Minnkota Power COOPERATIVE
A Touchstone Energy® Cooperative

5301 32nd Ave S
Grand Forks, ND 58201-3312
Phone 701.795.4000
www.minnkota.com

September 6, 2022

Steve Kahl
Executive Director
North Dakota Public Service Commission
600 East Boulevard; Department 408
Bismarck, ND 58505-0480

Re: Minnkota Power Cooperative, Inc. – Center to Maple River 345-kV Transmission Line - 2022 Structure Replacement Project

Dear Mr. Kahl:

Due to significant structure footing damage incurred from years of frost heave and weathering damage, Minnkota Power Cooperative, Inc. (Minnkota) has determined (through our inspection program) that two of the High Voltage Transmission Line (HVTL) structures need replacement. The existing HVTL was completed in 1970. The structure numbers to be replaced are: #529 (Stutsman County) and # 1119 (Cass County). The existing (original) aluminum H-frame lattice type structures were built on concrete footings. Because the footings have heaved, the structure is now out of alignment and the misalignment has caused undue stress to the structure's lattice members which could compromise the line during a storm event. Based on Minnkota's experience and design considerations, it has been determined that the best way of addressing the footing and structural integrity problem is to completely replace the structures. This 345 kV line is a critical part of the Minnkota transmission system as well as the regional grid and as such, its integrity needs to be improved.

The new steel pole H-frame structures will be installed approximately 10' (in line and within the existing right of way) from the existing structure locations. The US Fish and Wildlife Service was consulted and they do have a private landowner lease for the Lake Louise Waterfowl Production Area where structure 529 is located. Minnkota obtained a Special Use Permit from the Chase Lake Wetland Management District, allowing the surveys to be conducted (attached). Structure #529 removal activities may incorporate the use of protective matting if conditions in the Fall warrant it.

The FWS on-line IPAC system was also researched (5-25-22) to obtain official species list with respect to threatened and endangered species. For both locations, species listed as possibly occurring are presented on the attached table and IPAC generated letters. The IPAC searches indicated there were no Critical Habitats present in the project areas. The biological survey report indicates that this proposed project will not affect listed species or their habitat. The figures included in the exhibits indicate also that this project will not impact other environmentally sensitive features.

The replacement steel structures will be directly imbedded. This design eliminates the need for poured concrete footings. Once installed, the conductor will be re-attached.

The replacement HVTL structures will be installed during a scheduled Fall outage (subject to finalization by Minnkota). Construction activities are expected to have minimal impacts and would be completed in 2022.

This submittal is in accordance with North Dakota Century Code 49-22-03 (3). Also, in accordance with North Dakota Century Code 49-22-03 (3), enclosed please find a notarized certification indicating the planned improvement activities for the subject transmission line will not affect any known exclusion or avoidance areas as defined in in North Dakota Administrative Code 69-06-08-02 (1) and (2).

In addition to the certification, Exhibits 1 thru 4 are also enclosed. Please contact me at sroberts@minnkota.com or 701-795-4289 if you have any questions or require additional information.

Sincerely,

Samantha Roberts

Samantha Roberts
Environmental Specialist

Attachments: Certification
Exhibit 1 - Mapping
Exhibit 2 – Replacement Structure Detail
Exhibit 3 – Cultural/Historical Documentation
Exhibit 4 – Biological Assessment Documentation

CERTIFICATION OF APPLICANT PURSUANT TO N.D. CENTURY CODE

49-22-03(3)(a)(4)

MINNKOTA POWER COOPERATIVE, INC.

I, Grant Gunderson, P.E., a duly authorized agent of Minnkota Power Cooperative, Inc. that has authority to bind the company in these matters, do hereby certify under oath:

1. That the replacement of existing aluminum H-frame lattice structures with direct imbed steel structures as described herein at four locations on the Center to Maple River 345-kV Electrical Transmission line will not affect any known exclusion or avoidance area as defined under the N.D. Administrative Code 69-06-08-02 (1) and (2).
2. That Minnkota Power Cooperative, Inc. will comply with all applicable conditions and protections in applicable North Dakota siting laws and rules and commission orders that may apply.

Dated at Grand Forks, North Dakota this day of September 6, 2022.

Grant Gunderson, P.E., Senior Manager Power Delivery

STATE OF NORTH DAKOTA

COUNTY OF GRAND FORKS

This instrument was acknowledged before me this 6t day of September 6, 2022 by Grant Gunderson, on behalf of Minnkota Power Cooperative, Inc.

(SEAL)

KIMBERLY JOHNSON RUSTAD
Notary Public
State of North Dakota
My Commission Expires Oct. 9, 2022

Notary Public Signature:

Name Kimberly Johnson Rustad
Notary Public
State of North Dakota
My Commission Expires 10/9/2022

EXHIBIT 1

MAPPING

012C Structure Replacement

STR #: 012C0529 / Valley City Outpost

Stutsman County, ND

0 660 Feet

N

MPC Lines
USFWS Lands
NHIS Polygons
Calcareous Fens
State Lands
Wellhead Protection Areas
Aquifers
Federal Lands
Wetlands

T141N
R69W
Sec:4

012C0527
012C0528
012C0529
012C0530
012C0531
012C0532

T141N
R69W
Sec:3

USFWS - STUTSMAN COUNTY WATERFOWL PRODUCTION AREA

Legend

- MPC Structures
- MPC Line 012C
- Sections
- Parcels

012I Structure Replacement

STR #: 012I1119 / Fargo Outpost

Cass County, ND

0 660 Feet

N

MPC Lines
USFWS Lands
NHIS Polygons
Calcareous Fens
State Lands
Wellhead Protection Areas
Aquifers
Federal Lands
Wetlands

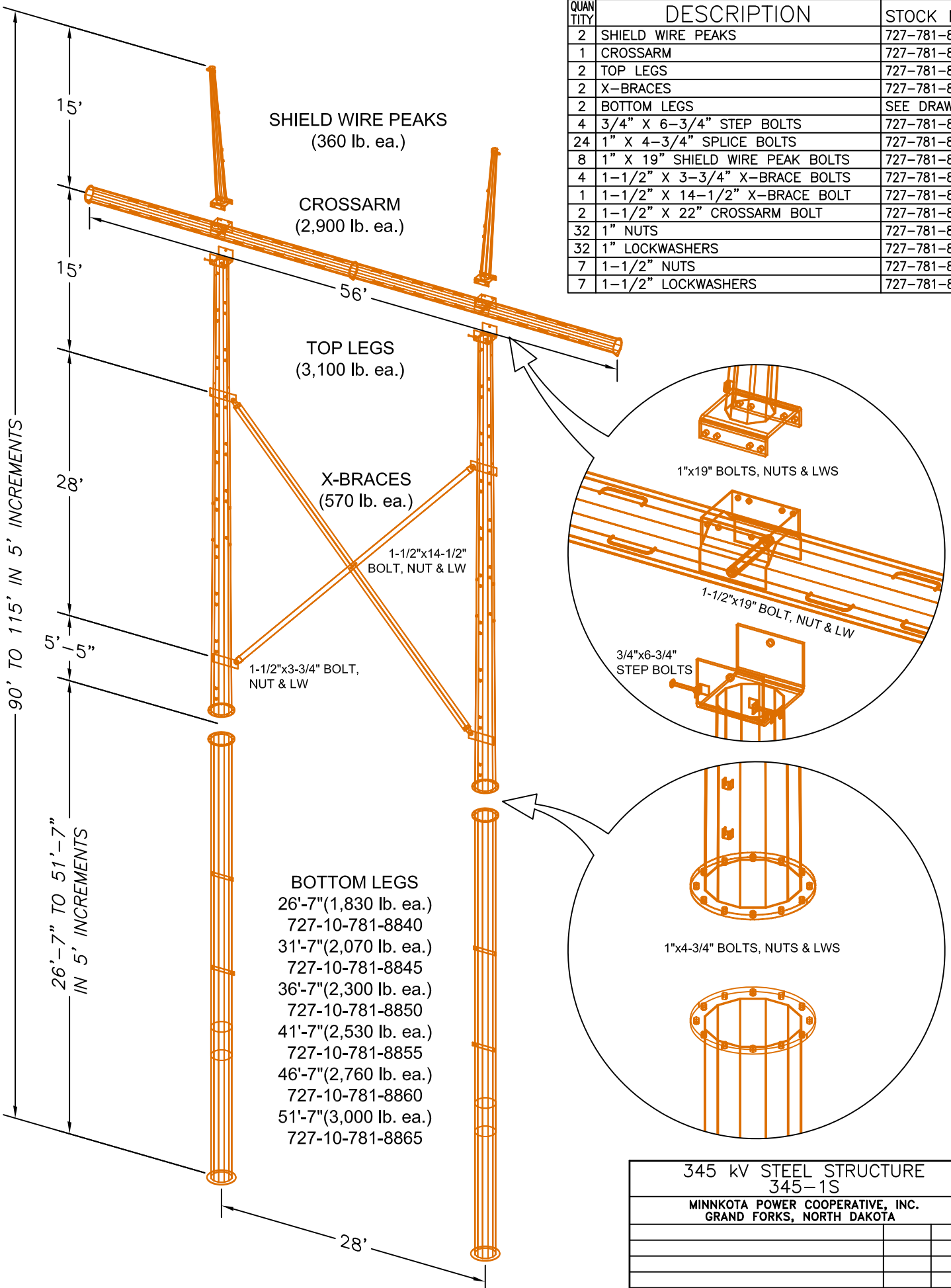
EXHIBIT 2

REPLACEMENT STRUCTURE DETAIL

REPLACING #529 & #1119

LIST OF MATERIALS

QUANTITY	DESCRIPTION	STOCK NO.
2	SHIELD WIRE PEAKS	727-781-8810
1	CROSSARM	727-781-8805
2	TOP LEGS	727-781-8800
2	X-BRACES	727-781-8815
2	BOTTOM LEGS	SEE DRAWING
4	3/4" X 6-3/4" STEP BOLTS	727-781-8880
24	1" X 4-3/4" SPLICE BOLTS	727-781-8884
8	1" X 19" SHIELD WIRE PEAK BOLTS	727-781-8886
4	1-1/2" X 3-3/4" X-BRACE BOLTS	727-781-8888
1	1-1/2" X 14-1/2" X-BRACE BOLT	727-781-8890
2	1-1/2" X 22" CROSSARM BOLT	727-781-8892
32	1" NUTS	727-781-8894
32	1" LOCKWASHERS	727-781-8898
7	1-1/2" NUTS	727-781-8895
7	1-1/2" LOCKWASHERS	727-781-8899

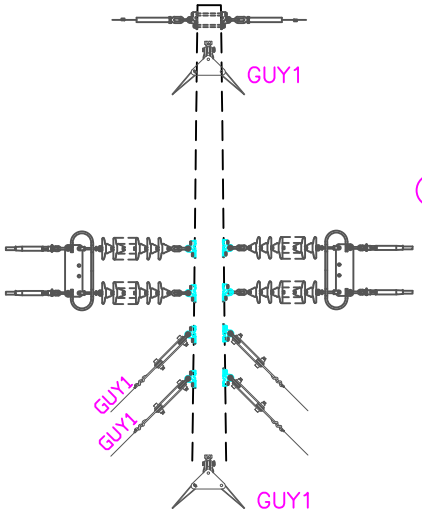


345 kV STEEL STRUCTURE
345-1S

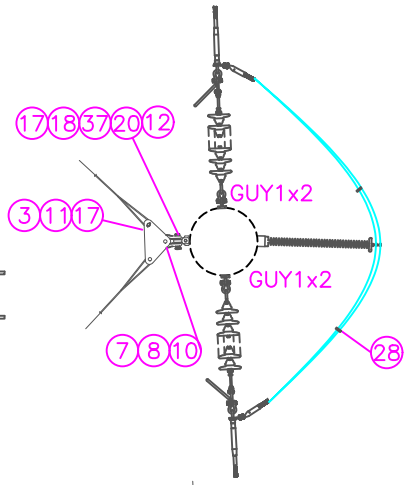
MINNKOTA POWER COOPERATIVE, INC.
GRAND FORKS, NORTH DAKOTA

REVISIONS	BY	DATE

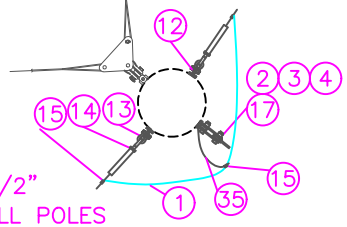
DRAWN RAY B. | DATE 01/05 | DWG. NO. T345-56

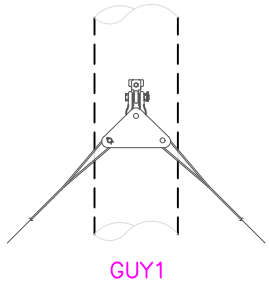


SIDE VIEW

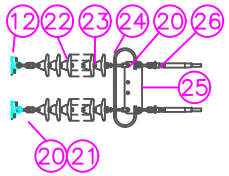


TOP VIEW B-B





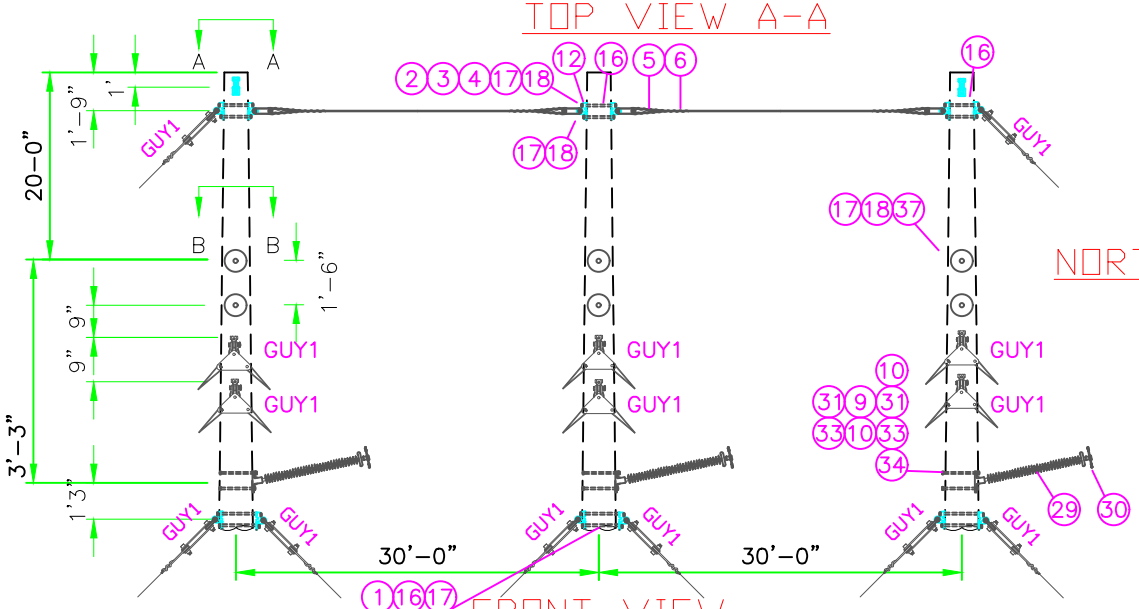
GUY DETAILS



CONDUCTOR DETAIL

CONDUCTOR GUYS IN-LINE
W/ WIRE UNLESS NOTED OTHERWISE
CONDUCTOR GUYS ARE DOUBLE 1/2"
GUY WIRES, STATIC GUYS ARE SINGLE 1/2"
UTILIZE BEARING PLATES AT BASE OF ALL POLES

TOP VIEW A-A



FRONT VIEW

(A) SEE DWG. NO. T345-23 "WOOD POLE GROUNDING"

* CORONA RINGS TO BE INSTALLED IN OPPOSITE DIRECTION OF JUMPERS.

LIST OF MATERIALS

DWG REF	QUANTITY	DESCRIPTION	STOCK NO.
1	6	PLATE, BEARING, A1895.10, HUGHES	727-570-2820
2	8	LINK, GUY, 3/8"X3"X6" CC HOLE, 15/16" HOLES, 38,000 LB/PR, HUGHES 3165	727-450-2080
3	44	ROLLER, GUY,2-1/2" W/15/16" HOLE, HUGHES 28086, J-6290	727-450-2135
4	8	BOLT, MACHINE, 7/8 IN. X 3 IN., W/ NUT	727-090-0695
5	4	DEADEND GUY GRIP, 3/8 IN. PREFORMED, PLP GDE-1107, FARGO FWDE-1107	727-330-1515
6	30 LB	WIRE, GUY, 3/8 IN E.H.S., "B" COATING, 7 STRD, ASTM-A363, FOR STATIC WIRE, 3.66 FT/LB, .273 LBS-FT (2,500 FT/REEL))	727-290-1080
7	40	TRIPLE HOLE GUY PLATE, 3/4" THICK, ONE 1-1/16" HOLE, TWO 15/16" HOLES, 38,000 LBS, HUGHES AS2355-E	727-450-2107
8	20	BOLT, MACHINE,1" X 4", HUGHES B104-2, W/ NUT	727-090-0715
9	3	NUT, SQUARE, 1" GALV., CAT. NO. J8565-1 JOSLYN, HUGHES N100	727-530-2705
10	26	NUT, M-F LOCK, 1 IN., -8585 JOSYLN	727-530-2700
11	40	BOLT, MACHINE, 7/8" X 4", HUGHES B84-2, W/ NUT	727-090-0696
12	40	DEADEND TEE, 6" C.C. 15/16" MTG. HOLES, 60,000 LB. ULT. STR., HUGHES 2817R4.5-15-17	727-450-2004
13	4	SHACKLE, ANCHOR, 30,000 LB, 5/8" BOLT, AS-25-L-BNK ANDERSON, BT3024 BNK JOSLYN	727-770-4855
14	4	DEADEND BODY, GUY WIRE, 3/8", CAT. NO. E4514.12, ALCOA	727-330-1485
15	6	CLAMP, PARALLEL GROOVE, ANDERSON ST-4	727-210-0950
16	10	7/8" X REQ'D LENGTH MACHINE BOLT	727-090-XXX
17	80	7/8" M-F LOCK NUT	727-530-2695
18	52	EXTRA 7/8" SQUARE NUT	727-530-2697
19	0	CLIP, GROUND WIRE, 7/8" BOLT SIZE, STK#2727.8, HUGHES BROS	727-410-1850
20	44	SHACKLE, ANCHOR, 80,000 LB, 1" BOLT, HUBBELL AS60-BNK	727-770-4900
21	12	EYE, BALL, 50K, HUBBELL: 909462000	727-250-4893
22	240	INSUL, SUSPENSION, 10", 40,000 LB, GRAY, CAT.#61236H-70 LAPP	727-490-2505
23	12	LINK, EXT, SOCKET CLEVIS, 7/8" PIN 50,000 LB, HUBBELL HSC110501BNK	727-730-5064
24	6	CORONA RING, HUBBELL TCR-4781-47	727-490-XXX
25	6	PLATE, YOKE, RECT,40K ULT PER CONDUCTOR HUBBELL 929333002	727-570-2883
26	12	DEADEND ASSEMBLY, COMPRESSION, 1272 KCMIL 45/7 ACSR, ALCOA E33161EHV	727-330-1437
27	120 LB	CONDUCTOR, ALUM-CODE BLACK, 1272 45/7 ACSR. BITTERN .697 FT/LB(NEW), 1.434 LBS. PER FT	727-290-1005
28	12	SUBCONDUCTOR SPACER FOR 345 KV, 1272 MCM 45/7 ACSR, 18" SEP., PREFORMED #CGTS-0117	727-490-2660
29	3	INSULATOR, POST, 3.0" ROD, 2 HOLE BLADE W/ GAIN BASE AND CORONA RING, HUBBELL P300099S002A	727-XXX-XXX
30	3	CLAMP, JUMPER, W/ YOKE PLATE, 2.00" TO 2.48" CLAMPING RANGE, HUBBELL JLC24818357 W/ 1272 ARMOR ROD	727-XXX-XXX
31	6	1" X REQ'D LENGTH MACHINE BOLT, W/ NUT	727-090-XXX
32	0	CLIP, GROUND WIRE, 1" BOLT SIZE,STK #2727.10, HUGHES BROS.	727-410-XXX
33	6	WASHER, CURVED, 4X4X3/8", FOR 1" BOLT, CAT. NO. CW100-3/8, HUGHES	727-770-5430
34	3	WASHER, SPRING,1 IN.,STK #2702.10, HUGHES BROS.	727-810-XXX
35	2LB	COND.,COPPER,#4 BARE,STRANDED,7.76 FT./LB.,.1289 LBS/FT.,(25#/REEL)	726-206-0092
36	0	5/8" X REQ'D LENGTH MACHINE BOLT, W/ NUT	727-090-XXX
37	30	BOLT, MACHINE,7/8" X 18" WITH NUT,HOT DIPPED GALVANIZED HEX BOLT HEAD & HEX NUT, GRADE A325	727-090-1703
38	0	WASHER, SPRING, 5/8", CAT. NO. J-3540, JOSLYN	727-810-5255
39	0	NUT, M-F LOCK, 5/8", J-8583	727-530-2685

REVISIONS	BY	DATE
FOR CONSTRUCTION	JRL	3/10/14

TS-345-3 POLE
345KV DUCTILE IRON DEAD END

MINNKOTA POWER COOPERATIVE, INC.
GRAND FORKS, NORTH DAKOTA

DRAWN BJL | DATE 7/27/21 | DWG. NO. 345D-WPE-DI

EXHIBIT 3

CULTURAL\HISTORICAL DOCUMENTATION

September 2, 2022

Karri L. Springer
ND/SD Zone Archeologist
3425 Miriam Avenue
Bismarck, ND 58501

ND SHPO Ref.: 22-6168 USFWS 22.ND.CHL.005 MPC #21582 "Line 12C 2022 Towers 529 & 1119 Structure Replacement Project: A Class III Cultural Resource Inventory in Cass and Stutsman Counties, North Dakota" in portions of [T140N R53W Section 7] & [T141N R69W Section 4] ROI 746

Dear Karri,

We reviewed ND SHPO Ref.: 22-6168 USFWS 22.ND.CHL.005 MPC #21582 "Line 12C 2022 Towers 529 & 1119 Structure Replacement Project: A Class III Cultural Resource Inventory in Cass and Stutsman Counties, North Dakota" in portions of [T140N R53W Section 7] & [T141N R69W Section 4] ROI 746 and find the report by Rebecca Pace acceptable. We concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation and provided all borrow comes from an approved source.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577 or lsteckler@nd.gov

Sincerely,

for William D. Peterson, PhD
State Historic Preservation Officer
(North Dakota)

22-6168

EXHIBIT 4

BIOLOGICAL ASSESSMENT DOCUMENTATION

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513
http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm

In Reply Refer To: May 25, 2022
Project Code: 2022-0046955
Project Name: Line 12 (old 345 line) structure 529 Replacement

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
(701) 250-4481

Project Summary

Project Code: 2022-0046955
Event Code: None
Project Name: Line 12 (old 345 line) structure 529 Replacement
Project Type: Transmission Line - Maintenance/Modification - Above Ground
Project Description: Structure 529 to be replaced Fall, 2022-located in western Stutsman County, ND
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@46.949077599999995,-99.4239756335217,14z

Counties: Stutsman County, North Dakota

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. 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.

Mammals

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

Birds

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot *Calidris canutus rufa* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane *Grus americana* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
STUTSMAN COUNTY WATERFOWL PRODUCTION AREA https://www.fws.gov/refuges/profiles/index.cfm?id=62514	0

Wetlands

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.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Minnkota Power Cooperative, Inc.
Name: Terry Johnson
Address: 5301 32nd Ave. S.
City: Grand Forks
State: ND
Zip: 58201
Email tjohnson@minnkota.com
Phone: 7017991729

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513
http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm

In Reply Refer To: May 25, 2022
Project Code: 2022-0046965
Project Name: Line 12 (old 345 line) structure 1119 Replacement

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
(701) 250-4481

Project Summary

Project Code: 2022-0046965
Event Code: None
Project Name: Line 12 (old 345 line) structure 1119 Replacement
Project Type: Transmission Line - Maintenance/Modification - Above Ground
Project Description: Replace structure 1119 in Fall, 2022-located in Cass County, ND
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@46.94906845,-97.457983425,14z

Counties: Cass County, North Dakota

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. 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.

Mammals

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

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

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 OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

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.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Minnkota Power Cooperative, Inc.
Name: Terry Johnson
Address: 5301 32nd Ave. S.
City: Grand Forks
State: ND
Zip: 58201
Email tjohnson@minnkota.com
Phone: 7017991729

MINNKOTA LINE 12C #529 AND LINE 12I #1119 STRUCTURE REPLACEMENT PROJECT

Natural Resources Inventory Report

Prepared For:
Barr Engineering, Inc.

On Behalf of:
Minnkota Power Cooperative, Inc.

Beaver Creek ENVIRONMENTAL

1632 Capitol Way | Bismarck, ND 58501 | PH [701] 575.0731 | FX [701] 663.5589
www.bcenv.org | mail: ltoso@bcenv.org

Executive Summary

Minnkota Power Cooperative, Inc. (Minnkota), is proposing to replace two (2) structures on their existing 12C and 12I transmission lines in Stutsman and Cass Counties, North Dakota, referred to collectively as the Project. This report has been prepared to document compliance with North Dakota Century Code 69-06-08-02 Exclusion area D areas critical to the life stages of threatened or endangered animal or plant species and; Exclusion area E Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.

While native prairie habitat is present in the area surrounding Structure #529, impacts to threatened or endangered species are not anticipated. The Structure #529 replacement would occur on flat grassland that already contains an existing utility structure. No new disturbance would be required for the access road, which follows an established ranch trail. No new disturbance to native prairie outside of the established utility corridor would be needed for construction of the Project, therefore, direct and indirect impacts are not anticipated to threatened or endangered animal or plant species. Habitat for threatened or endangered species is not present in the vicinity of Structure #1119.

The Project would occur on working agricultural land used for crop production and cattle ranching. The native prairie habitat use for ranching within the survey corridor is similar to habitats found in the surrounding landscape, and therefore would not be considered rare or unique in this area. The existing utility corridor already coexists in the presence of native prairie habitat, which indicates that the original installation did not cause irreversible damage to this habitat. Therefore, since the Project would occur within habitat that is not unique or rare, and would occur within the existing utility corridor, replacement of an existing structure would not cause irreversible damage to unique or rare habitats.

Table of Contents

Exhibits

Introduction

Minnkota Power Cooperative (Minnkota), is proposing to replace two (2) structures on the existing 12C and 12I Transmission Lines. The two structures are planned for replacement are collectively referred to as the Project. The Project would be in Stutsman and Cass Counties, North Dakota in the following locations (**Exhibit 1; Exhibit 2**):

- 12C Structure #529 – Section 4, Township (T) 141 North (N), Range (R) 69 West (W), Stutsman County, ND.
- 12I Structure #1119 – Section 7, T140N, R53W, Cass County, North Dakota

The North Dakota Public Service Commission (NDPSC), the regulatory authority over the Project, requires documentation that the Project is in compliance with exclusion and avoidance area. Exclusion and avoidance areas are documented in ND Century Code 69-06-08-02 Transmission Facility Corridor and Route Criteria. On behalf of Minnkota, Barr Engineering contracted Beaver Creek to complete natural resources field surveys for the Project to ensure compliance with applicable avoidance and exclusion areas. This report has been prepared to document compliance with ND Century Code 69-06-08-02 exclusion criteria:

D.) Areas critical to the life stages of threatened or endangered animal or plant species and;
E.) Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged

Methods

Desktop Review

Prior to field surveys, a desktop review was conducted to determine what potential resources were present in the Project vicinity. Statewide aerial photography, US Geological Survey (USGS) Topographic Maps, and land ownership data were reviewed to determine current and historic land use. A list of federally threatened, endangered, candidate and proposed resources was obtained for Stutsman and Cass Counties from the USFWS Information for Planning and Conservation (IPaC) application (USFWS 2021) (**Table 1**). These data helped guide the field survey efforts.

Table 1. Federally Listed, Proposed, and Candidate Resources near the Project

Species/Critical Habitat	Status	Habitat Description and Range in North Dakota
Whooping Crane (*Grus americana*)	E	Migrates through ND, using wetlands and agricultural land as stopover habitat.
Dakota Skipper (*Hesperia dacotae*)	T	Typically found in native prairie communities with abundant bunchgrasses and native forb species.
Northern Long-Eared Bat (*Myotis septentrionalis*)	T	Forested habitats, emergent wetlands, agricultural fields, old fields, pastures.
Piping Plover (*Charadrius melodus*)	T	Sparsely vegetated sandbars, sand and gravel beaches on islands in the Yellowstone and Missouri Rivers or saline wetlands with exposed beach habitats.
Rufa Red Knot (*Calidris canutus rufa*)	T	Migratory transient through ND using similar habitat as the piping plover for stopover habitat.
Monarch Butterfly (*Danaus plexippus*)	C	Use milkweed (*Asclepias* spp.) as obligate host plant for larvae. Adults requite a diversity of blooming nectar sources during breeding and migration.

[1] Status Codes: E=federally listed endangered; T=federally listed threatened; P= federally proposed for listing; C= federal candidate for listing; and CH=designated critical habitat

General Field Survey Methods

Field surveys were conducted by Luke Toso, Botanist/Wildlife Biologist, on April 11 and May 3, 2022. Habitat assessments and Dakota skipper habitat delineations were completed within a 700-foot-wide survey corridor centered on the proposed structure replacements (**Exhibit 2**). Representative digital photographs were taken of the Project area and surroundings to illustrate habitat, topography, and existing development. A complete list of plant species observed was recorded.

Dakota Skipper Habitat Survey Methods

If present, specific techniques were used to delineate Dakota skipper habitat. Determining the presence of suitable habitat for the Dakota skipper was based primarily on information in the Federal Register. If a plant community contained primary constituent elements for skippers to complete breeding, feeding/foraging, and sheltering behaviors (**Table 1,** 79 FR No 206, p. 63672-63748), it was considered "suitable habitat" and was delineated using a sub-meter accurate GPS unit. Other grassland communities that would be limited only for use as "dispersal habitat," (e.g., low diversity grassland lacking forbs, invaded communities, or previously cultivated or disturbed areas dominated by introduced grasses), were documented by taking general plant community notes and recording dominant species composition. Habitat types that were unsuitable for the Dakota skipper (i.e., non-grassland habitats such as woody draws and wetlands) were noted but no detailed plant community information was taken for each area.

The Federal Register defines three primary constituent elements that are essential to conservation of the Dakota skipper (79 FR No 206, p. 63674-63675). While these elements are specific to designated critical habitat, they concisely define the habitat required for the continued survival of this species via the completion of their life cycle. The presence of primary constituent elements was conservatively applied to determine if habitat was suitable for the Dakota skipper; in other words, if habitat was marginal, it was still included as reproductive habitat. **Table 2** lists the primary constituent elements as defined in the Federal Register along with how each definition was modified for habitat delineation in this Project:

Table 2. Dakota Skipper Primary Constituent Elements

Primary Constituent Element	Modification for Habitat Delineation
1) Wet-mesic tallgrass or mixed-grass remnant untilled prairie that occurs on high-quality dry-mesic remnant untilled prairie on rolling terrain consisting of gravelly glacial moraine soil deposits, containing: a) A predominance of native grasses and native flowering forbs, b) Glacial soils that provide the soil surface or near surface (between soil surface and 2 cm depth) micro-climate conditions conducive to Dakota skipper larval survival and native prairie vegetation, c) If present, trees or large shrub cover of less than 5 percent of area in dry prairies and less than 25 percent in wet-mesic prairies; and d) If present, nonnative invasive plant species occurring in less than 5 percent of area.	1b) The Project contains glaciated soils which are assumed suitable for the Dakota skipper. 1c and d) Up to 50 percent relative cover of woody species or nonnative invasive species were included within and along the boundary of a polygon if associated with forb or bunchgrass cover of at least 20 percent relative cover. Inclusions of stands or swales of woody species or introduced grasses were included in polygons if the inclusions were within an otherwise contiguous area of high-quality habitat and if openings were present where a butterfly in flight could pass through or across the inclusion.
2) Native grasses and native flowering forbs for larval and adult food and shelter, specifically: a) At least one of the following native grasses to provide larval food and shelter sources during Dakota skipper larval stages: Prairie dropseed (*Sporobolus heterolepis*) or little bluestem (*Schizachyrium scoparium*); and	1a) The presence of needle or porcupine grasses (*Hesperostipa* sp.) was also considered sufficient for larval food and shelter, as defined by characteristics of "Type B" Dakota skipper habitat in western North Dakota

Primary Constituent Element	Modification for Habitat Delineation
b) One or more of the following forbs in bloom to provide nectar and water sources during the Dakota skipper flight period: Purple coneflower (*Echinacea angustifolia*), bluebell bellflower (*Campanula rotundifolia*), white prairie clover (*Dalea candida*), upright prairie coneflower (*Ratibida columnifera*), fleabane (*Erigeron* spp.), blanketflower (*Gaillardia* spp.), black-eyed Susan (*Rudbeckia hirta*), yellow sundrops (*Calylophus serrulatus*), prairie milkvetch (*Astragalus adsurgens*), or common gaillardia (*Gaillardia aristata*).	
3) Dispersal grassland habitat that is within 1 km (0.6 mi) of native high-quality remnant prairie (as defined in Primary Constituent Element 1) that connects high-quality wet-mesic to dry tallgrass prairies or moist meadow habitats. Dispersal grassland habitat consists of undeveloped open areas dominated by perennial grassland with limited or no barriers to dispersal including tree or shrub cover less than 25 percent of the area and no row crops such as corn, beans, potatoes, or sunflowers.	3) The desktop analysis provided a context to evaluate dispersal habitat within the broader landscape.

Results

The Project transitions from western Structure #529 in the Collapsed Glacial Outwash ecoregion to eastern Structure #1119 in the Glacial Lake Agassiz Basin ecoregion. These ecoregions have significantly different characteristics. The Collapsed Glacial Outwash ecoregion is composed of frequent wetland depressions and lakes with alkaline characteristics with intermixed agricultural and native prairie habitats. The Glacial Lake Agassiz Basin ecoregion is flat and dominated by agricultural crop land with poorly defined floodplains (Bryce et al. 1996).

While early in the growing season, it was still possible to precisely identify individual plant species and plant community boundaries. Plant material from the entire growing season was present throughout the survey corridor. Material from spring blooming plants, such as Pasqueflower (*Anemone patens*), was still present, as well as senesced summer and fall blooming plants, such as Canada goldenrod and purple coneflower (*Echinacea purpurea*). For grasses, identifying characteristics were still present despite the early spring season.

Structure #529

This survey area was characterized as rolling grassland with a combination of wetland and upland habitat types distributed based on topography. Land use appeared to mainly grazing, with heavier grazing on flat topography.

Flat to gently sloping topography was dominated by blue grama (*Bouteloua gracilis*), western wheatgrass (*Pascopyrum smithii*), Kentucky bluegrass (*Poa pratensis*), and smooth brome (*Bromus inermis*). Western snowberry (*Symphoricarpos occidentalis*) was also frequent throughout this community. Typical forbs observed included fringed sage (*Artemisia frigida*), field sage (*Artemisia ludoviciana*), prairie coneflower (*Ratibida columnifera*), silver leaf scurf pea (*Pediomelum argophyllum*), Flodman's thistle (*Cirsium flodmanii*), and soft goldenrod (*Solidago mollis*).

Flat grassland transitioned to wetland habitat on low lying topography dominated by wooly sedge (*Carex pellita*), cattails (*Typha latifolia*), and prairie cordgrass (*Spartina pectinata*). Other species observed included curly dock (*Rumex crispus*), silverweed (*Potentilla anserina*), Maximillian sunflower (*Helianthus maximiliani*), hardstem bulrush (*Schoenoplectus acutus*), and biennial

wormwood (*Artemisia biennis*). American licorice (*Glycyrrhiza lepidota*) and broadleaf plantain (*Plantago major*) were present near the upland to wetland boundary.

Native prairie hillsides were present in the southern portion of the survey area (**Exhibit 2)**. Grasses were common on mid to upper slopes, and included porcupine grass (*Hesperostipa spartea*), little bluestem (*Schyzachirum scoparium*), neelde-and-thread (*Hesperostipa comata*), and Kentucky bluegrass. Lower slopes were dominated by western snowberry and silverberry (*Eleangus commutata*). Forbs were more abundant in this community compared to wetlands and flat grassland. Typical forbs observed included pasque flower (*Pulsatilla patens*), alumroot (*Heuchera richardsonii*), prairie smoke (*Geum triflorum*), purple coneflower (*Echinacea angustifolia*), Hood's phlox (*Phlox hoodii*), and sagewort wormwood (*Artemisia campestris*).

Photo 1. View southwest of the typical landscape present within the Structure #529 survey corridor. Flat upland grassland in the foreground transitions to a wetland drainageway visible near the center of this photo. The hillsides in the background indicates the native prairie hillsides present in the survey corridor.

Photo 2. View northeast of the native prairie hillsides present in the southern portion of the survey corridor of Structure #529.

Structure #1119

The survey area for Structure #1119 contained low diversity habitat that had been manipulated by human uses. Most of the survey area was within a wetland drainageway. Upland hay land was present along the edges of the survey buffer.

Wetland habitat was dominated primarily by cattails (*Typha latifolia*). This species was present in areas that were inundated with standing water. The edges of the wetland with less standing water were dominated by prairie cordgrass (*Spartina pectinata*), wooly sedge (*Carex pellita)*, foxtail barley (*Hordeum jubatum*), inland saltgrass (*Distichlis spicata*), and Nuttall's alkaligrass (*Puccinellia nuttaliana*).

Uplands were mostly hay land dominated by a combination of smooth brome (*Bromus inermis*) and alfalfa (*Medicago sativa*). Other upland species observed in this area included Kochia (*Bassia scoparia*), dandelion (*Taraxacum officinale*), and quackgrass (*Elymus repens*). Some planted tree rows were present in the southeastern extent of the survey area that were dominated by green ash (*Fraxinus pennsylvanica*).

Photo 3. View southwest of the Structure #1119 survey area showing the typical wetland habitat in this area.

Photo 4. View east of the upland habitat present within the Structure #1119 survey area.

Discussion

The purpose of this report is to provide field data to determine if the Project complies with NDPSC exclusion area criteria. The following discussion focuses on the two exclusion and avoidance areas evaluated by the field surveys for the Project.

D.) Areas critical to the life stages of threatened or endangered animal or plant species

Whooping Crane (*Grus americana*)

The survey corridor is within the migration corridor where 95 percent of confirmed whooping crane sightings have been made (USFWS 2012). Since the Project is within the whooping crane migratory corridor, whooping cranes may occur in the vicinity of the Project during the April 1 – May 15 and/or September 10 – October 31 migration periods. During migration, whooping cranes use stopover habitat opportunistically. In general, whooping cranes avoid rocky substrates and heavily vegetated sites (Armbruster 1990). They typically use shallow marshes with minimal to no emergent zone for roosting, and nearby (within one kilometer) upland cropland and pastures for foraging (Howe 1989). Therefore, the wetland habitat in both the Structure #529 and #1119 survey corridors may be suitable migratory habitat for the whooping crane.

If whooping cranes were to use stopover habitat in the vicinity of the Project, they would do so in the presence of the existing transmission line. The project would replace existing infrastructure, and would not result in new conversion of stopover habitat, or new utility corridor construction. Construction of the Project would not increase disturbance above the existing disturbance regime. Therefore, direct and indirect impacts are not anticipated to this species.

Dakota Skipper (*Hesperia dacotae*)

Native prairie habitat is present within the Structure #529 survey corridor that could be suitable habitat for the Dakota skipper. No habitat was present in the Structure #1119 survey corridor. Native hillsides would be considered reproductive habitat since they contained both native bunchgrasses and forb species that supports both larval development and adult nectar sources. Flat grassland in the survey corridor could be used as dispersal habitat, since it lacked forbs species. Impacts to the Dakota skipper would occur if disturbance to native hillsides habitat occurred during construction of the Project.

While suitable habitat for the Dakota skipper is present in the survey corridor, the proposed Project would occur on flat grassland that already contains an existing utility structure. No new disturbance would occur. Therefore, direct impacts would not occur to the Dakota skipper as a result of the Project. Indirect impacts are also not anticipated since construction of the Project would be within an established utility corridor; Dakota skippers that may be present within the survey corridor have existed in the presence of this utility line; since no additional disturbance would occur in reproductive habitat, indirect impacts are not anticipated. Therefore, direct and indirect impacts are not anticipated to this species.

Northern Long-eared Bat (*Myotis septentrionalis*)

The northern long-eared bat has been considered for listing primarily because of white nose syndrome (WNS), an infectious fungus that is responsible for severe population declines (80 FR 17974). In North Dakota, this species is typically known to roost in trees greater than 3 inches in diameter at breast height that have exfoliated bark, cracks, crevices, and/or cavities. Trees were present on the edge of the Structure #1119 survey corridor, but were not present in the #529 survey corridor.

Direct effects could occur if roosting trees used by northern long-eared bats were removed by construction activities during summer use (April through September). Trees would not be removed for Project construction. All construction of overhead power would occur within the existing powerline right-of-way. No wooded vegetation would be cleared for Project construction. Therefore, no direct and or indirect effects would occur to the northern long-eared bat as a result of construction of the Project.

Piping Plover (*Charadrius melodus*)

Suitable habitat for piping plovers is characterized as sparsely vegetated channel sandbars and beaches along the Missouri River system and in alkaline wetland basins (67 FR 57638). Emergent wetland habitat in the survey corridor is present, but is heavily vegetated and lacks gravel beaches or saline flats. Therefore, suitable habitat is not present for this species. The nearest potential habitat is the Chase Lake, about ½ miles west of Structure #529.

Since suitable habitat is not present, direct impacts are not anticipated for this species. The nearest suitable habitat is in close proximity to structure #529, but would be outside of the line-of-sight of the Project. Therefore, indirect impacts are also not anticipated. Therefore, no direct or indirect effects would occur to the piping plover as a result of construction of the Project.

Rufa Red Knot (*Calidris canutus rufa*)

The rufa red knot is a rare migratory transient through North Dakota (79 FR 73706). Information is lacking on specific non-coastal stopover habitat for the rufa red knot, but would include wetland habitats with easily digestible food. Wetland habitat is present in the survey corridor that could be suitable stopover habitat for this species.

Similar to the whooping crane, if rufa red knots were to use stopover habitat in the vicinity of the Project, they would do so in the presence of the existing transmission line. The project would replace existing infrastructure, and would not result in new conversion of stopover habitat, or new utility corridor construction. Construction of the Project would not increase disturbance above the existing disturbance regime. Therefore, direct and indirect impacts are not anticipated to this species.

Monarch Butterfly (*Danaus plexippus*)

The monarch butterfly uses milkweed as an obligate host plant for larval development, with adults using a variety of floral resources (85 FR 81813). Therefore, suitable habitat for this species would be considered present if milkweed was available nearby other floral resources. Similar to the Dakota skipper, abundant floral resources are present with native hillsides within the Structure #529 survey corridor, but habitat was not present within the Structure #1119. While milkweed was not observed in the survey corridor, adults could opportunistically use the native hillsides during dispersal.

While suitable foraging habitat is present within the survey corridor, the proposed Project would occur on flat grassland that lacks forb species. Since suitable foraging habitat would not be impacted by the Project, direct impacts to this species are not anticipated. Forging adult monarchs using the survey corridor would do so in the presence of the existing utility corridor. Replacement of an existing structure would not increase disturbance above the existing regime. Therefore, direct or indirect impacts are not anticipated for this species.

Threatened and Endangered Species Impacts Summary

Since the Project would be the replacement of existing structures within an established utility corridor, impacts to threatened or endangered species are not anticipated. No new disturbance

would occur outside of the utility corridor as result of the Project. If threatened or endangered species were present in the area, they would use habitat in the presence of this existing disturbance regime and no additional impacts would be anticipated. Therefore, the Project would be in compliance with NDPSC citing rules regarding endangered and threatened species.

E.) Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged

The survey corridor for the Project crossed working lands used for agricultural purposes within the Structure #1119 survey corridor. This habitat would provide minor benefit to animal and plant species due to the low plant diversity and heavy agricultural development in the surrounding area.

Native prairie habitat used for cattle grazing was present within the survey corridor for Structure #529. In addition to cattle grazing, this habitat would also support a variety of wildlife species due to the abundant native habitat in the surrounding landscape. In context, the survey corridor contains a similar vegetation composition compared to the surrounding landscape, and therefore would not be considered rare or unique in the context of the Collapsed Glacial Outwash ecoregion.

Since the Project would be the replacement of an existing structure, Project impacts to native prairie would not cause irreversible damage. The existing power line already coexists in the presence of native prairie habitat, which indicates that the original installation did not cause irreversible damage to this habitat. Therefore, since the Project would occur within habitat that is not unique or rare, and would occur within the existing utility corridor, replacement of an existing structure would not cause irreversible damage to unique or rare habitats and would be in compliance with NDSPC citing rules.

Conclusion

The proposed Project would occur within an established utility corridor, and a new utility corridor would not be needed for the structure replacement. No impacts are anticipated to threated or endangered species or their habitat. The Project would also not result in irreversible impacts to unique or rare habitats. Based on these findings, the proposed Project is in compliance with NDPSC citing rules.

I certify this report was prepared by me or under my direct supervision. Please contact me directly with questions or comments on this report at ltoso@bcenv.org or (701) 575-0731.

Luke Toso, Botanist/Wildlife Biologist

May 5, 2022
Date

References Cited

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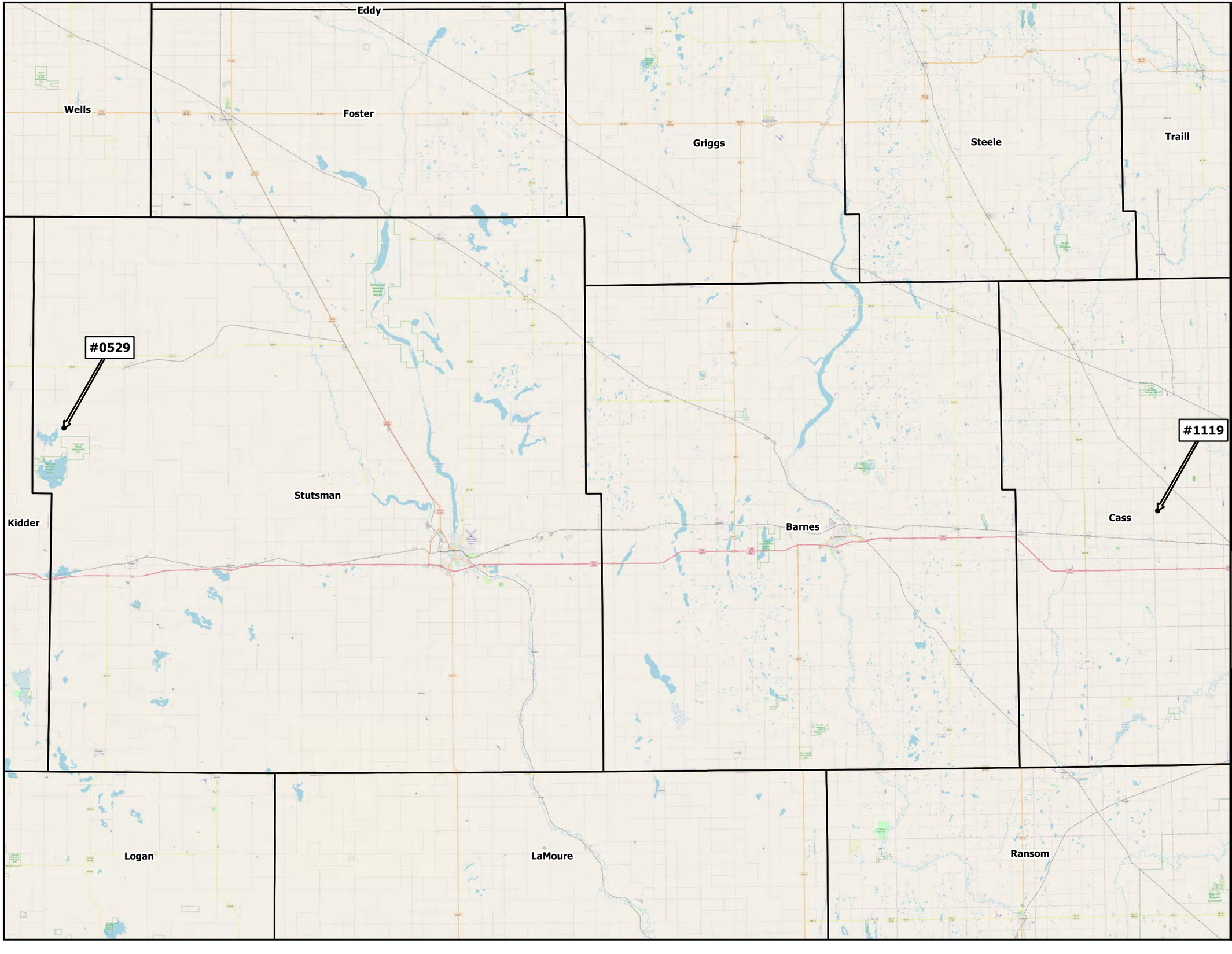
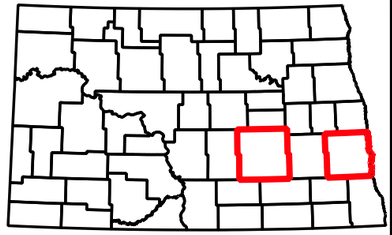
Exhibits





Cass & Stutsman County, North Dakota

County Boundary

0 7 14 mi N

Surveyor:
Drawn by: JBuechele
Field Date:
Map Date: 2022-05-05 11:15:07
Project Name: Line 12 Replacement
Background Imagery: OSM Standard

Beaver Creek ARCHAEOLOGY & ENVIRONMENTAL

VICINITY MAP

Line 12 Replacement
Barr Engineering

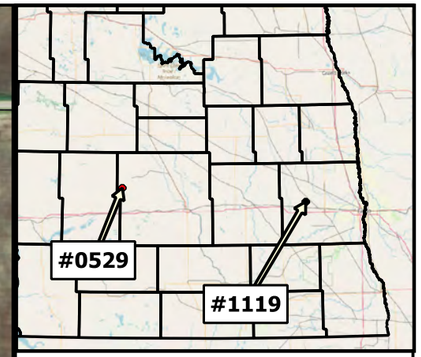
Exhibit 1

S33 T142 R69

S34 T142 R69

S4 T141 R69

S3 T141 R69



Survey Area
Section Boundary
Native Prairie Hillsides

0 0.07 0.14 mi

N

Surveyor: LToso
Drawn by: JBuechele
Field Date: 4/11/2022, 5/3/2022,
Map Date: 2022-05-06 10:08:08
Project Name: Line 12 Replacement
Background Imagery: 2020 Aerial Image (NAIP)

Beaver Creek ARCHAEOLOGY & ENVIRONMENTAL

SURVEY CORRIDOR MAP

Line 12 Replacementl
Barr Engineering Company

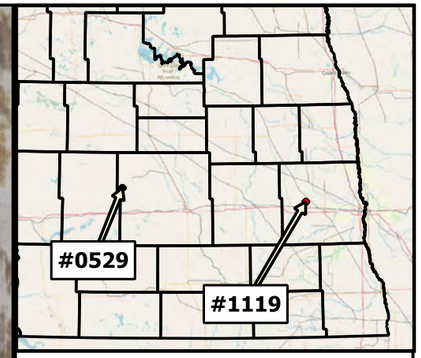
Exhibit 2: #0529
Map 1 of 2

S12 T140 R54

S7 T140 R53

S13 T140 R54

S18 T140 R53



Survey Area

Section Boundary

0 0.07 0.14 mi

N

Surveyor: LToso
Drawn by: JBuechele
Field Date: 4/11/2022, 5/3/2022,
Map Date: 2022-05-06 10:08:15
Project Name: Line 12 Replacement
Background Imagery: 2020 Aerial Image (NAIP)

Beaver Creek ARCHAEOLOGY & ENVIRONMENTAL

SURVEY CORRIDOR MAP

Line 12 Replacementl
Barr Engineering Company

Exhibit 2: #1119
Map 2 of 2