarter of 2022. If construction activities occur during the nesting season, pre-construction surveys for nesting birds would be performed.

Carlson McCain has been retained by Continental to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 701-595-7007 or ctucker@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

Sincerely,



Chad Tucker
Wildlife Biologist
Carlson McCain, Inc.



From: [Zachmeier, Timothy P](#)
To: [Chad Tucker](#)
Subject: Fw: Buddy Domindgo Project
Date: Tuesday, November 23, 2021 11:37:44 AM
Attachments: [Continental Buddy Domindgo Pipeline Stamped_signed1 \(1\).pdf](#)

From: Zachmeier, Timothy P
Sent: Tuesday, November 23, 2021 11:34 AM
To: ctucker@carlsonccain.com <ctucker@carlsonccain.com>
Subject: Buddy Domindgo Project

Chad,

Please see the attached digitally signed copy of the original Carlson McCain letter concerning the Continental Resource Buddy Domindgo Pipeline project. The US Fish and Wildlife Service (Service) concurs with proposed findings for the listed species. If the project location significantly changes or is adjusted, please contact this office to ensure compliance with the Endangered Species Act and the Migratory Bird Treaty Act.

Thanks for reaching out Chad.

Respectfully,

Tim Zachmeier
Fish and Wildlife Service Biologist
Bismarck Ecological Service

November 3, 2021

Drew Becker
U.S. Fish and Wildlife Service
North Dakota Ecological Services-Field Office
3425 Miriam Ave.
Bismarck, ND 58501-7926

The U.S. Fish and Wildlife Service concurs with your conclusion that the described project will not adversely affect listed species. Contact this office if changes are made or new information becomes available.

DREW BECKER Digitally signed by DREW BECKER
Date: 2021.11.23 08:47:17 -0600'

Field Supervisor

RE: Continental Resources, Inc.
Buddy Domindgo Pipeline Project
Project Notification Letter and Review Request

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On October 29, 2021, Carlson McCain conducted a web-based consultation using USFWS's IPaC system. The species addressed in this analysis are based upon results of the project specific query of the IPaC system.

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Red knot

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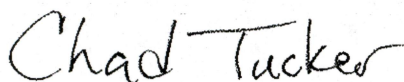
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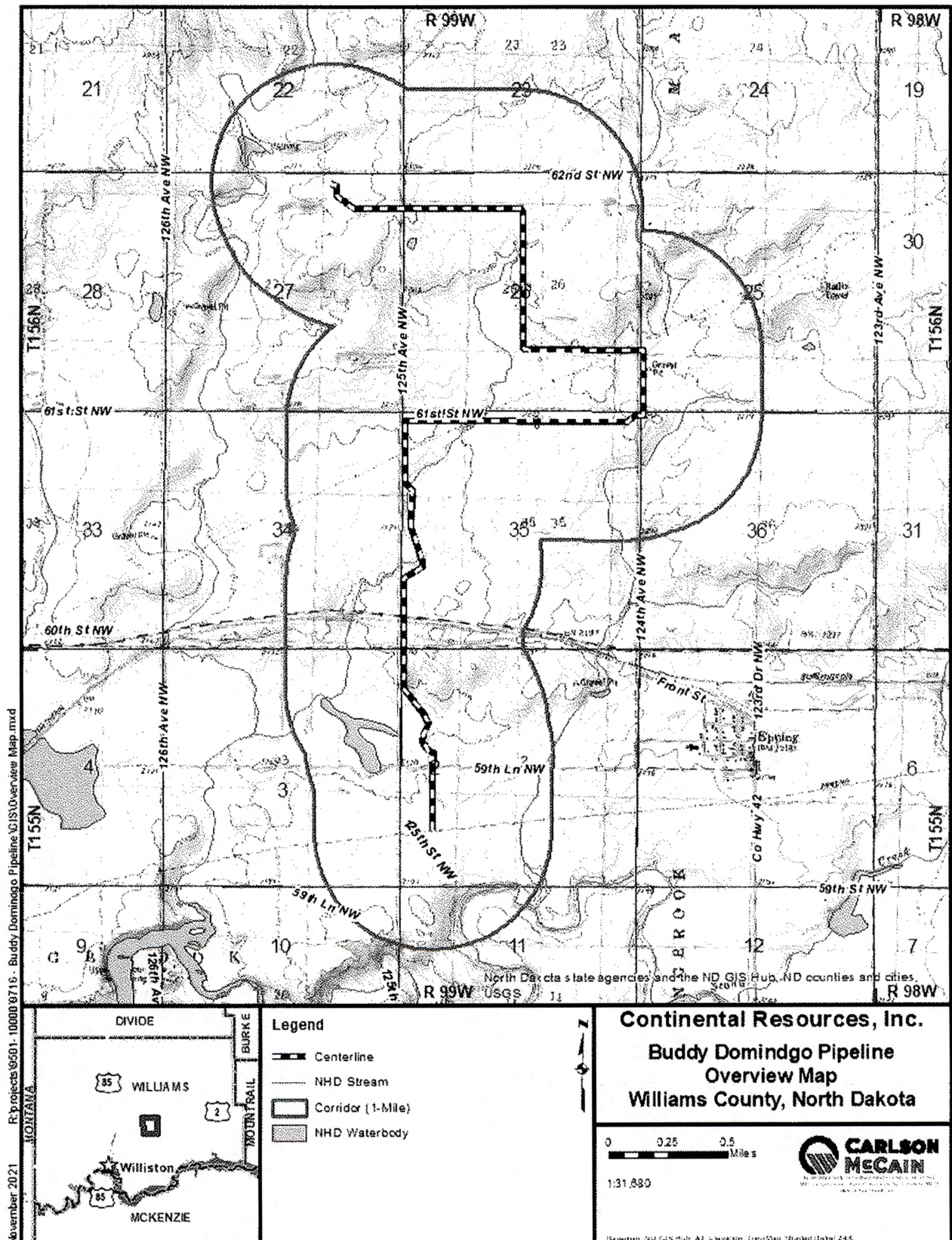
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Sincerely,



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February 8, 2022

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Piping plover

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Red knot

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Whooping crane

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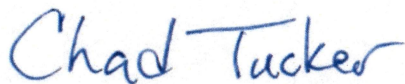
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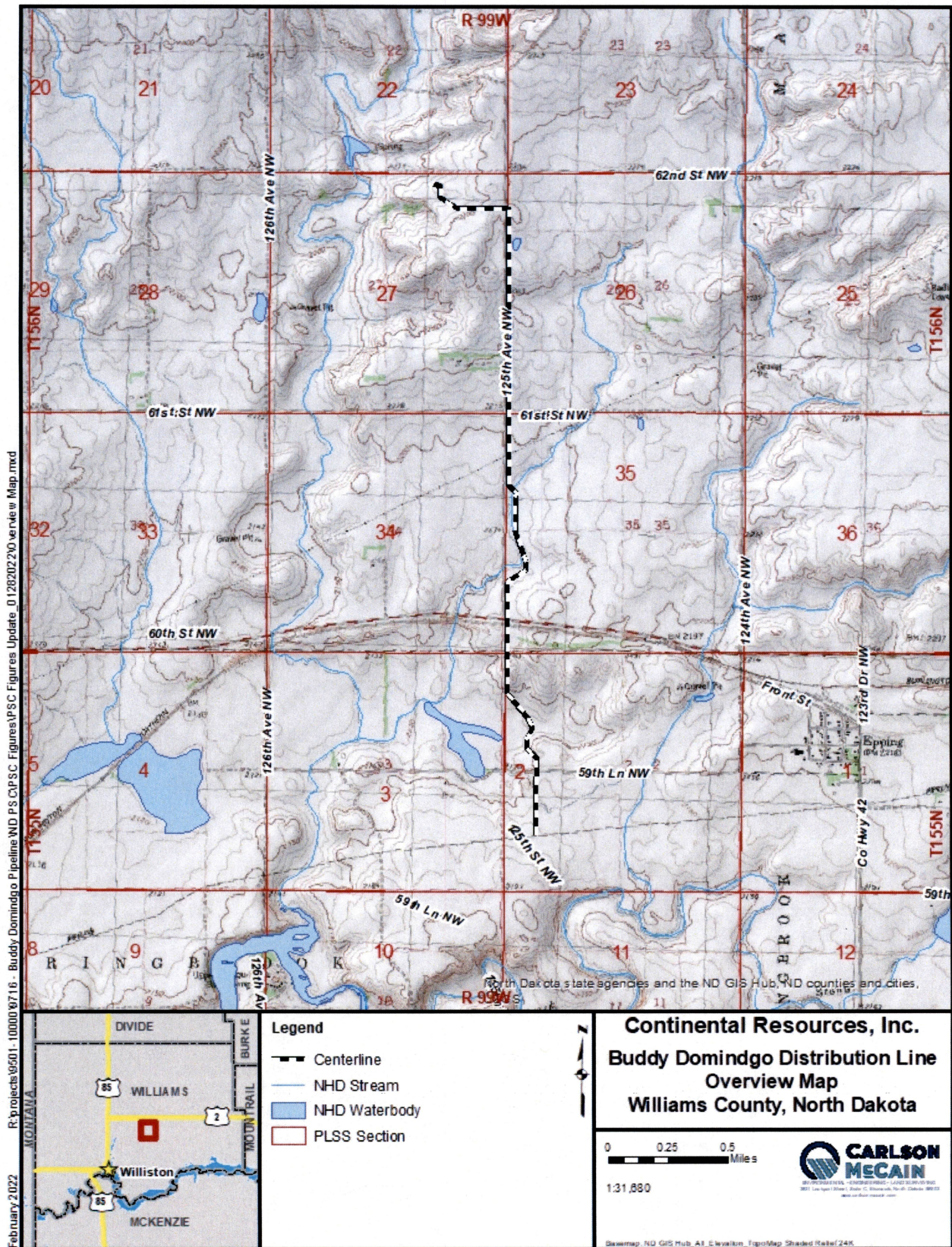
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Chad Tucker
Wildlife Biologist
Carlson McCain, Inc.

Attachment: Project Map

cc: Continental Resources, Inc. Project Files



February 8, 2022

Drew Becker
U.S. Fish and Wildlife Service
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DREW BECKER Digitally signed by DREW BECKER
Date: 2022.02.17 11:50:59 -06'00'

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Red knot

The red knot migrates between breeding grounds in Canada and wintering grounds in South America. A significant factor threatening the red knot is destruction and modification of its habitat due to beach erosion and shoreline protection and stabilization projects. Migratory behavior and habitat requirements of this species are poorly understood particularly for those

populations utilizing the midcontinent flyways. Inland stopovers include the Mississippi Valley, Great Lakes, and Great Plains. Desktop analysis supported with field studies have concluded that no suitable habitat is present within the Project area. On this basis we conclude that the Project will have **no effect** on the red knot.

Whooping crane

The whooping crane is a large-bodied marsh species that breeds primarily in Canada and winters in the Gulf of Mexico. This species has been closely studied and monitored in recent years due to its limited population. North Dakota is located within the migratory route for the species, providing roosting and feeding opportunities during migration. This species prefers larger wetland complexes for roosting habitat, typically using adjacent uplands for foraging opportunities.

Precautionary measures will be implemented if whooping cranes are sighted in or near the Project area. Continental will voluntarily suspend heavy equipment operation activities and notify the USFWS should a whooping crane be spotted within 0.5 mile of the Project area. Heavy equipment activities will resume upon the departure of the individual(s). Construction activities would likely serve as a deterrent for migrating cranes. Once the Project has been constructed and disturbed areas restored, the Project would largely resemble the surrounding landscape and would be available for crane utilization. The Project would not result in a loss of crane habitat. Provided the mitigation measures are fully implemented, we concluded that the Project would have **no effect** on the whooping crane.

Dakota skipper

The Dakota skipper is a diminutive butterfly of the prairie. The species is an obligate resident of high-quality prairie grasslands whose range includes the prairies of Canada in Manitoba and Saskatchewan, and North Dakota, South Dakota, and Minnesota. The species is native to these areas (USFWS, 2019). The historic range may have previously extended south to include portions of Illinois and Iowa; locations where the species is now considered extirpated (USFWS, 2016). The preferred habitat ranges from wet-mesic tall grass prairie to dry-mesic mixed grass prairie of high quality (Larson, 2019). Additionally, they prefer habitats which have wood lily (*Lilium philadelphicum*) and mountain deathacamas (*Zigadenus elegans*), and where nectar sources are present. Based upon field survey and desktop analysis, the Project is located on cultivated cropland and heavily utilized rangeland and therefore is not likely to provide suitable habitat for the Dakota skipper. It is reasonable to expect the Project **may affect** but is **not likely to adversely affect** the Dakota skipper.

USFWS Managed Lands:

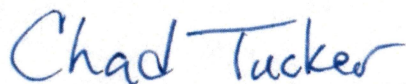
Conservation programs such as Waterfowl Production Areas and wetland and grassland easements represent an important tool used by USFWS to identify and manage high quality wildlife habitat. A review of public records failed to identify any of these USFWS managed lands in the Project study area. Continental requests that USFWS notify Continental of any USFWS managed lands located within the proposed study area.

Migratory Bird Consultation:

The USFWS administers various wildlife related mandates of national concern including the Migratory Bird Treaty Act (MBTA). Continental understands that unlike the Endangered Species Act, the MBTA has no provisions for the allowance of a take and therefore compliance may best be achieved by avoiding or minimizing the potential to interact with migratory species during the active breeding season. Continental also understands that in North Dakota, the breeding season is typically defined as occurring annually from February 1 through July 15. Construction is scheduled to take place in the first quarter of 2022. If construction activities occur during the nesting season, pre-construction surveys for nesting birds would be performed.

Carlson McCain has been retained by Continental to provide environmental consulting support for this Project. Should you have any questions or require additional information, please contact me at 701-595-7007 or ctucker@carlsonmccain.com. In closing, upon your review of this Project, should you choose to comment, a timely response is respectfully requested.

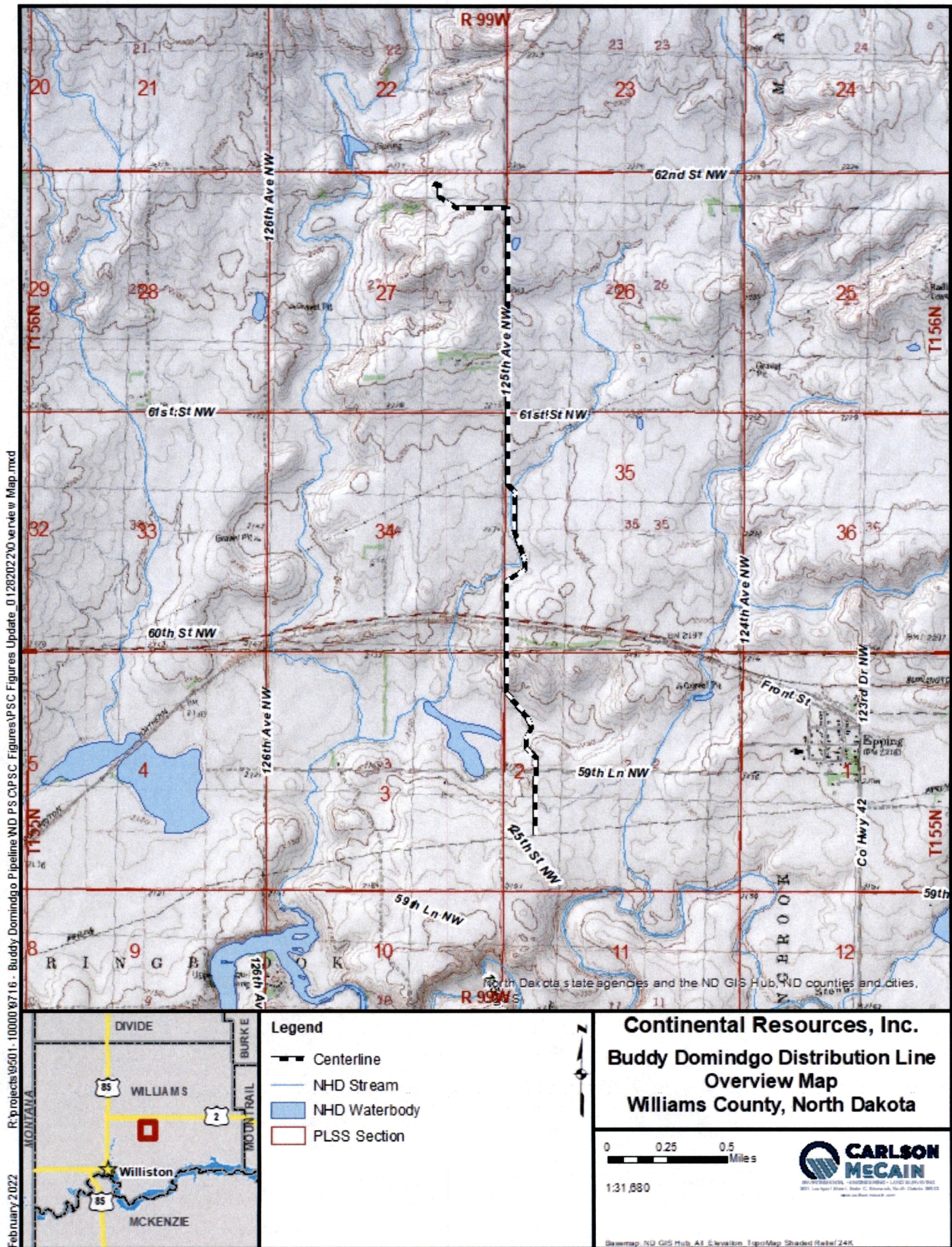
Sincerely,



Chad Tucker
Wildlife Biologist
Carlson McCain, Inc.

Attachment: Project Map

cc: Continental Resources, Inc. Project Files



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 February 2022