



A Touchstone Energy® Cooperative 

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

June 17, 2024

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

Sent Via Email: vschock@nd.gov

**RE: Minnkota Power Cooperative, Inc.
 345kV Line 12 Structure Replacements Project
 Oliver, Burleigh, Kidder and Stutsman Counties, North Dakota**

Dear Mr. Schock:

Due to heavily degraded structure foundations that are beyond reasonable restoration, Minnkota Power Cooperative, Inc, (MPC) is proposing to replace thirteen 345 kV lattice structures along MPC’s existing high voltage line (HVTL) in August 2024. The structures are detailed in the table below.

LINE #	STR #	REPLACEMENT DISTANCE (DIRECTION ALONG LINE)	CURRENT COORD.		PLANS FOR REMOVAL
			LAT	LONG	
012A	0008	10 FT AHEAD/ SOUTH	47.06542	-101.188	remove
012C	0107	10 FT BACK/ WEST	47.02682	-100.867	remove
012C	0132	10 FT BACK/ WEST	47.03052	-100.78	remove
012C	0212	10 FT AHEAD/ NORTHEAST	47.05943	-100.515	remove
012C	0290	10 FT BACK/ WEST	47.06821	-100.248	remove
012C	0339	10 FT AHEAD/ EAST	47.06789	-100.074	remove
012C	0340	10 FT BACK/ WEST	47.06788	-100.07	(within standing water) preferably left in place
012C	0452	10 FT BACK /WEST	47.06599	-99.6862	(edge of wetland) possibly able to remove since it's been a drier year
012C	0600	10 FT BACK/ WEST	47.06019	-99.1851	remove
012C	0618	80 FT BACK/ WEST	47.05773	-99.125	(within standing water) preferably left in place
012E	0684	15 FT AHEAD/ EAST	47.05565	-98.9005	remove
012E	0699	10 FT BACK/ WEST	47.05558	-98.8482	remove



012G	0737	10 FT BACK/ NORTHWEST	47.04011	-98.7144	(edge of wetland) possibly able to remove since it's been a drier year
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Replacement of the structures is needed to prevent line failure and maintain grid reliability. The sequence of construction activities typically starts with directly embedding the new structures 14 feet into the subsurface to move the phases over from the old structure. The lattice portion of the old structures are then removed. Methods for removing the concrete foundations include either digging a hole with a standard excavator around the foundation then lifting it out with a crane or using a bigger excavator to dig a wider hole then dragging the foundation out of hole. If required, a barricade and pump could be used in wetter areas prior to dragging out the foundation. Alternatively, if foundations are left in place, the aluminum structure will be removed and the steel cut flush with the concrete foundation, then buried.

Replacement of structures 8, 132, 212, 290, 600, 684 and 699 meet the definition of construction as defined by North Dakota Century Code (NDCC) 49-22-03 (3)(a)(1)(c), (a)(2), (a)(3)(c), and (a)(4). Replacement of the others, structures 107, 339, 340, 452, 618, and 737, may impact either an exclusion or avoidance area and therefore meet the definition of construction as defined by NDCC 49-22-03 (3)(b).

Structure 107 is within 0.5 miles of Piping Plover critical habitat along the Missouri River, which is considered an exclusion area in North Dakota Administrative Code (NDAC) 69-06-08-02(1)(d). MPC will mitigate the impacts by replacing this structure outside of the April 15- August 15 sensitive window. If construction does happen to take place within the avoidance window, MPC will hire a permitted biologist to survey. Construction activities will cease if impacts are determined by the monitor.

Structures 339 and 340 are within Kidder County Waterfowl Production Area (WPA) wetland easements. Structures 600 and 684 are within Stutsman WPA wetland easements. Importantly, the four (4) identified structures were sited and constructed **prior** to the WPA easements being granted by the surrounding private landowners. Only structure 340 is within a protected basin. NDAC 69-06-08-02(2)(a) describes national wildlife areas and wildlife refuges as avoidance areas. Whether WPAs are considered wildlife areas, a term not clearly defined in NDCC 49-22-03 nor in NDAC 69-06-01-01, MPC’s rights under its easement, including structure replacement within the corridor predate and are superior to the after-acquired rights within the WPA easement.

Structures 452 and 618 are in standing water and have been identified as a challenge to remove. If unable to get to in August, these structures may be worked on in the winter when the frozen ground provides a more stable ground for equipment and minimize ground disturbance. Structures 452 and 737 are on the banks of wetlands and may be able to remove this year since it’s been drier.

Barr Engineering, Inc (Barr) completed a Natural Resources Survey, dated January 2024, on behalf of MPC. The report assessed the potential impacts of the project to listed species and surveyed the vegetation community around the structures. MPC additionally completed an impact assessment and relevant consultations compiled in the attached Environmental Report. Additionally, a notarized certification indicating the planned improvement qualifies for exclusion in accordance with NDCC 49-22-03 is attached to this letter. Please contact me at kborin@minnkota.com or 701-795-4287 if you have any questions or require additional information.



Sincerely,

A handwritten signature in black ink that reads "Kacey Borin".

Kacey Borin
Environmental Specialist
Minnkota Power Cooperative, Inc.

Attachments: Certification of Applicant
Structure Relocation Maps
Natural Resources Report, dated January 2024 (sent separately)
Environmental Report, dated June 10, 2024 (sent separately)

CERTIFICATION OF APPLICANT PURSUANT
TO N.D. CENTURY CODE 49-22-03(3)(b)
MINNKOTA POWER COOPERATIVE, INC.

I, Brendan Kennelly, a duly authorized agent of Minnkota Power Cooperative, Inc. (Minnkota) that has authority to bind the company in these matters, do hereby certify under oath:

1. That the replacement of structures 8, 132, 212, 290, 339, 340, 452, 600, 618, 684, 699, and 737 on Minnkota's 345 kV transmission line will not affect any known exclusion areas as defined under the N.D. Administrative Code 69-06-08-02 (1).
2. That the replacement of structures 8, 107, 132, 212, 290, 452, 618, 699, and 737 on Minnkota's 345 kV transmission line will not affect any known avoidance area as defined under the N.D. Administrative Code 69-06-08-02 (2).
3. That the replacement of structure 107 may impact an exclusion area as defined under N.D. Administrative Code 69-06-08-02 (1)(d). The exclusion area is a 0.5-mile buffer around Piping Plover designated critical habitat along the Missouri River. Mitigation measures have been established to minimize impact to Piping Plovers.
4. That the replacement of structures 339, 340, 600, and 684 may impact avoidance areas as defined under N.D. Administrative Code 69-06-08-02 (1)(d). The identified avoidance areas are Waterfowl Production Area easements granted by private landowners after our structures were in place and subject to Minnkota's previously existing utility right-of-way easements.
5. That the replacement of all structures in this project is intended to improve system reliability needs of Minnkota's service area.
6. That Minnkota Power Cooperative will comply with all applicable conditions and protections in applicable North Dakota siting laws and rules and commission orders that may apply.

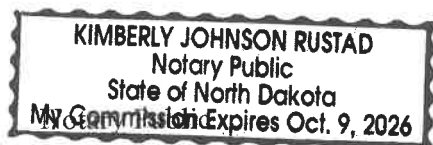
Dated at Grand Forks, North Dakota this day of June 17, 2024.




Brendan Kennelly, VP Power Delivery

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

This instrument was acknowledged before me this 17 day of June 2024 by Brendan Kennelly, VP Power Delivery on behalf of Minnkota Power Cooperative, Inc.

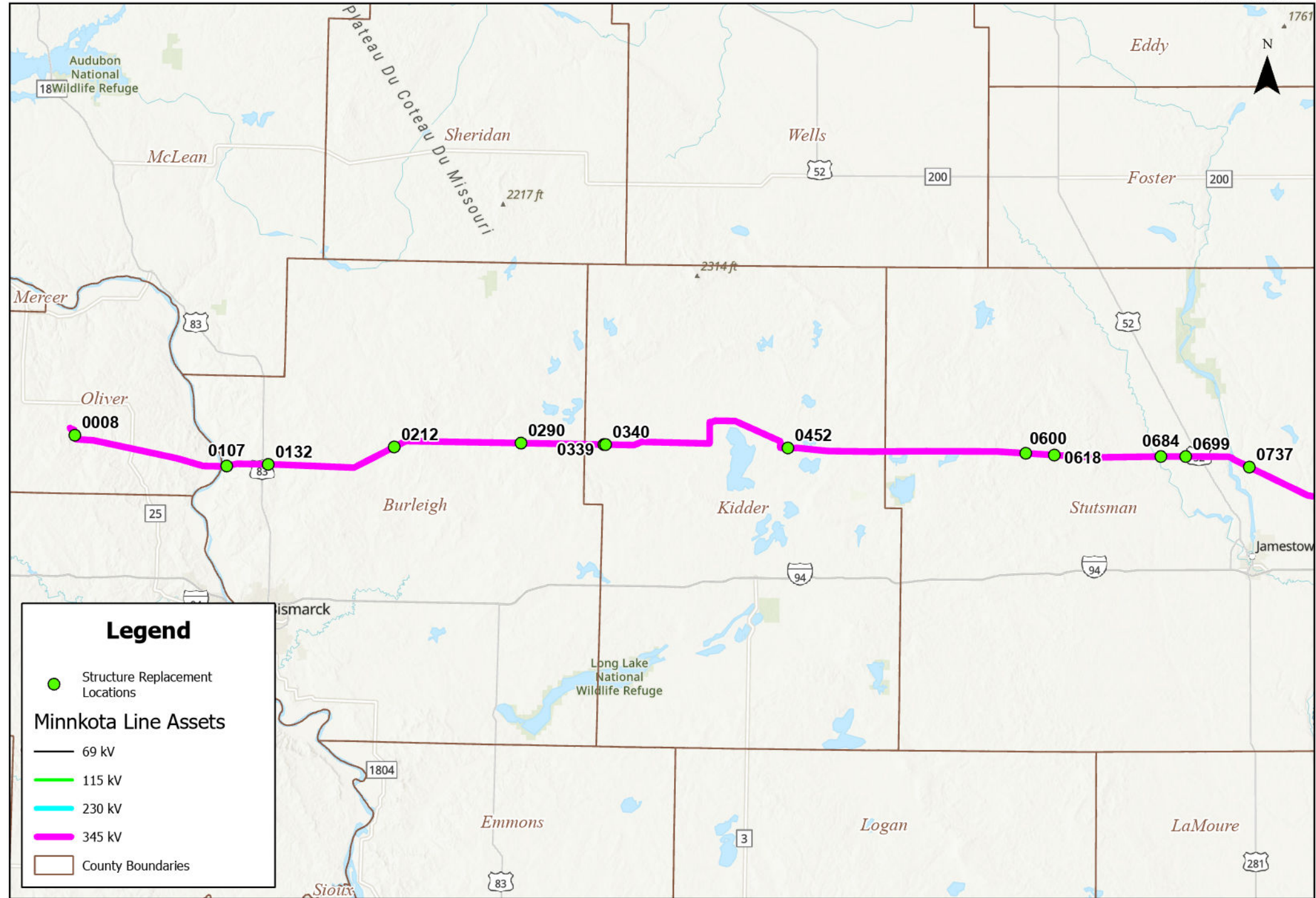
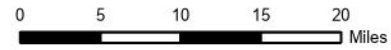




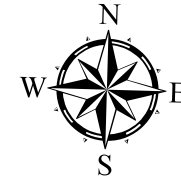
Signature

21839: CENTER-MR STRUCTURE REPLACEMENTS

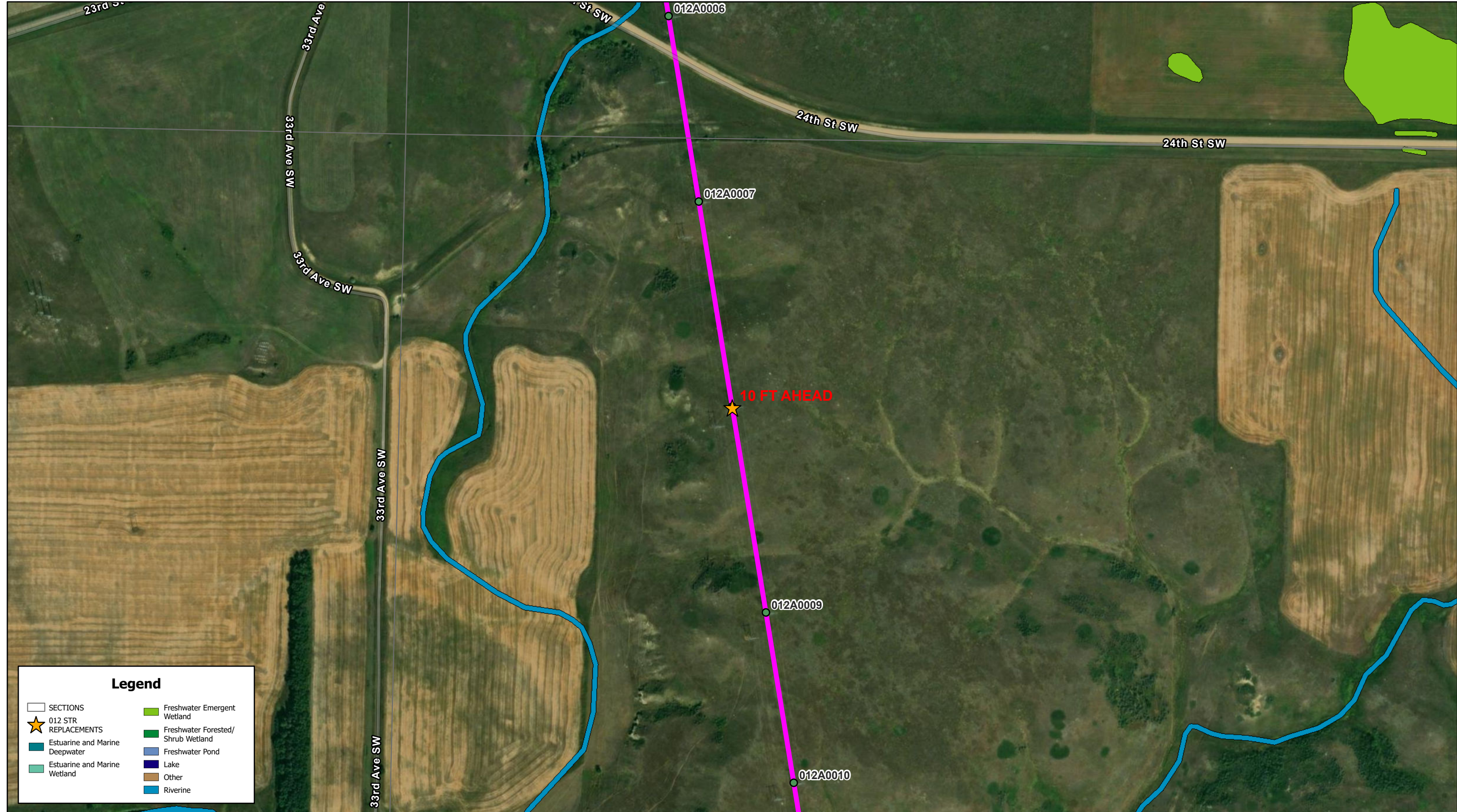
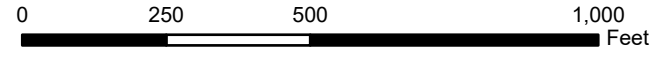
Burleigh, Kidder, Oliver, and Stutsman Counties, ND



012A0008 STRUCTURE REPLACEMENT



PLACEMENT: 10 FT AHEAD
STR TYPE: 345-1SG



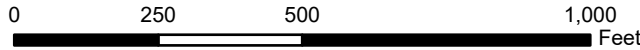
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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0107 STRUCTURE REPLACEMENT



PLACEMENT: 10 FT BACK
STR TYPE: 345-1SG

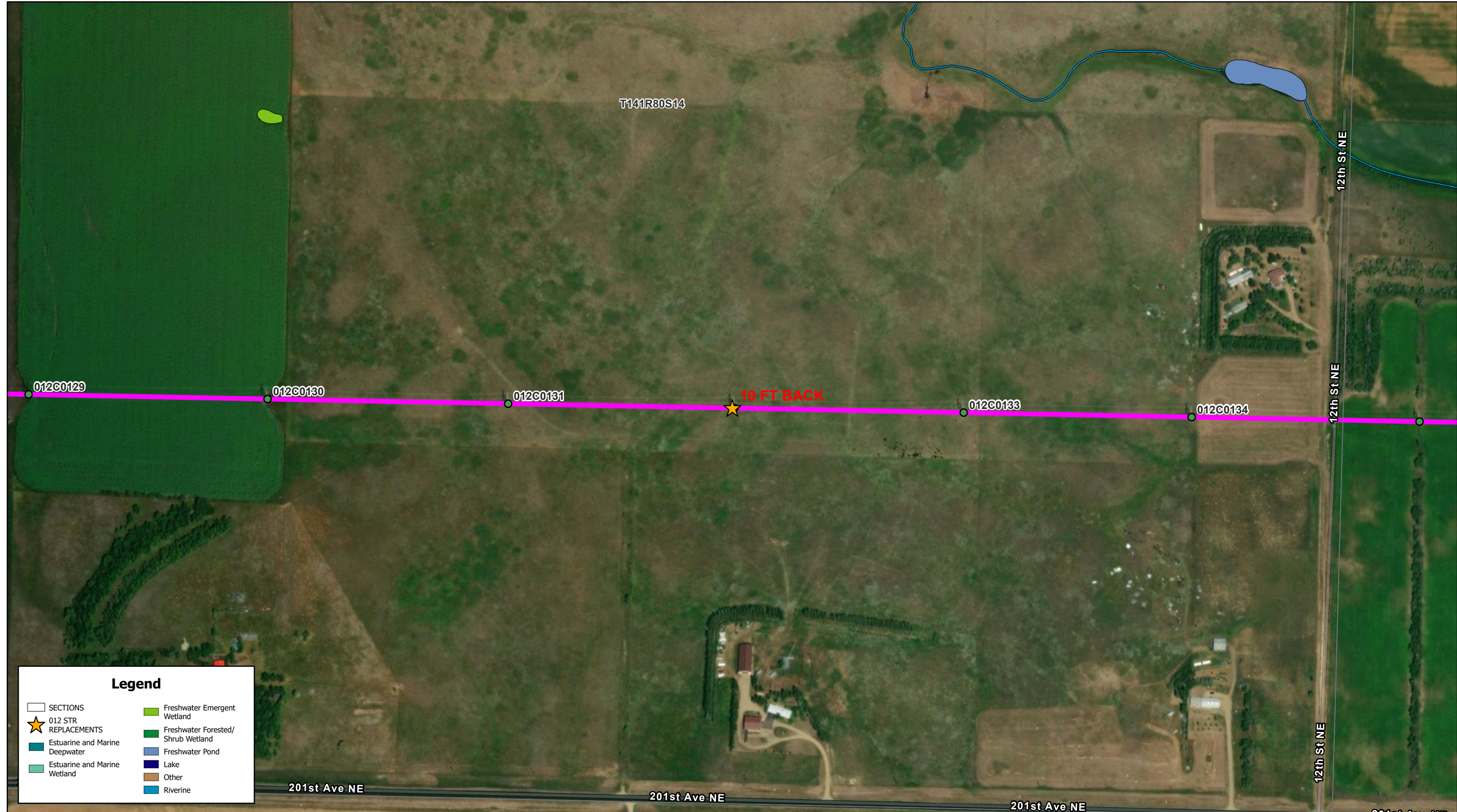
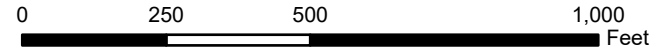
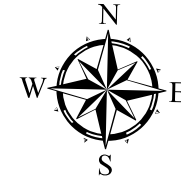


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0132 STRUCTURE REPLACEMENT

COMMENTS: SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
PLACEMENT: 10 FT BACK
STR TYPE: 345-1SG



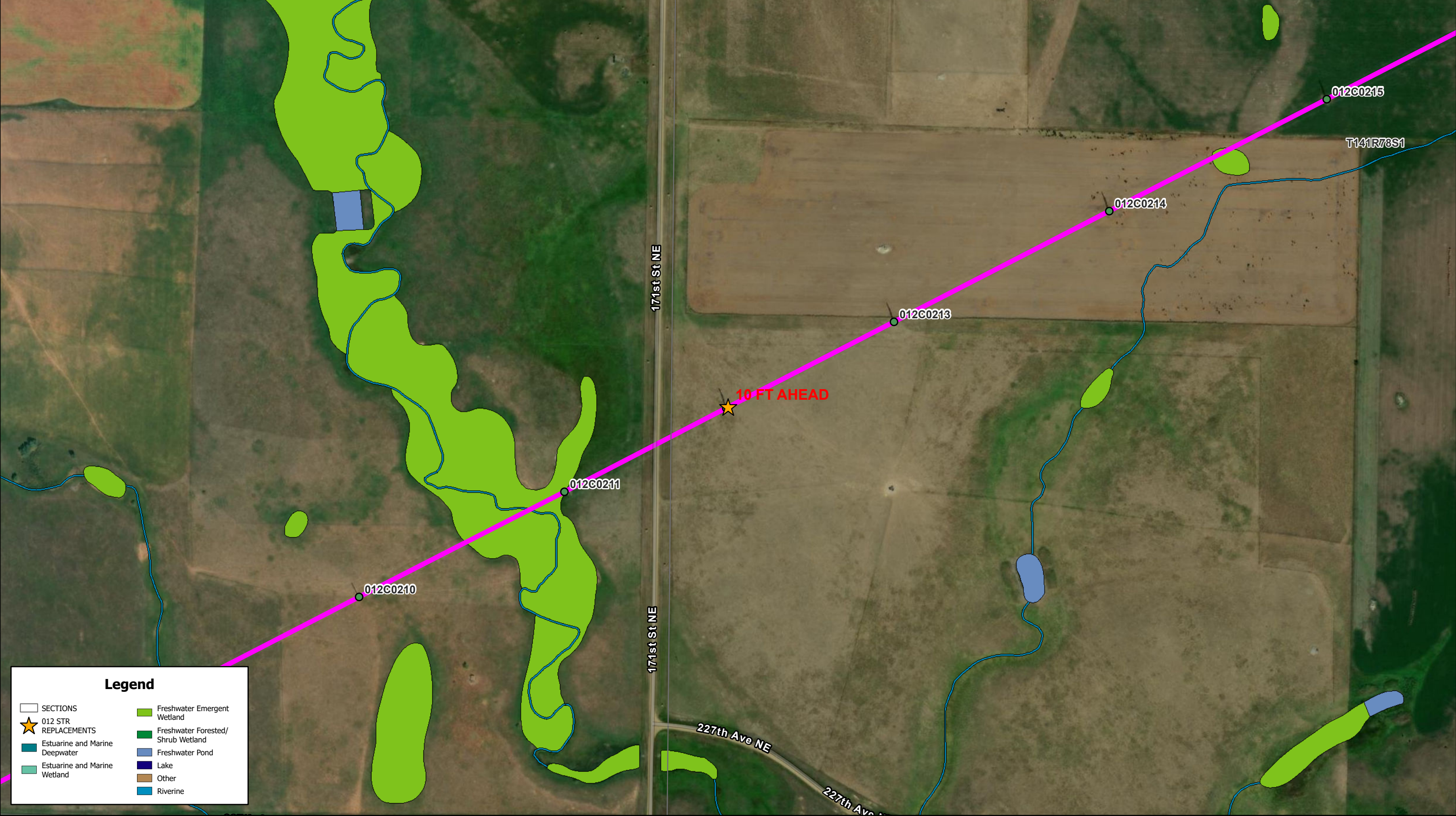
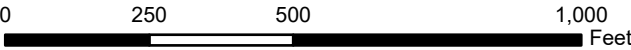
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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0212 STRUCTURE REPLACEMENT



PLACEMENT: 10 FT AHEAD
STR TYPE: 345-1SG

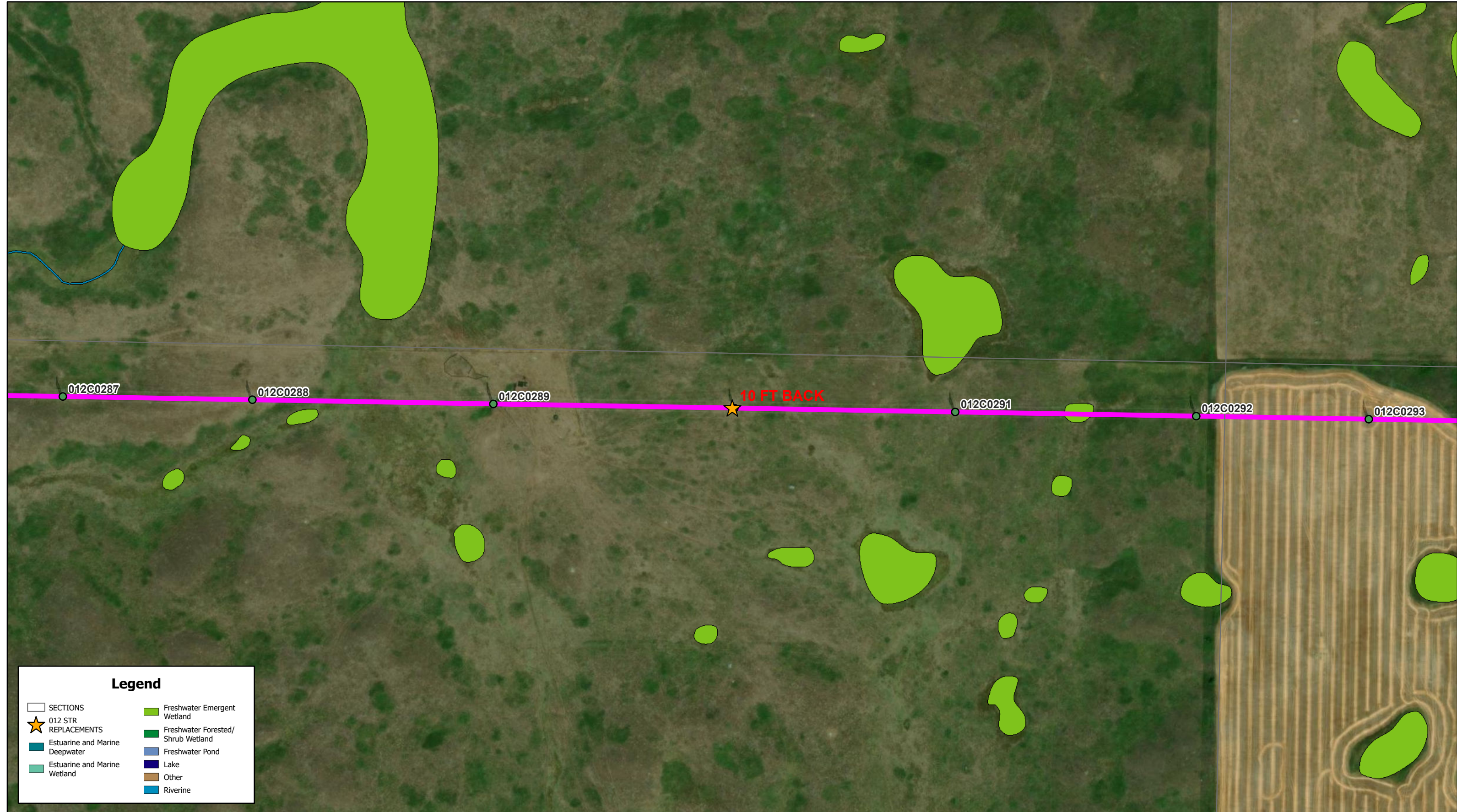
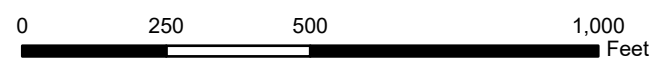
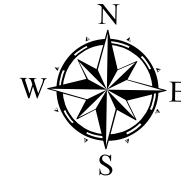


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0290 STRUCTURE REPLACEMENT

COMMENTS: SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
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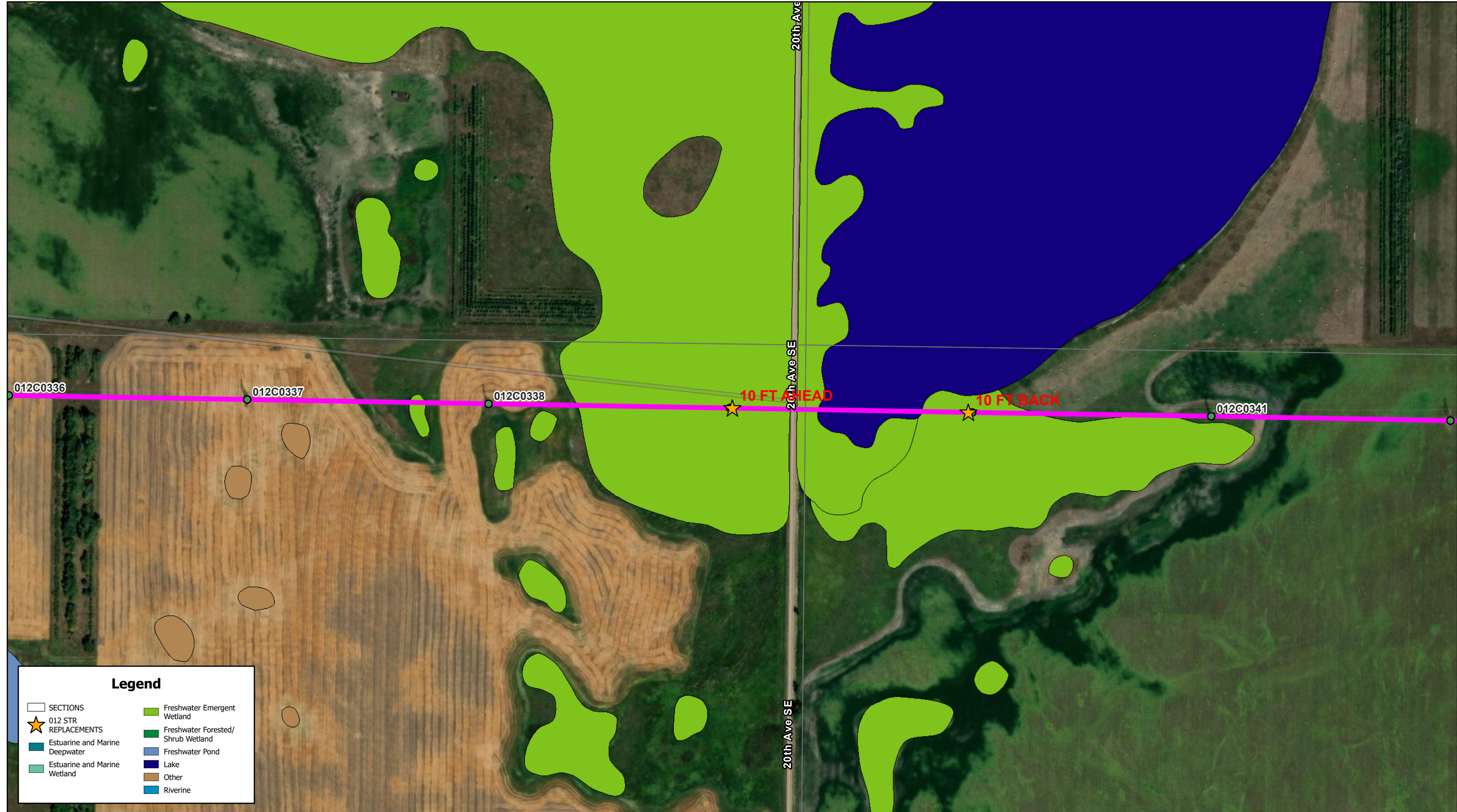
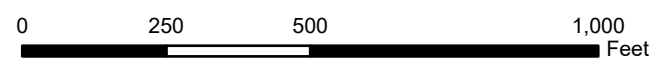
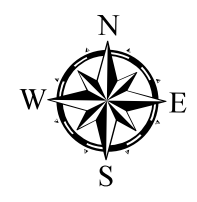


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0339 STRUCTURE REPLACEMENT

COMMENTS: REPLACING DUE TO CLEARANCE CONCERNS BETWEEN 339-340, OUTSIDE OF ORIGINAL SCOPING OF
 PLACEMENT: 10 FT AHEAD
 STR TYPE: 345-1SG

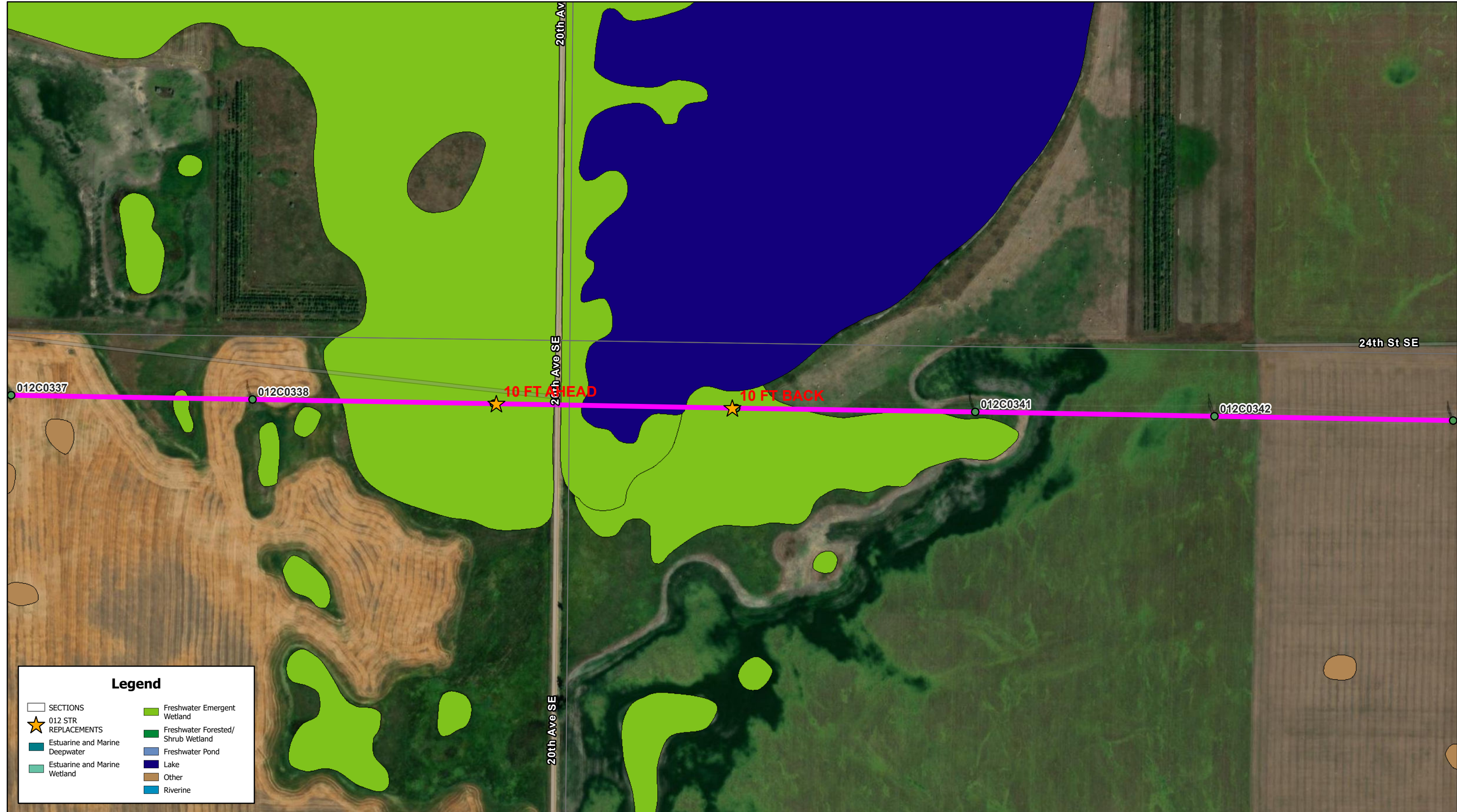
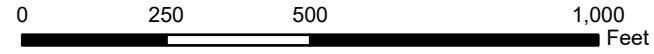
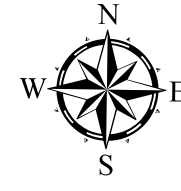


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0340 STRUCTURE REPLACEMENT

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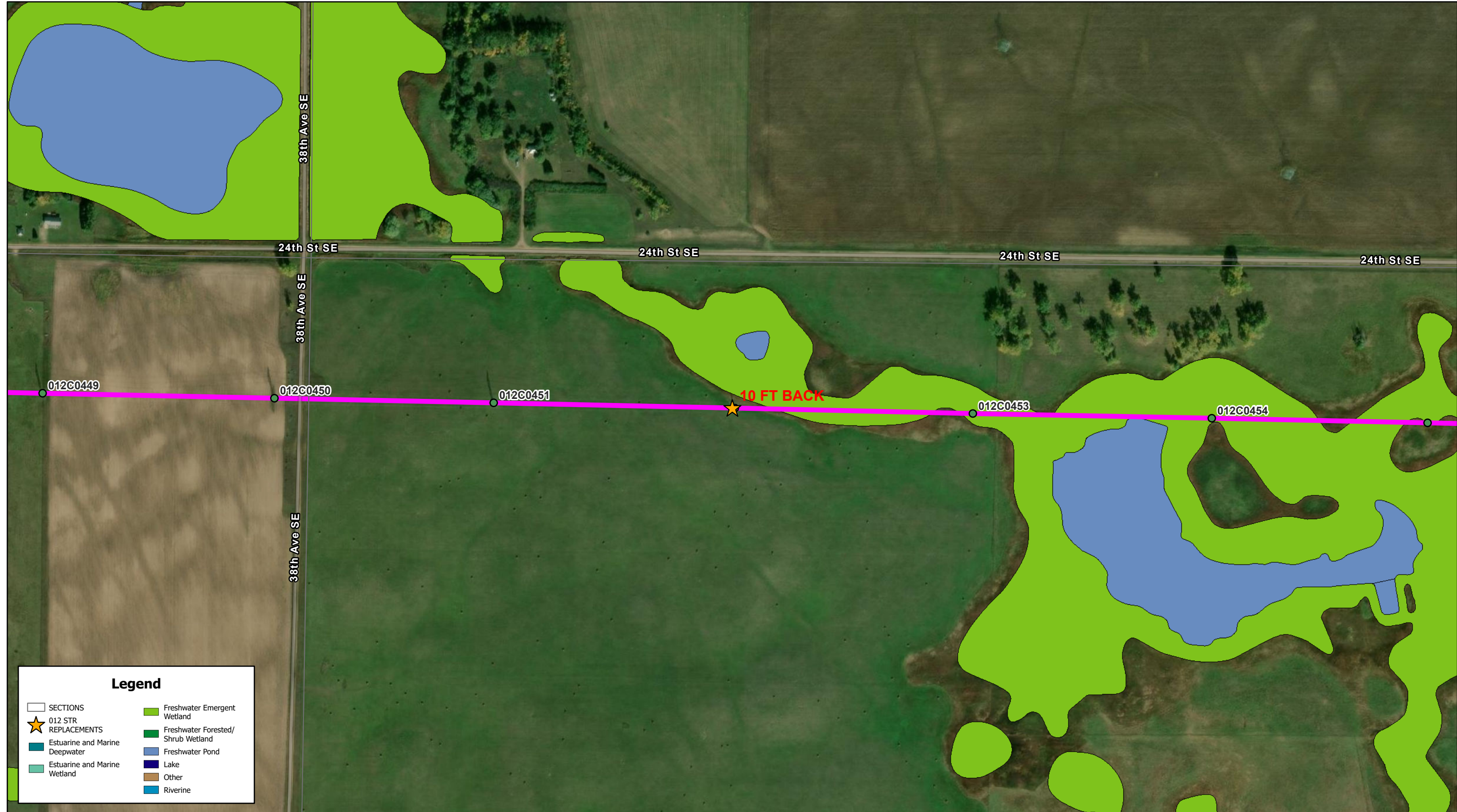
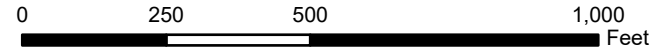
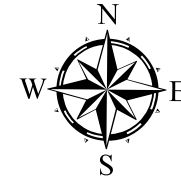


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/ Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0452 STRUCTURE REPLACEMENT

COMMENTS: SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
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STR TYPE: 345-1SG

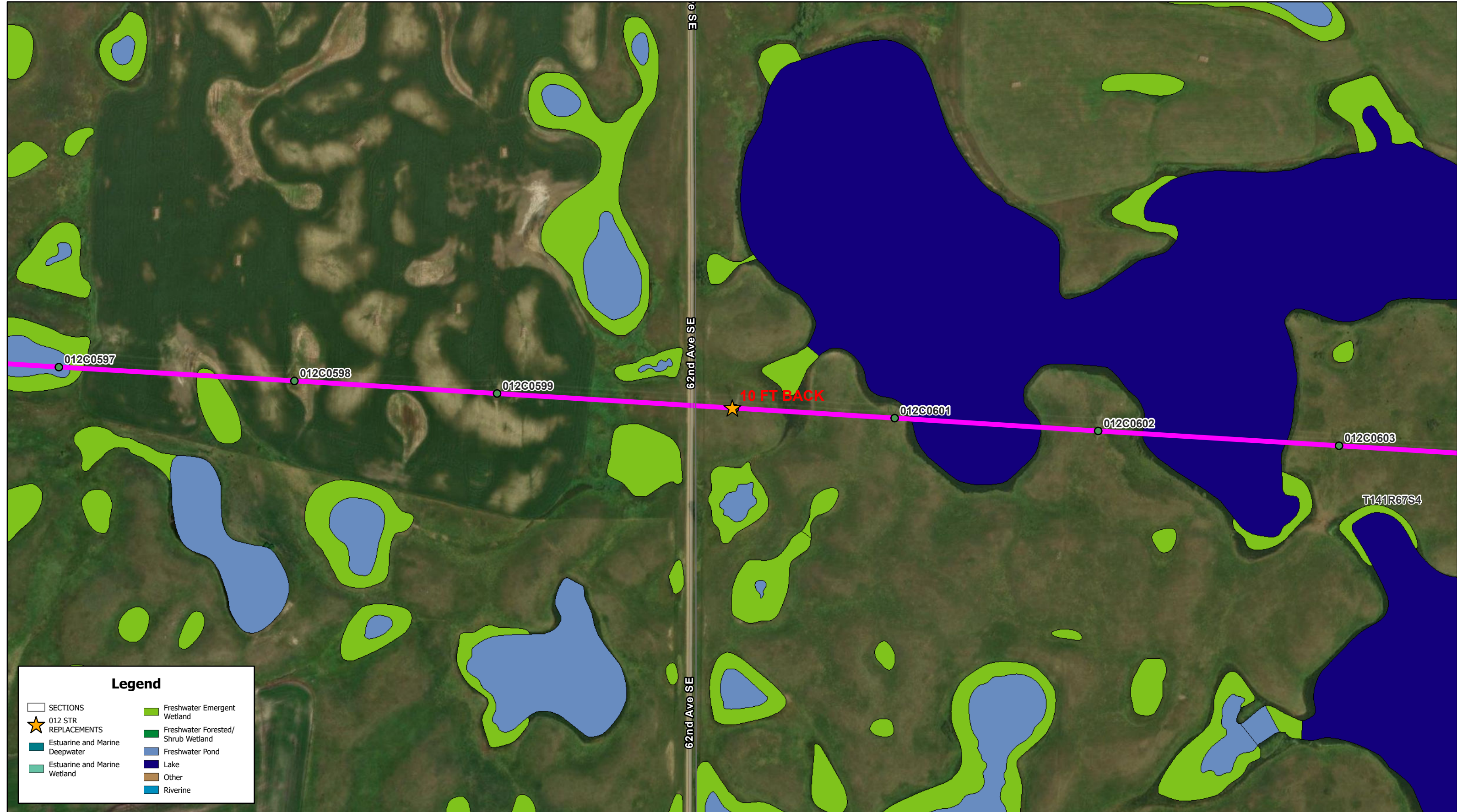
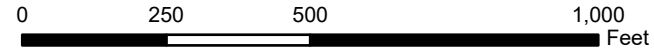
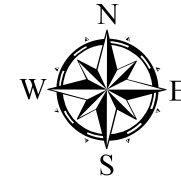


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SECTION	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0600 STRUCTURE REPLACEMENT

COMMENTS: 345-1S, SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
PLACEMENT: 10 FT BACK
STR TYPE: 345-1S

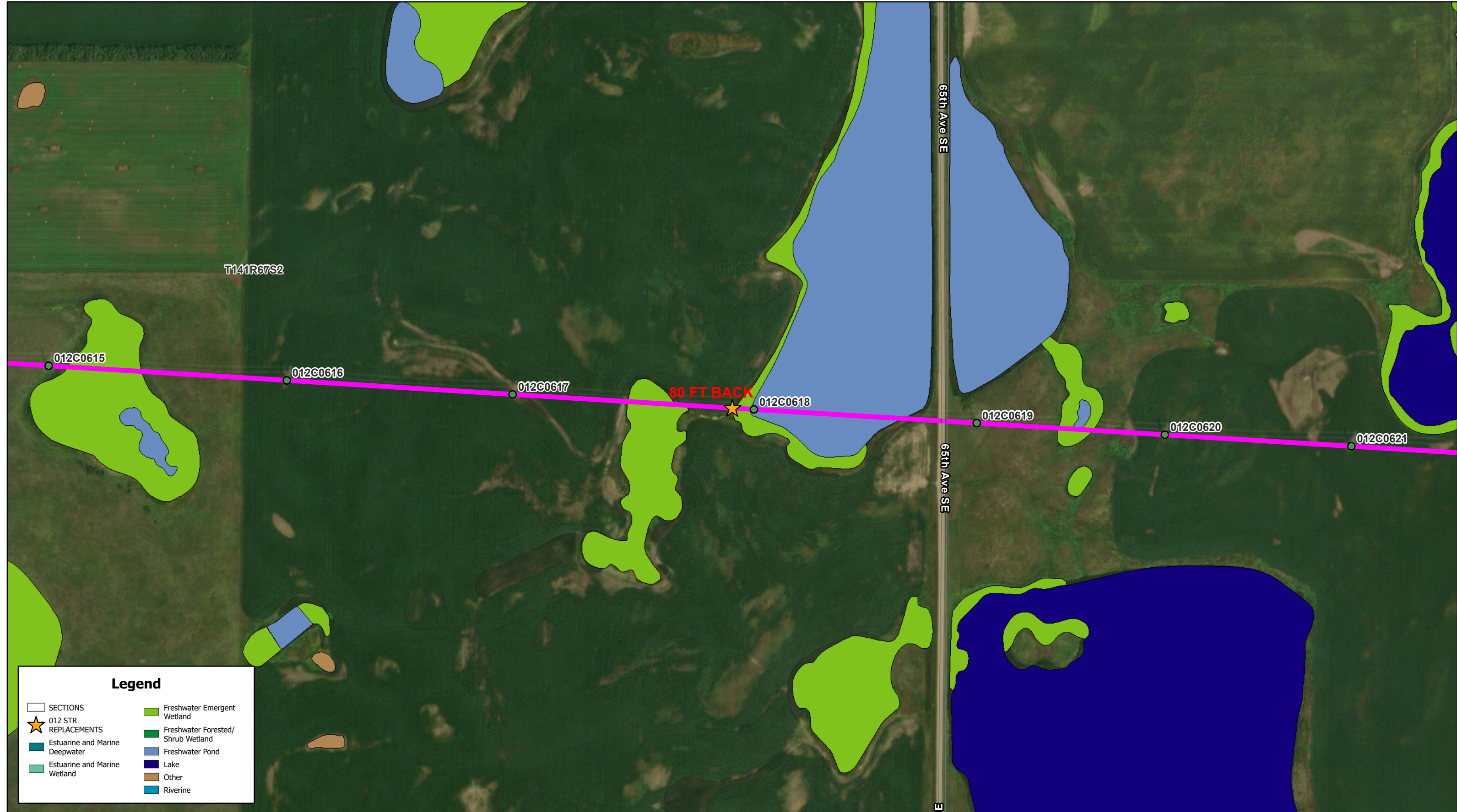
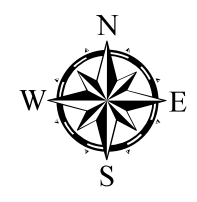


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012C0618 STRUCTURE REPLACEMENT

COMMENTS: SET 80 FT BACK OUT OF WATER, SWING FIXED WITH UPDATED VALUES
PLACEMENT: 80 FT BACK
STR TYPE: 345-1SG



Legend

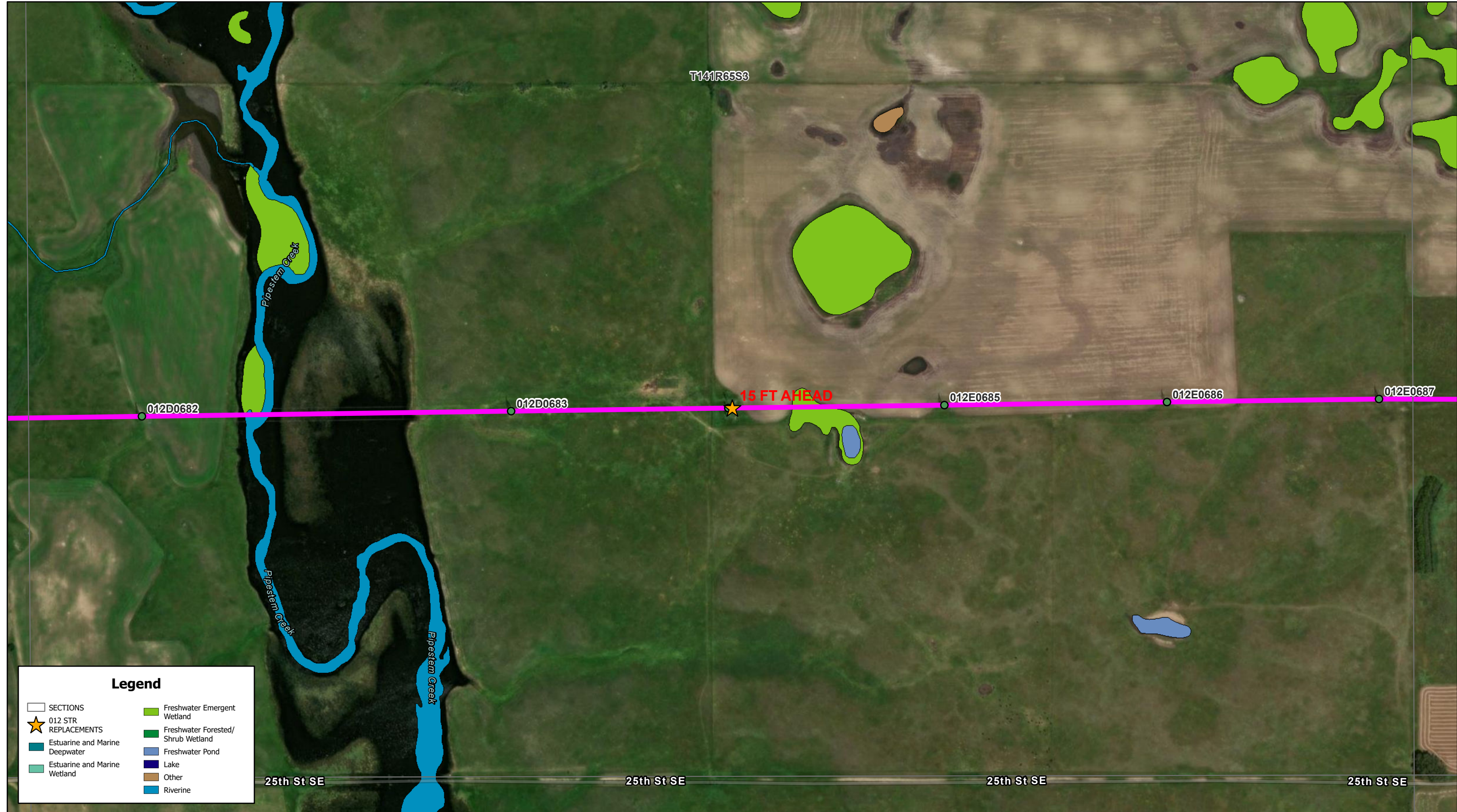
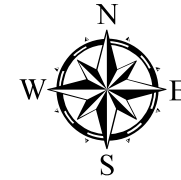
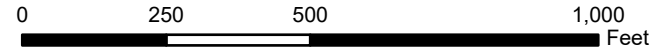
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012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012E0684 STRUCTURE REPLACEMENT

COMMENTS: REFER TO 684 NOTES

PLACEMENT: 15 FT AHEAD

STR TYPE: 345D-WPE



Legend

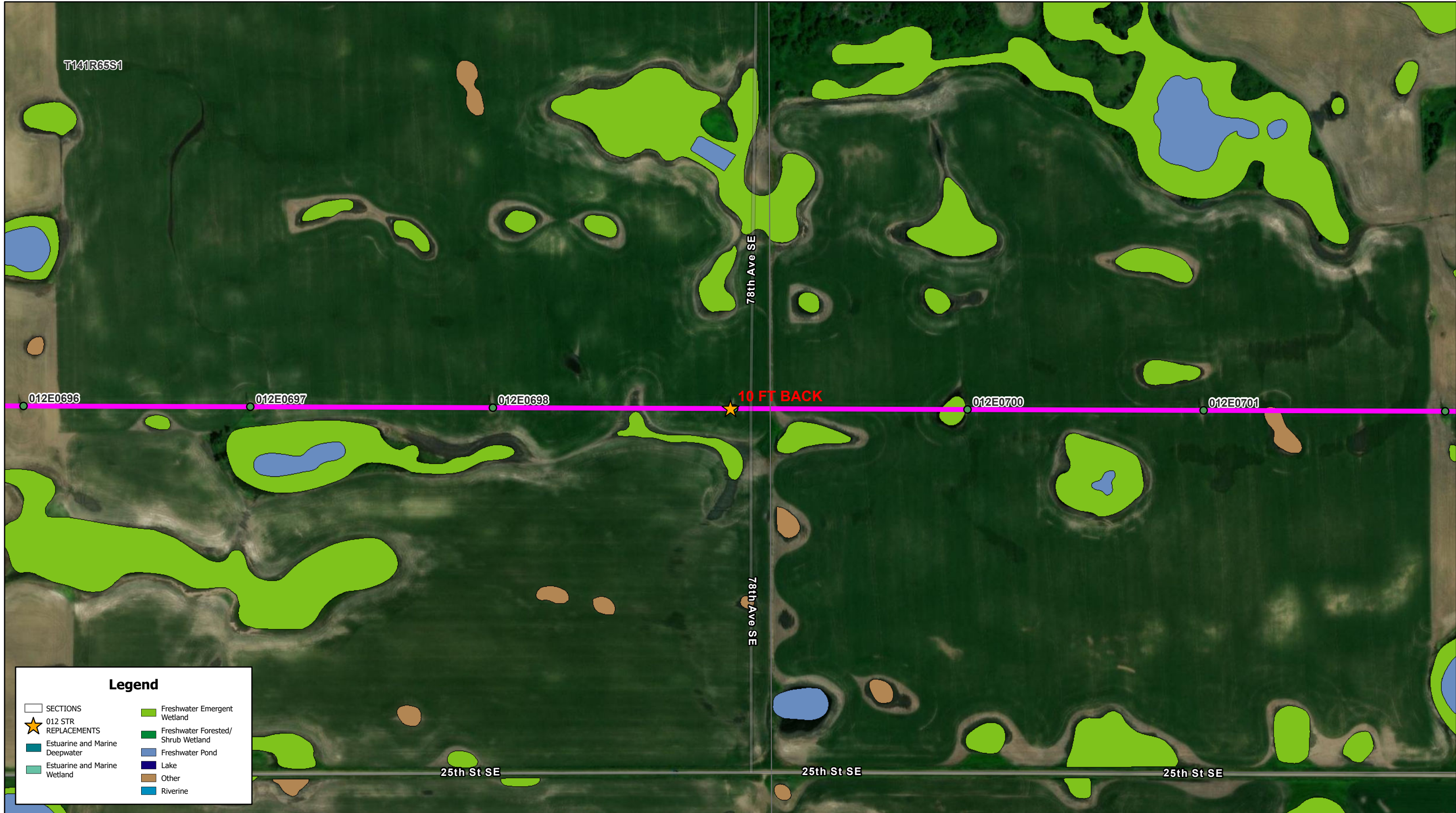
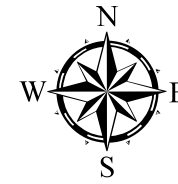
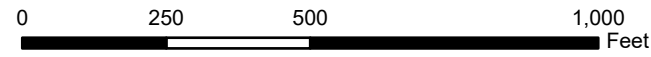
SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012E0699 STRUCTURE REPLACEMENT

COMMENTS: SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR

PLACEMENT: 10 FT BACK

STR TYPE: 345-1SG

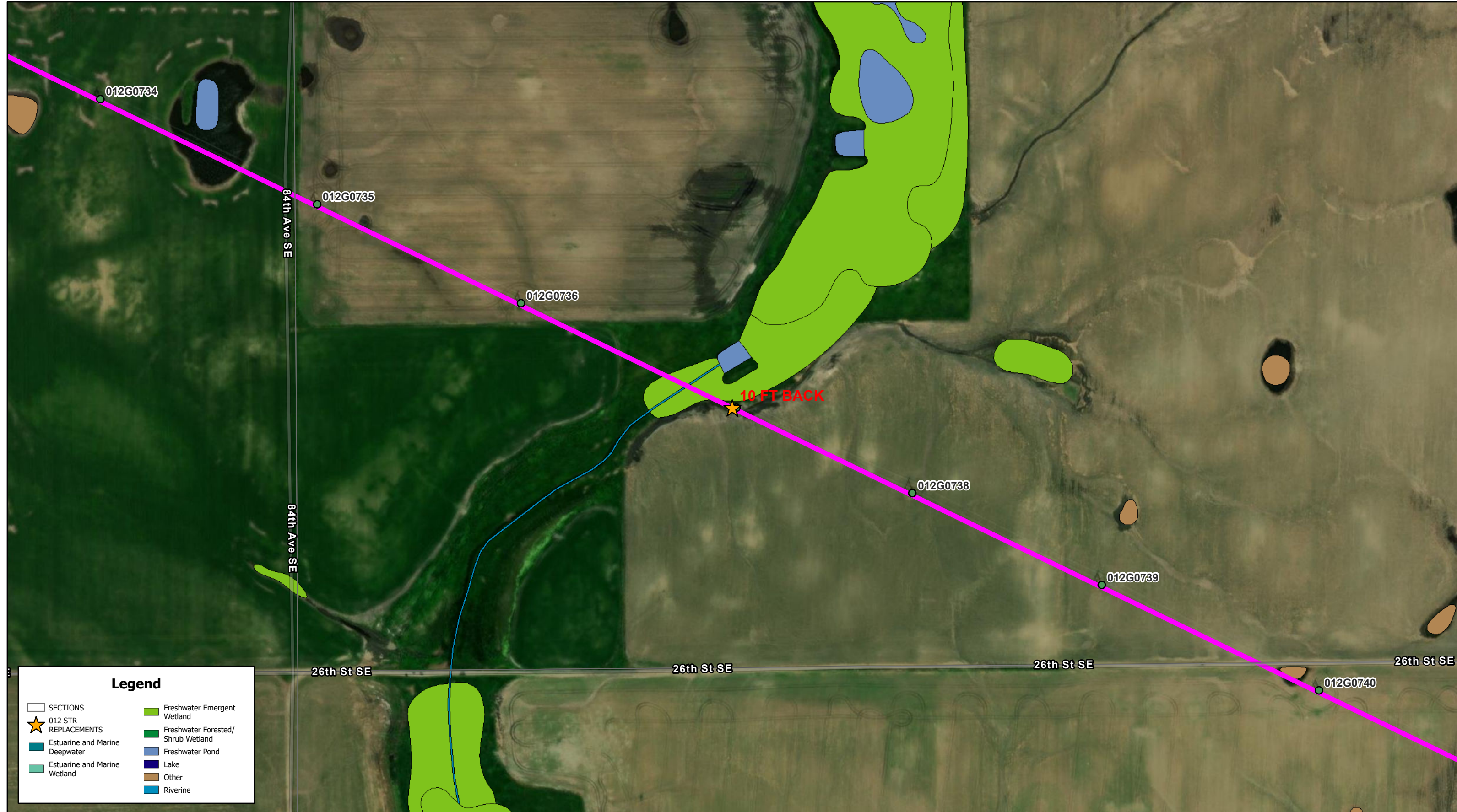
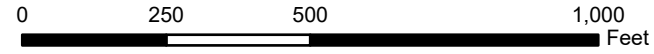
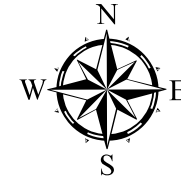


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SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine

012G0737 STRUCTURE REPLACEMENT

COMMENTS: SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
PLACEMENT: 10 FT BACK
STR TYPE: 345-1SG



Legend

SECTIONS	Freshwater Emergent Wetland
012 STR REPLACEMENTS	Freshwater Forested/ Shrub Wetland
Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
	Other
	Riverine



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Size: 12526875

Contact Information

Name: Pamela J Thompson

Agency: Public Service Comm.

Telephone: (701) 328-4096

Email: pthompson@nd.gov

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Description: Minnkota Power Cooperative's 345kV Structure Replacements project: Environmental Report

Size: 169279525

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Name: Pamela J Thompson

Agency: Public Service Comm.

Telephone: (701) 328-4096

Email: pthompson@nd.gov

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Natural Resources Report

Line 12 Pole Replacement Project

Oliver, Burleigh, Kidder, and Stutsman Counties, ND

Prepared for
Minnkota Power Cooperative, Inc.

January 2024

Natural Resources Report

January 2024

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Appendix B	IPaC Species List
Appendix C	North Dakota Statute 69-06-08
Appendix D	Photo Log

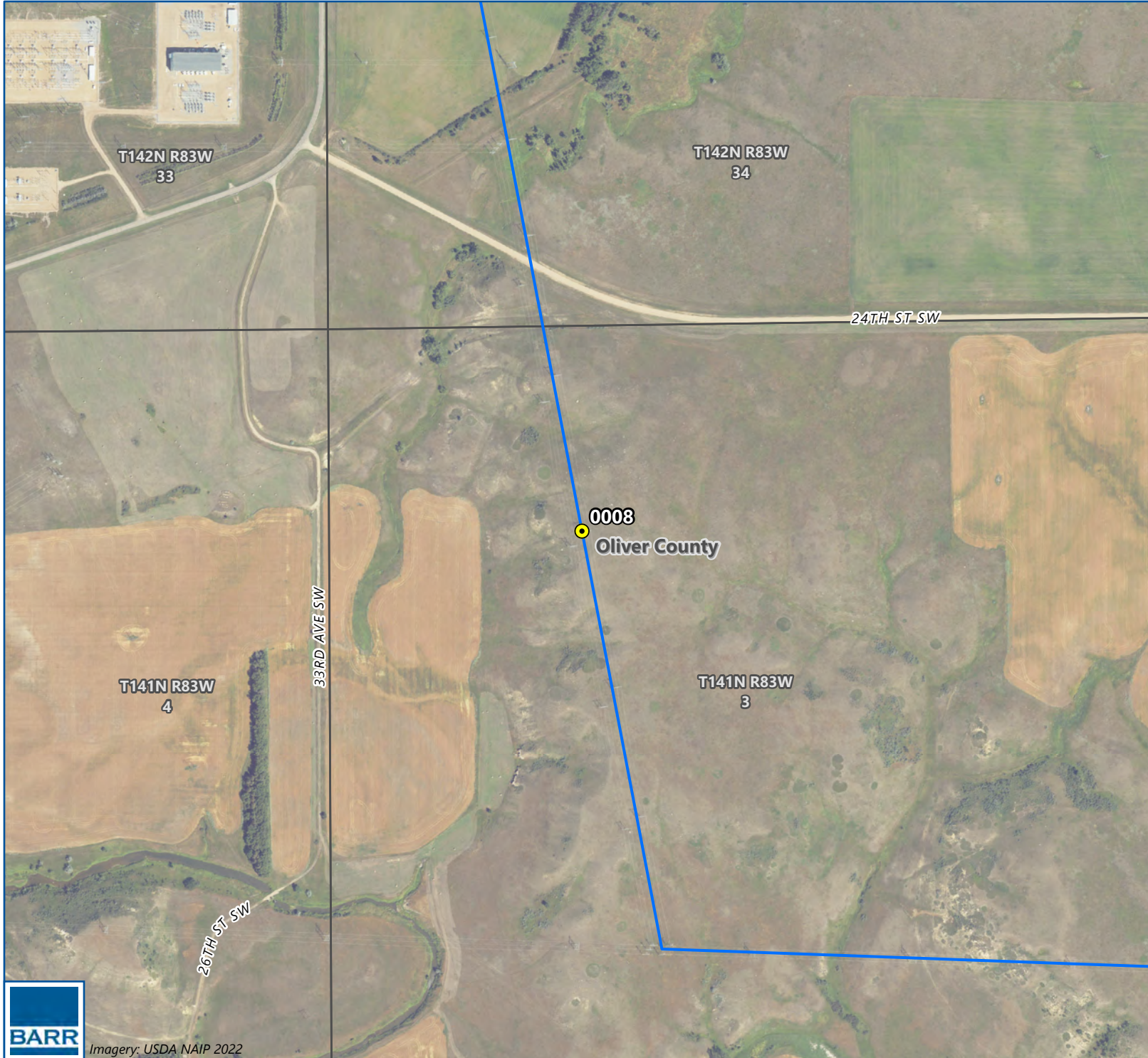
Abbreviations

Barr	Barr Engineering Co.
BGEPA	Bald and Golden Eagle Protection Act
ESA	Endangered Species Act
IPaC	Information for Planning and Consultation
MBTA	Migratory Bird Treaty Act
MPC	Minnkota Power Cooperative, Inc
NDGF	North Dakota Game and Fish
NDPSC	North Dakota Public Service Commission
NLEB	Northern Long-eared Bat
USFWS	United States Fish and Wildlife Service
WPA	Waterfowl Production Area

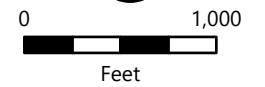
1 Summary and Purpose

Minnkota Power Cooperative, Inc. (MPC) is working to obtain a siting exclusion certificate from the North Dakota Public Service Commission (NDPSC) for the replacement of 13 existing structures on their Line 012, 345 kV transmission line in Oliver, Burleigh, Kidder, and Stutsman Counties, North Dakota (Project). The old structures would be abandoned with the lattice structure removed. Remaining concrete footings would be left in place. The new structures would be installed immediately adjacent to the old structures with the exception of structure #618, which will be relocated approximately 80 feet west of the existing structure. The locations of the replacement structures are shown on Figure 1.

The purpose of this report is to evaluate the potential for this Project to impact species protected by the Endangered Species Act (ESA) and to assess habitat conditions with respect to North Dakota Century Code 69-06-08-02 (Transmission facility corridor and route criteria) Exclusion Areas A through E, as applicable. This evaluation has been completed by Barr Engineering Co. (Barr) on behalf of MPC.

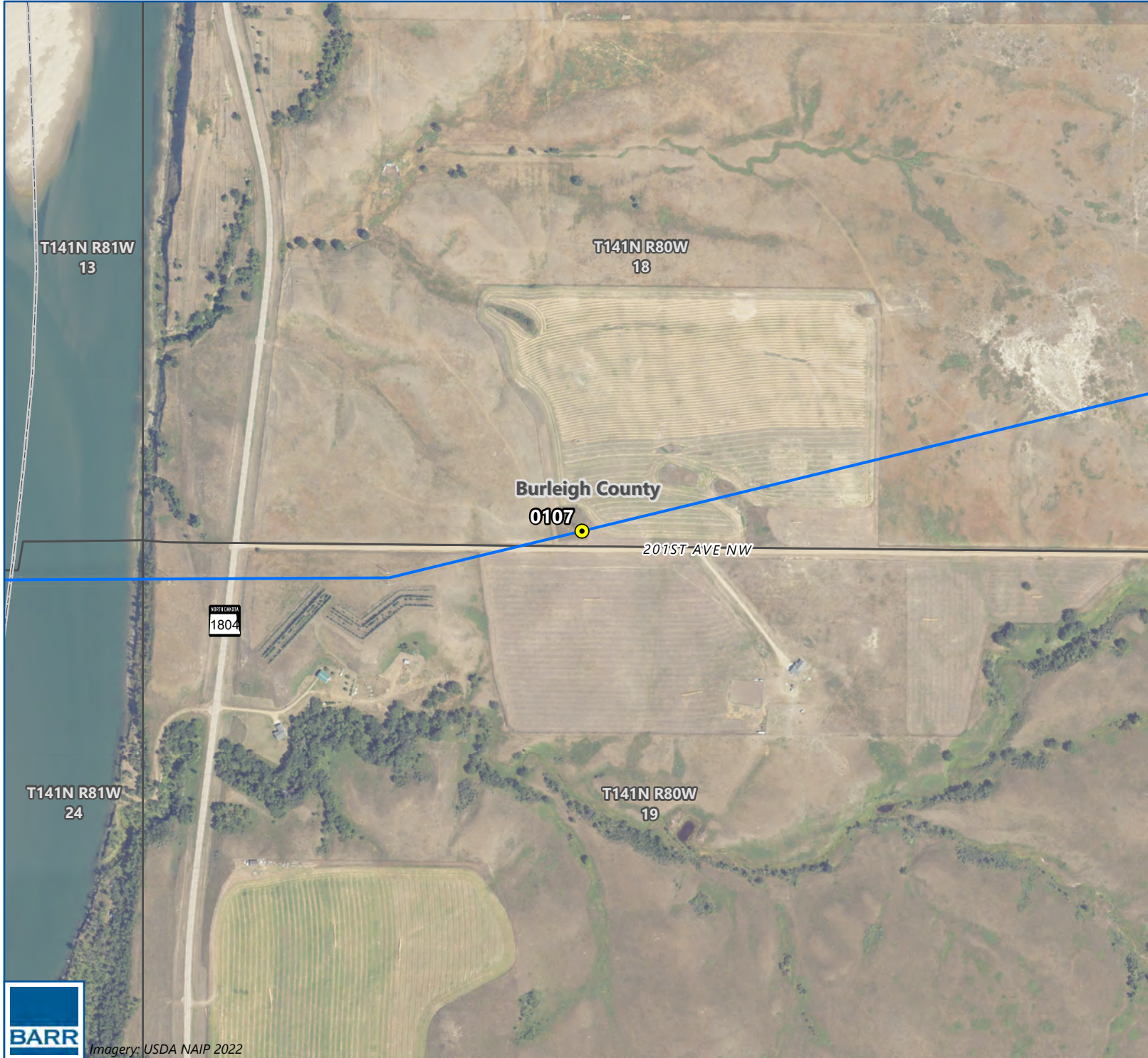


- Replacement Structures
- Line 12 Centerline
- County Boundary
- Public Land Survey Section

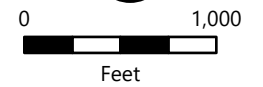


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Oliver County, ND

FIGURE 1a



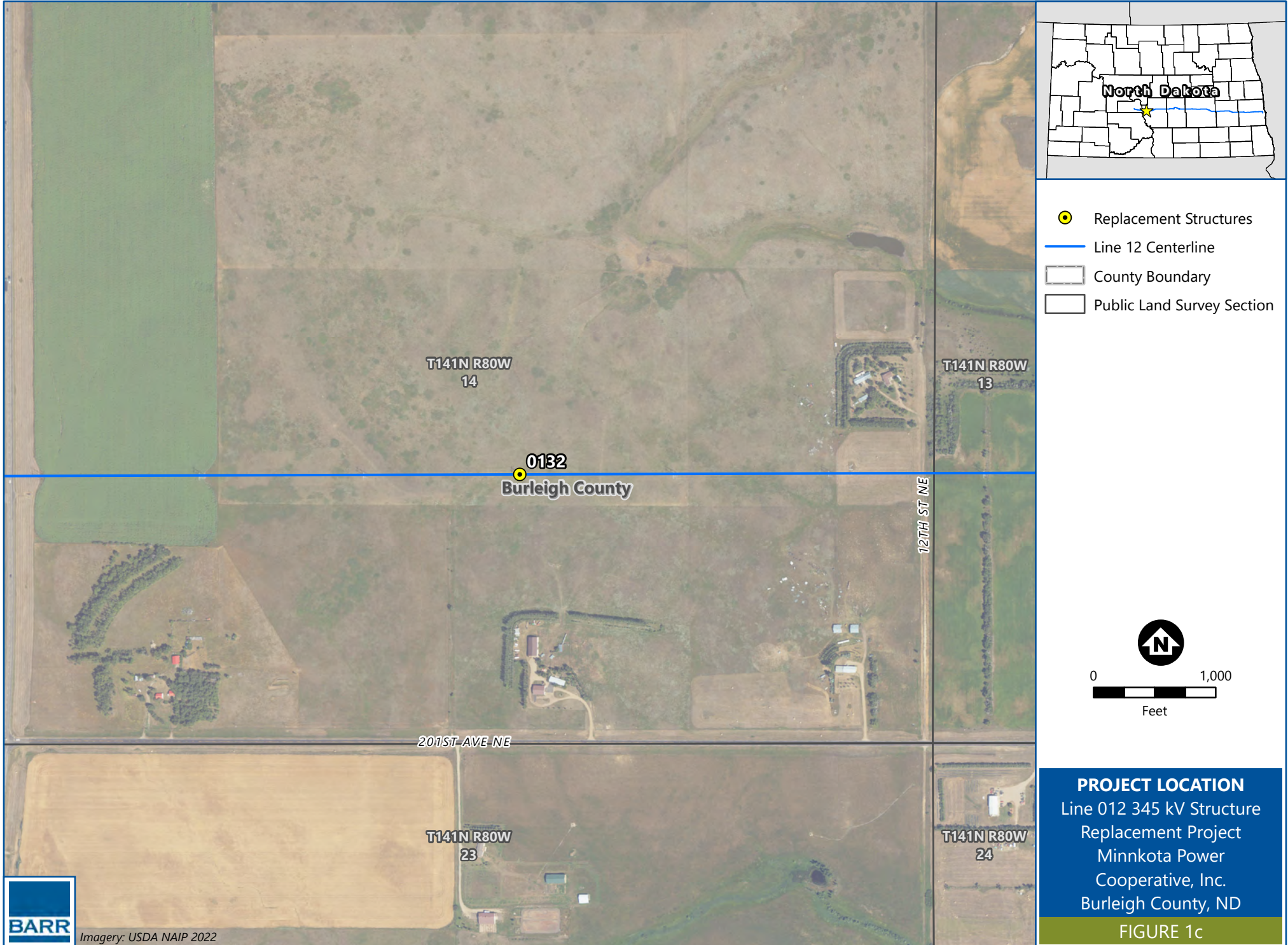
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- Line 12 Centerline
- County Boundary
- Public Land Survey Section

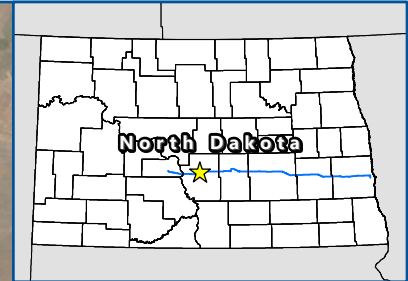
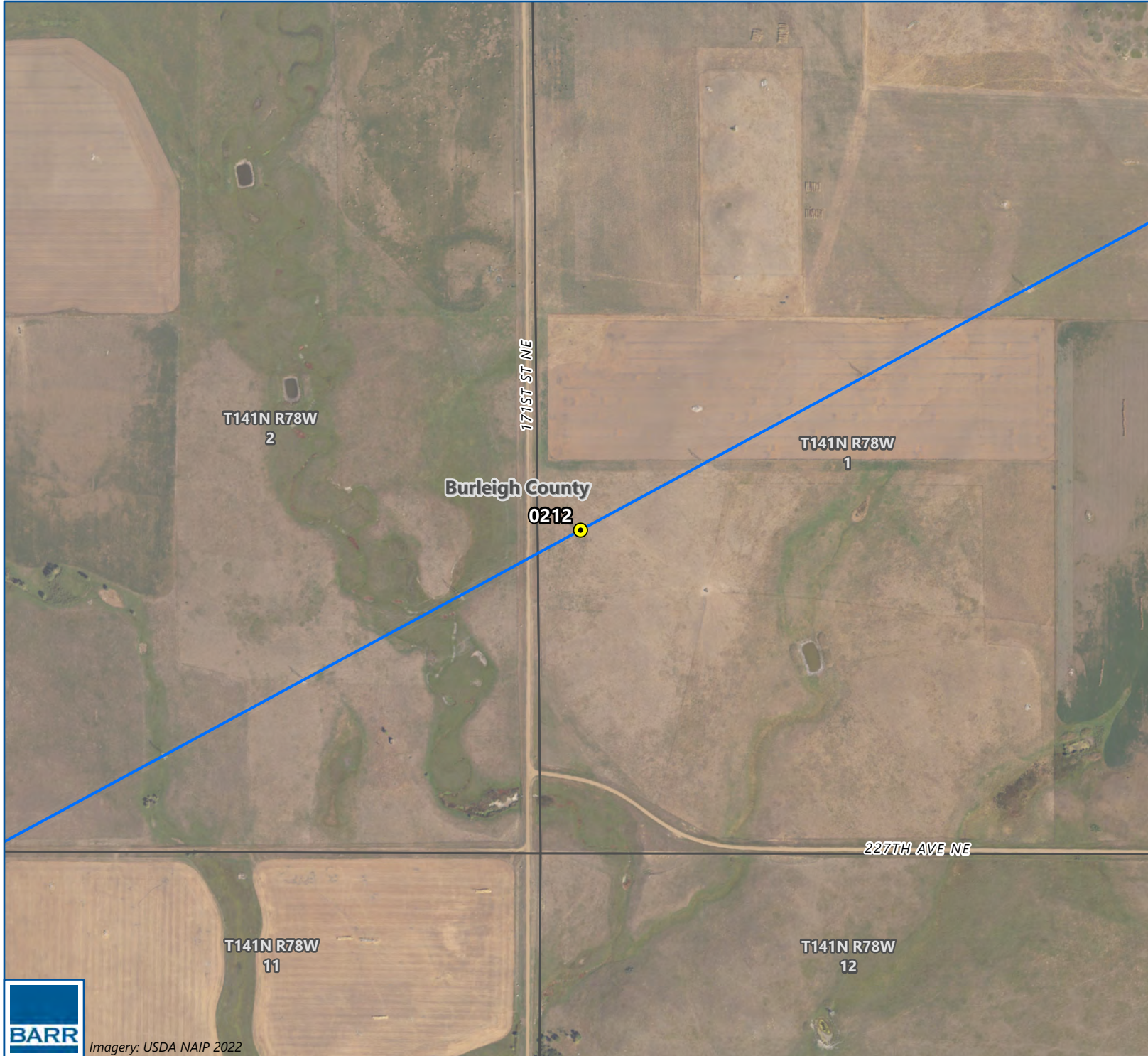


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Burleigh County, ND

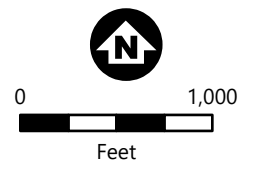
FIGURE 1b





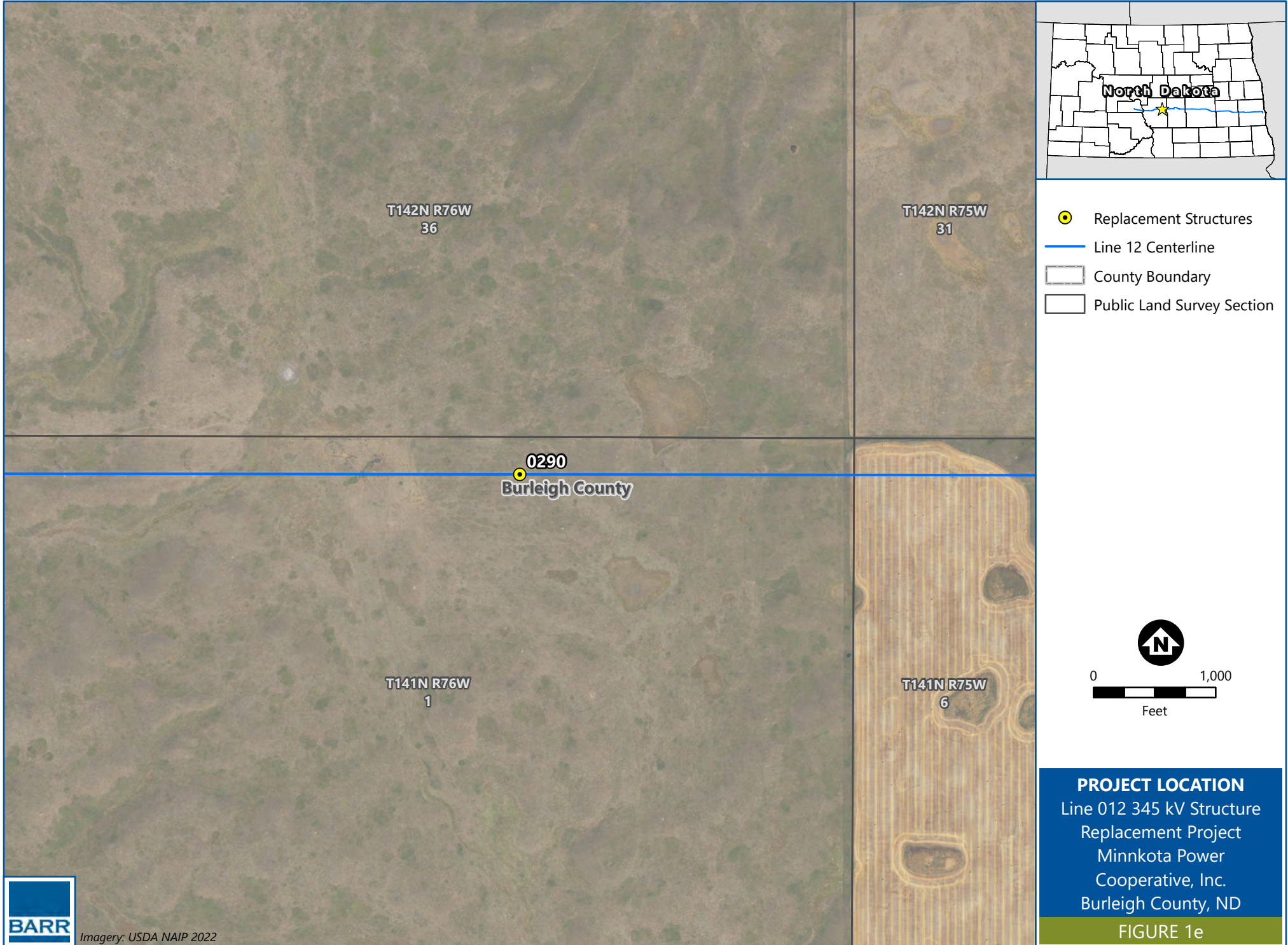


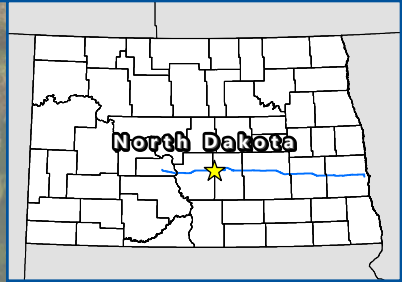
- Replacement Structures
- Line 12 Centerline
- County Boundary
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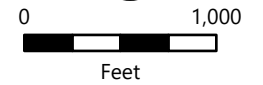
PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Burleigh County, ND

FIGURE 1d



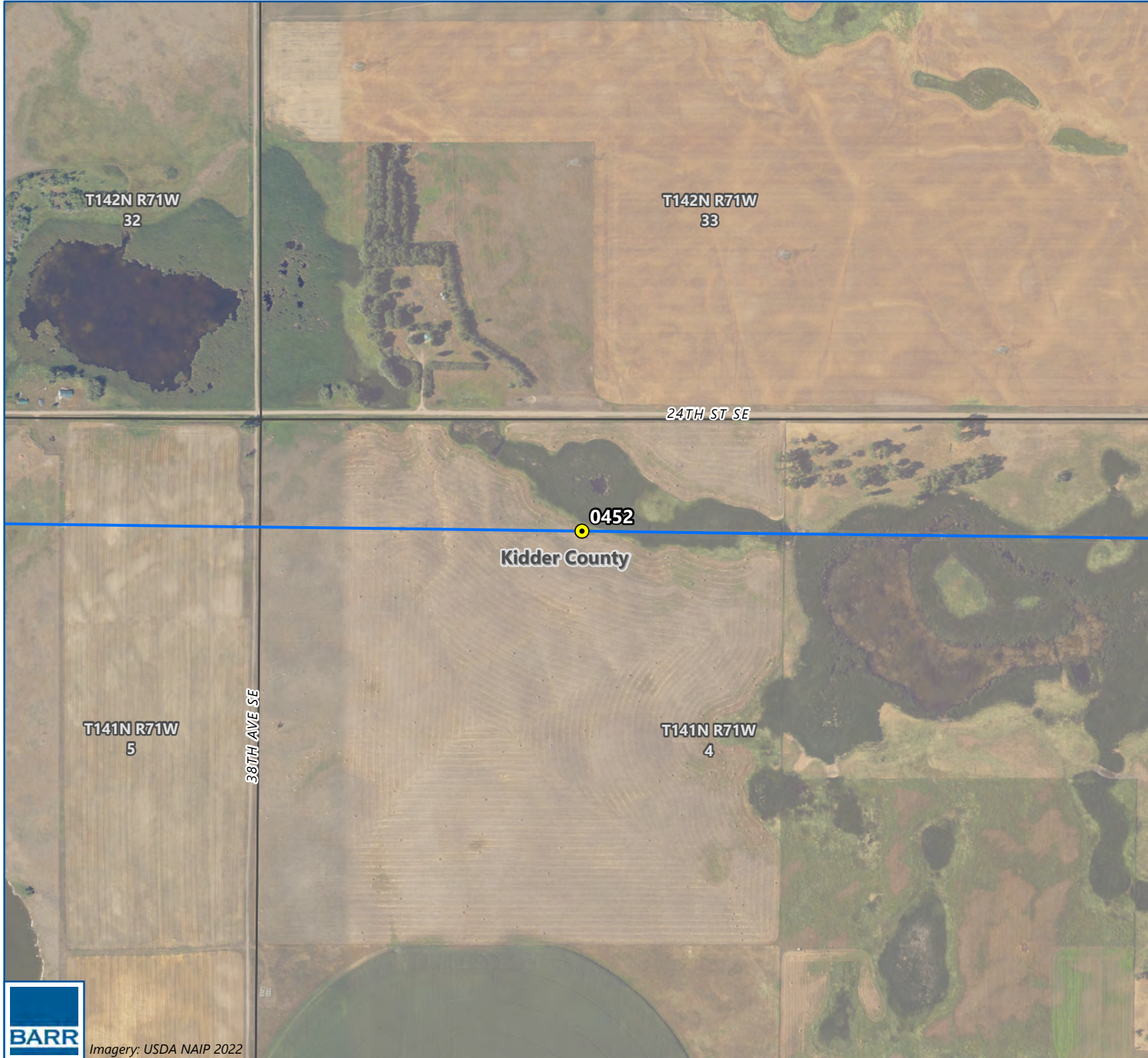


- Replacement Structures
- Line 12 Centerline
- County Boundary
- Public Land Survey Section

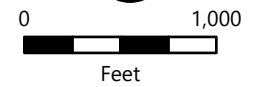


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Kidder County, ND
FIGURE 1f

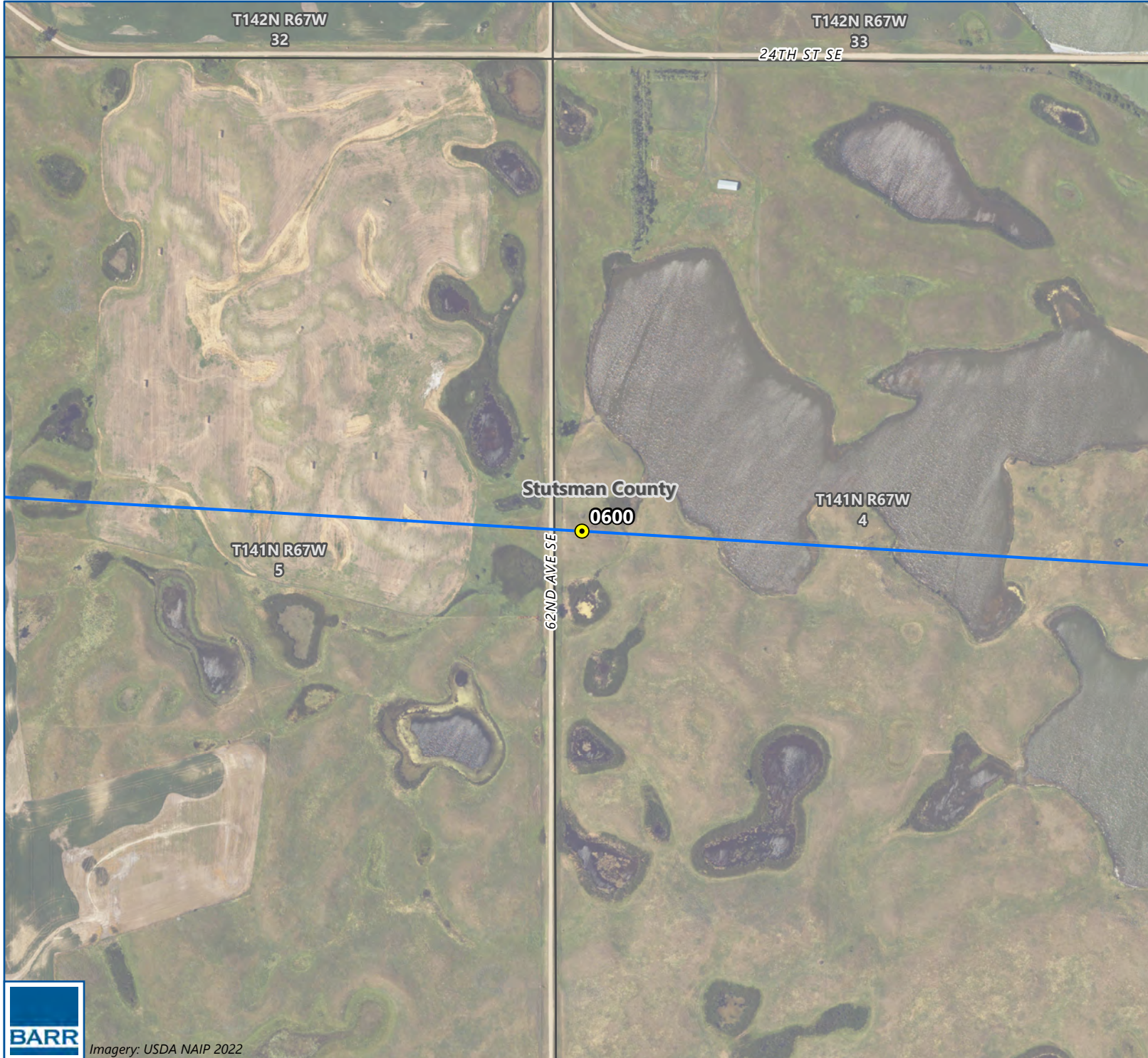








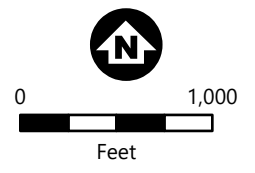
- Replacement Structures
- Line 12 Centerline
- County Boundary
- Public Land Survey Section



PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Kidder County, ND
FIGURE 1g

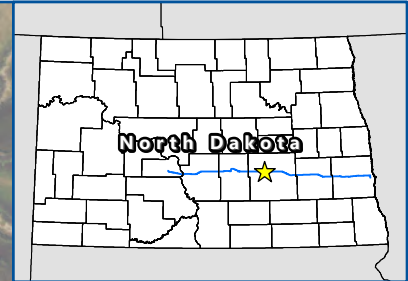
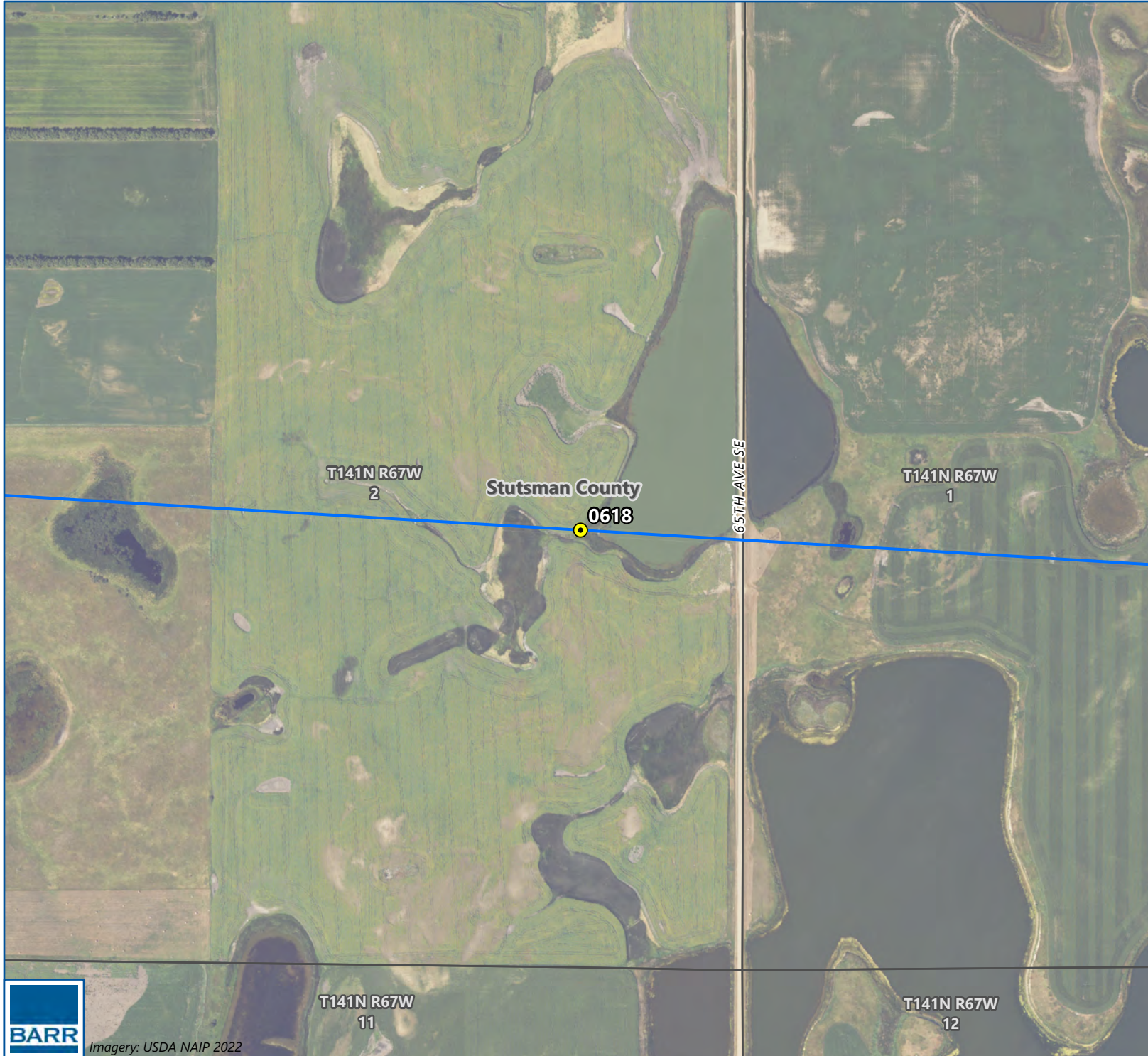


-  Replacement Structures
-  Line 12 Centerline
-  County Boundary
-  Public Land Survey Section

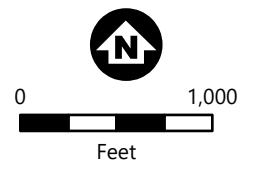


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Stutsman County, ND

FIGURE 1h

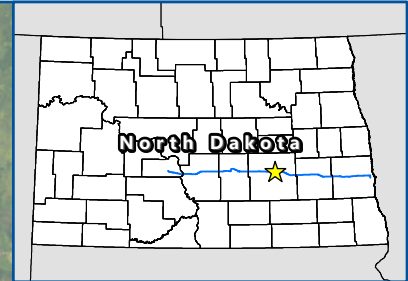


- Replacement Structures
- Line 12 Centerline
- County Boundary
- Public Land Survey Section

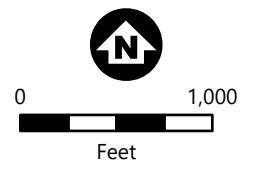


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Stutsman County, ND

FIGURE 1i

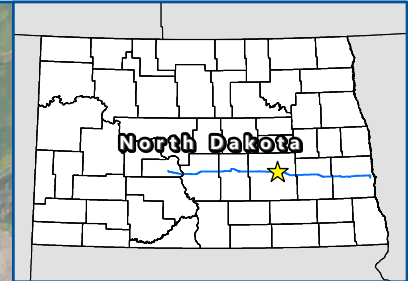
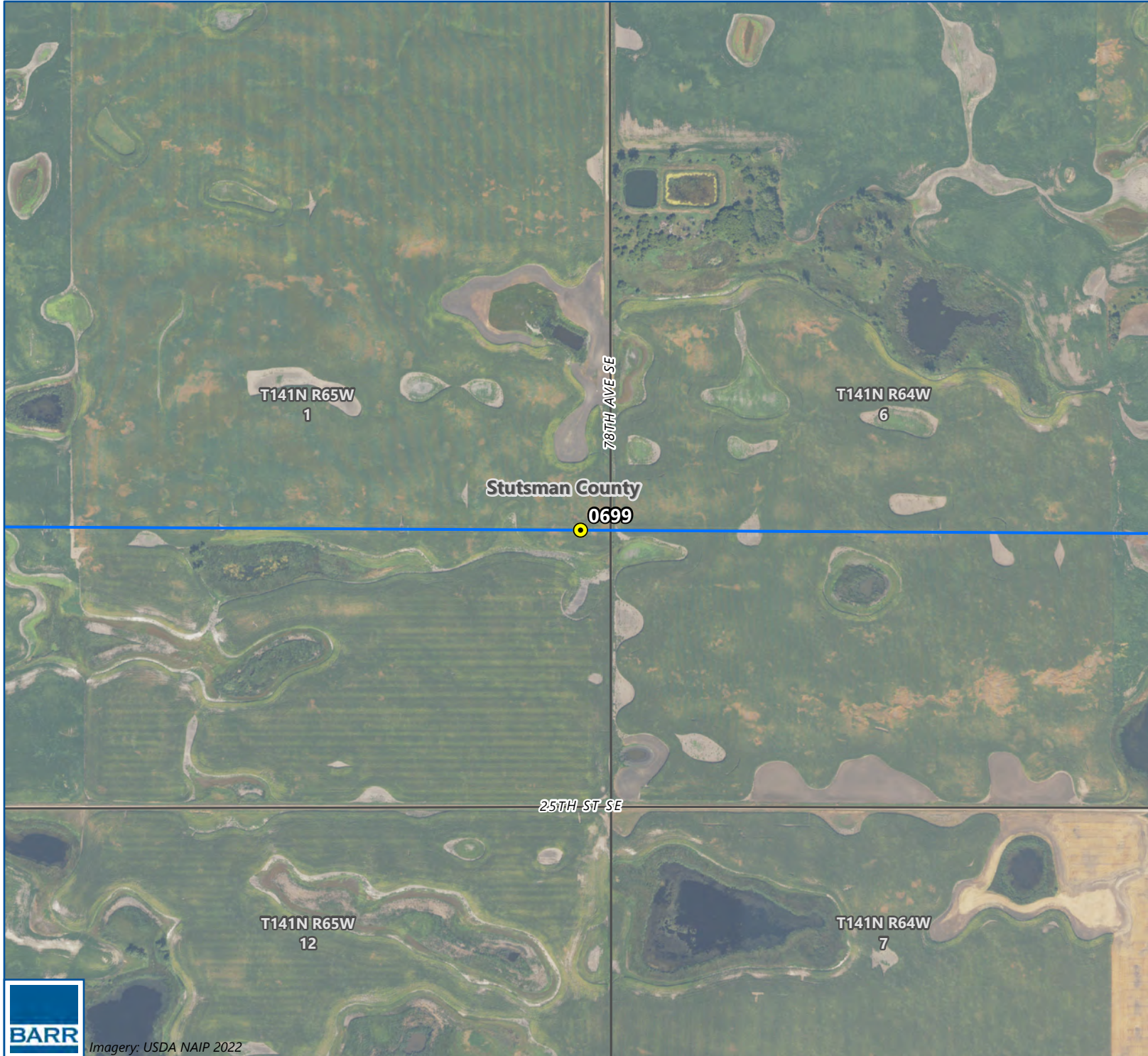






- Replacement Structures
- Line 12 Centerline
- ▭ County Boundary
- ▭ Public Land Survey Section

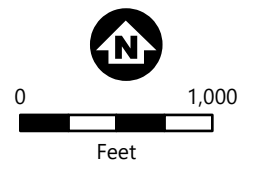


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Stutsman County, ND

FIGURE 1j

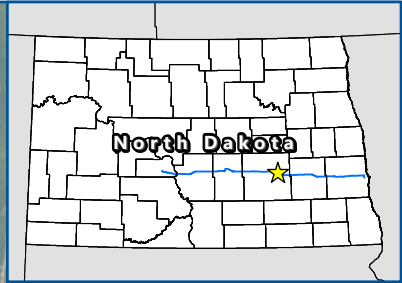


-  Replacement Structures
-  Line 12 Centerline
-  County Boundary
-  Public Land Survey Section

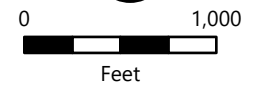


PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Stutsman County, ND

FIGURE 1k



- Replacement Structures
- Line 12 Centerline
- County Boundary
- Public Land Survey Section



PROJECT LOCATION
Line 012 345 kV Structure
Replacement Project
Minnkota Power
Cooperative, Inc.
Stutsman County, ND

FIGURE 11



2 Methodology

Through a combination of field surveys and desktop reviews, each replacement structure location was assessed for vegetation community and habitat, and potential impacts on federally protected species. In addition, a natural resources inventory was conducted to assess the Project's compatibility with North Dakota Century Code 69-06-08-02, which sets forth the criteria for corridor and route suitability for transmission facilities. Several data sources were used in the analysis, such as aerial photography, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory and threatened and endangered species data, North Dakota Game and Fish (NDGF) native grasslands data, and several additional publicly available GIS data sources. For purposes of this analysis, the Project area encompasses an approximately 0.5-acre work area surrounding each replacement structure location.

2.1 Field Survey

Barr conducted field surveys at each replacement structure location on November 17 and 20, 2023 to collect vegetation data in order to assess habitat quality/conditions and the potential for federally protected species to be present within the Project area. The field visit was completed outside of the growing season; therefore, some of the plant species identifications could not be verified.

2.2 Federally Protected Species

Threatened and endangered species which may occur within the scope of or otherwise be impacted by this Project have been assessed at the federal level; North Dakota does not have a state-level threatened and endangered species program. At the federal level, threatened and endangered species are afforded protections under the ESA. The act is administered by the USFWS and the National Marine Fisheries Service. The ESA defines an endangered species as one that is in danger of extinction throughout all or a significant portion of its range, while a threatened species is likely to become endangered in the near future. The act prohibits the "taking" of any listed species, which includes killing, harming, harassing, or disturbing the species in any way. It also prohibits the trade of any listed species, as well as the destruction or modification of their critical habitats. The ESA provides for the listing of species as endangered or threatened, the designation of critical habitats, and the development of plans to help these species recover to a point where they no longer need ESA protection.

The USFWS Information for Planning and Consultation (IPaC) tool was used in November 2023 to generate a list of federally protected species and designated critical habitat that could be present within the vicinity of the Project area. Guidance from the USFWS Timing/Buffer Recommendations document produced by the USFWS North Dakota Ecological Services Field Office dated March 2023 was also reviewed and incorporated into this evaluation; this is included for reference in Appendix A.

The IPaC query documented two federally endangered species, three federally threatened species, and one candidate species (candidate species are not protected under the ESA) as potentially being present in the Project area; these are summarized in Table 1 and Appendix B. IPaC also noted that critical habitat designated for the piping plover (*Charadrius melodus*) is present in the vicinity of the Project; however, none of the replacement structures are located in this critical habitat. Critical habitat includes areas that are considered essential for the conservation of a listed species.

The IPaC query also noted that bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) could be present in the Project area. The Bald and Golden Eagle Protection Act (BGEPA) prevents the unlawful taking of these species and their nests. In addition, the USFWS administers the Migratory Bird Treaty Act (MBTA) which extends protections to the active nests of migratory birds. Barr contacted NDGF on November 22, 2023 to obtain information on any known bald or golden eagle nests in the vicinity of the replacement structure locations. A response from NDGF was received on November 29, 2023 indicating that there are no known eagles nests within 1 mile of the replacement structure locations.

Table 1 Federally protected species documented in IPaC that could be located in the Project area

Common Name	Scientific Name	Federal Status	Habitat
Northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered	Roost in living and dead trees greater than 3 inches in diameter that have loose or peeling bark, cavities, or crevices during the active season (April 1 to October 31). During winter, they hibernate in caves and mines; however, no hibernacula have been identified in North Dakota.
Whooping crane	<i>Grus americana</i>	Endangered	Primarily uses wetlands and cropland ponds for roosting, feeding, or both during migration. Seasonal and semipermanent wetlands are the most commonly used. Large wetlands are used for roosting and smaller wetlands for foraging. Whooping crane nests have not been documented in North Dakota in more than 100 years.
Dakota skipper	<i>Hesperia dacotae</i>	Threatened	Inhabits native dry-mesic to dry prairie where mid-height grasses, such as little bluestem (<i>Schizachyrium scoparium</i> var. <i>scoparium</i>), prairie dropseed (<i>Sporobolus heterolepis</i>), and side-oats grama (<i>Bouteloua curtipendula</i> var. <i>curtipendula</i>), are a major component of the vegetation. Big bluestem is indicative of habitat. They prefer <i>Echinacea angustifolia</i> for foraging.
Piping plover	<i>Charadrius melodus</i>	Threatened	Associated with fairly wide, sandy, sparsely or unvegetated beaches when nesting. Outside breeding season birds may be found on beaches and alkaline wetlands. Nests on sandy beaches with areas of gravel or pebble substrate and little or no vegetation. Peak breeding season in North Dakota is late May to mid July.
Rufa red knot	<i>Calidris canutus rufa</i>	Threatened	A rare migrant through North Dakota. Although Red Knots use primarily marine habitats on their breeding and wintering grounds, both alkaline and freshwater lakes and wetlands have been used in North Dakota during migration. Red Knots have been observed in the Missouri River system as well as sewage lagoons and large permanent freshwater wetlands. They nest near wetlands and lakes in the Canadian arctic.
Monarch butterfly	<i>Danaus plexippus</i>	Candidate	Inhabit areas where flowering plants are abundant, which provide a source of nectar. Obligate of milkweed species (<i>Asclepias</i> spp.) for reproduction.
Bald eagle	<i>Haliaeetus leucocephalus</i>	Protected by BGA and MBTA	Nest in large mature trees, both alive and dead, near water or substantial prey sources. In North Dakota, bald eagles may be year-round residents or seasonal migrants. Peak breeding season for bald eagles in North Dakota is generally March through July but adult birds may establish nests and territories as early as January or February.
Golden eagle	<i>Aquila chrysaetos</i>	Protected by BGA and MBTA	Inhabit open country in the vicinity of hills, cliffs and bluffs associated with grasslands, intermittent forested habitat, and woodland-brushlands. Nest on cliffs or in the largest trees of forested stands that often afford an unobstructed view of the surrounding habitat. Peak breeding in North Dakota is early April to July.

2.3 Natural Resources Inventory

Barr conducted a natural resources inventory to evaluate the Project's compatibility with North Dakota Century Code 69-06-08-02 (Transmission facility corridor and route criteria) Exclusion Areas A through E, as applicable. North Dakota Century Code 69-06, which is provided in Appendix C, sets forth the criteria for the corridor and route suitability evaluation process for transmission facilities. Exclusion areas may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

The natural resources inventory consisted of a desktop review of natural resources-based items on the Exclusion Areas list for each replacement structure. This review included a review of publicly available geospatial data from a variety of sources such as the NDGF, USFWS, U.S. Geological Survey, Natural Resource Conservation Service, Farm Service Administration, and National Park Service.

3 Results

The results of the field surveys, analysis of potential impacts to federally protected species, and natural resources inventory are summarized below. The Project is primarily located in upland grassland dominated by non-native species, with a few areas of natural vegetation, such as wetlands. The tables below note when native species are present; otherwise, species can be assumed to be non-native to North Dakota.

3.1 Field Survey

3.1.1 Line 12A Structure #8

A field visit was conducted on November 17, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 2. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 2 Line 12A Structure #8 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth brome	<i>Bromus inermis</i>	35
Foxtail barley	<i>Hordeum jubatum</i>	20
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	20
Crested wheatgrass	<i>Agropyron cristatum</i>	10
Absenth wormwood ²	<i>Artemisia absinthium</i>	5
White aster ¹	<i>Symphyotrichum ericoides</i>	5
Bare ground	----	5

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ Native species

² On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 1 and 2 in Appendix D, the vegetation community at this location consists of upland grassland. This rolling hills topography is dominated by a variety of upland grasses, the majority of grasses being non-native species (Table 2). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.2 Line 12C Structure #107

A field visit was conducted on November 17, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 3. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 3 Line 12C Structure #107 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth Brome	<i>Bromus inermis</i>	65
Russian thistle	<i>Salsola tragus</i>	15
Kentucky blue grass	<i>Poa pratensis</i>	15
Bare ground	----	5

Note(s): Only grasses and weeds in area adjacent to the structure. A cropped field is located approximately 40-foot northwest of the structure.

As shown in photograph 3 and 4 in Appendix D, the vegetation community at this location consists of upland grassland. The gently rolling hills topography at this site is dominated by upland vegetation, consisting of all non-native grasses (Table 3). Grazing appears to be the main land use, with a cropped field located approximately 40 feet northwest of the structure. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.3 Line 12C Structure #132

A field visit was conducted on November 17, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 4. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 4 Line 12C Structure #132 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth brome	<i>Bromus inermis</i>	35
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	15
Absinth wormwood ²	<i>Artemisia absinthium</i>	15
Kentucky blue grass	<i>Poa pratensis</i>	13
Canadian goldenrod ¹	<i>Solidage canadensis</i>	10
Canadian thistle ²	<i>Cirsium arvensis</i>	5
Bare ground	----	5
Western snowberry	<i>Symphoricarpos occidentalis</i>	2

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ Native species

² On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 5 and 6 in Appendix D, the vegetation community at this location consists of upland grassland. The gently rolling hills topography at this site is dominated by upland vegetation, consisting primarily

of non-native grasses, with approximately 25% native species present (Table 4). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.4 Line 12C Structure #212

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 5. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 5 Line 12C Structure #212 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth brome	<i>Bromus inermis</i>	40
Kentucky blue grass	<i>Poa pratensis</i>	25
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	15
Canadian goldenrod ¹	<i>Solidage canadensis</i>	15
Common dandelion	<i>Taraxacum officinale</i>	5

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ Native species

As shown in photograph 7 and 8 in Appendix D, the vegetation community at this location consists of upland grassland. The gently rolling hills topography at this site is dominated by upland vegetation, consisting of primarily non-native grasses, with approximately 30% native species present (Table 5). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.5 Line 12C Structure #290

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 6. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 6 **Line 12C Structure #290 Documented Vegetation Community**

Common Name	Scientific name	Approximate % cover
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	25
Crested wheatgrass	<i>Agropyron cristatum</i>	15
Western snowberry	<i>Symphoricarpos occidentalis</i>	15
Smooth brome	<i>Bromus inermis</i>	10
Kentucky blue grass	<i>Poa pratensis</i>	10
Absinth wormwood ²	<i>Artemisia absinthium</i>	10
Candian thistle ²	<i>Cirsium arvensis</i>	5
Common sunflower ¹	<i>Helianthus annuus</i>	5

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ Native species

² On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 9 and 10 in Appendix D, the vegetation community at this location consists of upland grassland. The rolling hills topography at this site is dominated by upland vegetation. The most dominant species observed at this site is a native species, but the majority of vegetation is non-native (Table 6). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.6 Line 12C Structure #339

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 7. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 7 Line 12C Structure #339 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Reed canary grass	<i>Phalaris arundinacea</i>	40
Foxtail barley	<i>Hordeum jubatum</i>	20
Narrow-leaf cattails	<i>Typha angustifolia</i>	15
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	10
Curly dock	<i>Rumex crispus</i>	10
Common sunflower ¹	<i>Helianthus annuus</i>	5
Reed canary grass	<i>Phalaris arundinacea</i>	40
Foxtail barley	<i>Hordeum jubatum</i>	20

Note(s): Only grasses in 30-foot radius surrounding structure. Wetland vegetation approximately 30 foot east-northeast of the structure.

¹ Native species

As shown in photograph 11 and 12 in Appendix D, the vegetation community at this location consists of upland grassland and wetland. The flat to gently sloping topography at this site is dominated by upland vegetation within a 30-foot radius of the structure, consisting of primarily non-native grasses, with approximately 15 percent native species present (Table 7). Wetland habitat is located approximately 30 feet east-northeast of the structure and the vegetation is dominated by narrow-leaf cattails. Land use appears to be unused agricultural land. No native prairie or other natural vegetation communities were observed at this location.

3.1.7 Line 12C Structure #340

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 8. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 8 Line 12C Structure #340 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Reed canary grass	<i>Phalaris arundinacea</i>	40
Narrow-leaf cattails	<i>Typha angustifolia</i>	35
Common sunflower ¹	<i>Helianthus annuus</i>	15
Big bluestem ¹	<i>Andropogon gerardii</i>	10

Note(s): 100% wetland habitat surrounding the structure. Open water located 60 feet to the north.

¹ Native species

As shown in photograph 13 and 14 in Appendix D, the vegetation community at this location consists of wetland habitat. The flat to sloping topography at this site is dominated by wetland vegetation with approximately 25

percent native species present (Table 8). Land use appears to be unused agricultural land. No native prairie or other natural vegetation communities were observed at this location.

3.1.8 Line 12C Structure #452

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 9. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 9 Line 12C Structure #452 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth brome	<i>Bromus inermis</i>	20
Prairie cordgrass	<i>Spartina pectinata</i>	20
Canadian goldenrod ¹	<i>Solidage canadensis</i>	15
Narrow-leaf cattails	<i>Typha angustifolia</i>	15
Kentucky blue grass	<i>Poa pratensis</i>	10
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	10
Canadian thistle ²	<i>Cirsium arvensis</i>	5
Common yarrow	<i>Archillea millefolium</i>	5

Note(s): Only grasses in 25-foot radius surrounding structure. Wetland vegetation approximately 30 feet east-northeast of the structure.

¹ Native species

² On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 15 and 16 in Appendix D, the vegetation community at this location consists of upland grassland and wetland. The gently sloping topography at this site is dominated by upland vegetation within a 25-foot radius of the structure. Vegetation consists of primarily non-native grasses, though approximately 25 percent represent native species (Table 9). Wetland habitat is located approximately 25 feet north of the structure and vegetation is dominated by narrow-leaf cattails. Grazing appears to be the main land use. No native prairie or other natural vegetation communities were observed at this location.

3.1.9 Line 12C Structure #600

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 10. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 10 Line 12C Structure #600 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Western wheatgrass ¹	<i>Pascopyrum smithii</i>	30
Crested wheatgrass	<i>Agropyron cristatum</i>	20
Kentucky blue grass	<i>Poa pratensis</i>	20
Foxtail barley	<i>Hordeum jubatum</i>	15
Western snowberry	<i>Symphoricarpos occidentalis</i>	10

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ Native species

As shown in photograph 17 and 18 in Appendix D, the vegetation community at this location consists of upland grassland. The rolling hills topography at this site is dominated by upland vegetation. The most dominant species observed at this site is native but the majority of vegetation is non-native (Table 10). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location; wetland habitat was observed approximately 160 feet northeast of the structure.

3.1.10 Line 12C Structure #618

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 11. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 11 Line 12C Structure #618 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Cropped field	----	40
Water horsetail	<i>Equisetum fluviatile</i>	30
Narrow-leaf cattail	<i>Typha angustifolia</i>	20
Russian thistle	<i>Salsola tragus</i>	5
Open water	----	5

Note(s): 100% cattails surrounding the structure, wetland vegetation and open water within 35-foot radius surrounding the structure. Open water to the east.

As shown in photograph 19 and 20 in Appendix D, the vegetation community at this location consists of wetland habitat and a cropped field. The flat to gently sloping topography at this site is dominated by wetland vegetation within a 35-foot radius of the structure. The wetland vegetation transitions into a cropped field; no vegetation was present in the field due to crops being recently harvested (Table 8). Land use appears to be natural wetland habitat and agricultural land. No native prairie or other natural vegetation communities were observed at this location.

3.1.11 Line 12E Structure #684

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 12. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 12 Line 12E Structure #684 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Smooth brome	<i>Bromus inermis</i>	65
Kentucky blue grass	<i>Poa pratensis</i>	15
Canadian thistle ¹	<i>Cirsium arvensis</i>	10
Curly dock	<i>Rumex crispus</i>	5
Common cocklebur	<i>Xanthium strumarium</i>	5

Note(s): Only grasses in 50-foot radius surrounding structure.

¹ On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 21 and 22 in Appendix D, the vegetation community at this location consists of upland grassland. The gently rolling hills topography at this site is dominated by upland vegetation; no native species were observed (Table 12). Grazing appears to be the main land use. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.12 Line 12E Structure #699

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 13. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 13 Line 12E Structure #699 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Cropped field	----	91
Smooth brome	<i>Bromus inermis</i>	5
Russian thistle	<i>Salsola tragus</i>	2
Common Cocklebur	<i>Xanthium strumarium</i>	2

Note(s): Only grasses in 50-foot radius surrounding structure.

As shown in photograph 23 and 24 in Appendix D, the vegetation community at this location consists of upland grassland. The generally flat topography at this site has a low diversity habitat due to human manipulation through agricultural practices. The only vegetation present is along adjacent sectionlines, no native species were

observed (Table 13). Land use appears to be cropland. No wetlands, native prairie, or other natural vegetation communities were observed at this location.

3.1.13 Line 12G Structure #737

A field visit was conducted on November 20, 2023 to assess the vegetation community at this replacement structure. A summary of the vegetation community documented at the replacement structure location during this field visit is provided in Table 14. Representative photographs of the landscape at this replacement structure location are provided in Appendix D.

Table 14 Line 12G Structure #737 Documented Vegetation Community

Common Name	Scientific name	Approximate % cover
Reed canary grass	<i>Phalaris arundinacea</i>	30
Narrow-leaf cattail	<i>Typha angustifolia</i>	25
Cropped field	----	20
Canadian thistle ¹	<i>Cirsium arvensis</i>	5
Yellow sweet clover	<i>Melilotus officinalis</i>	5
Russian thistle	<i>Salsola tragus</i>	2
Curly dock	<i>Rumex crispus</i>	2

Note(s): Structure is located within wetland vegetation, transitions to a cropped field 10 feet south.

¹ On North Dakota noxious weed list (North Dakota Department of Agriculture 2023).

As shown in photograph 25 and 26 in Appendix D, the vegetation community at this location consists of wetland habitat and a cropped field. The flat to sloping topography at this site is dominated by wetland vegetation within a 10-foot radius of the structure. The wetland vegetation transitions into a cropped field approximately 10 feet south of the structure; vegetation is 100 percent corn due to human manipulation through agricultural practices (Table 14). Land use appears to be natural wetland habitat and agricultural land. No native prairie or other natural vegetation communities were observed at this location. Wetland was observed approximately 130 feet north of the structure.

3.2 Federally Protected Species

3.2.1 Northern Long-Eared Bat

Based on the field surveys and desktop reviews, no active season habitat (trees) are located near any of the replacement structure locations. In addition, no hibernacula have been identified in North Dakota (NDGF 2019a). Given the lack of suitable active or inactive season habitat, a no effect determination has been concluded for the northern long-eared bat.

3.2.2 Whooping Crane

The 10 westernmost replacement structure locations are located within the “primary range” whooping crane migration corridor, while the remaining three replacement structure locations are located in the “possible range” whooping crane migration corridor (NDGF 2015). Since the Project overlaps the whooping crane migration corridor, it is possible that whooping cranes could be present at any of the replacement structure locations during spring (March 15 to May 15) or fall (September 10 to November 15) migration. Whooping cranes in North Dakota, primarily use inland marshes, swamps, and floodplain wetlands and cropland ponds (NDGF 2015) during their migration. Whooping cranes will use large, shallow wetlands for roosting and smaller wetlands for foraging and feeding on frogs, fish, plant tubers, insects, crayfish, and waste grains during migration. Based on the field surveys, stopover habitat for whooping cranes is poor quality at the replacement structure locations.

If whooping cranes were to be found in the vicinity of the replacement structures, the USFWS recommends a 1 mile no-activity zone when present (Appendix A). 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. As such, a may affect, not likely to adversely affect determination has been concluded for the whooping crane.

3.2.3 Dakota Skipper

Based on the field surveys and desktop reviews, no native tallgrass prairie is located at any of the replacement structure locations. Big bluestem, which is an indication of habitat (NDGF 2019b), was documented at one replacement structure location (Line 12C Structure #340) during the field survey. However, the vegetation at this replacement structure is dominated by non-native species, which is not suitable habitat for Dakota skipper. Given the lack of suitable habitat, a no effect determination has been concluded for the Dakota skipper.

3.2.4 Piping Plover

Designated critical habitat for piping plover is present along the Missouri River, approximately 0.4 miles west of Line 12C Structure #107 and approximately 4 miles from Structure #132. In addition, designated critical habitat for piping plover is present approximately 4 miles from Line 12C Structure #290, #339, and #340 associated with an unnamed lake and approximately 3 miles from Structure #452, associated with Horsehead Lake.

Suitable habitat for piping plover, consisting of beaches and alkaline wetlands (NDGF 2019c), is not present at any of the replacement structure locations; however, they could pass through the area. Based on USFWS guidance (Appendix A), the period of concern for this species is approximately April 15 to August 15 and a 0.5 mile buffer around any nests is recommended (Appendix A). It is possible piping plovers could nest in or near areas of designated critical habitat. Construction at Line 12C Structure #107 should occur outside of this April 15 to August 15 time period, given the proximity to designated critical habitat. With avoidance of construction within 0.5 mile of any piping plover nests or designated critical habitat during the April 15 to August 15 time period, a may affect, not likely to adversely affect determination has been concluded for the piping plover.

3.2.5 Rufa Red Knot

The rufa red knot is a rare migratory transient through North Dakota, with migration occurring in mid May and mid September to October (North Dakota Game and Fish 2019d). Wetland habitat is present in the vicinity of

replacement structures #339, #340, #452, #618, and #737 that could potentially be used as stopover habitat for rufa red knots.

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. Because rufa red knots could pass through the Project area wetlands, a may affect, not likely to adversely affect determination has been concluded for the rufa red knot.

3.2.6 Monarch Butterfly

Monarch butterflies are found in areas with abundant flowering plants, which provide a source of nectar. Monarchs rely exclusively on the presence of milkweed (*Asclepias* spp.) to complete the caterpillar life stage (NDGF 2019e). Monarchs require milkweed plants (*Asclepias* spp.) for reproduction. No milkweed plants were documented during the field surveys. As such, due to lack of suitable habitat, a no effect determination was concluded for the monarch butterfly.

3.2.7 Bald Eagle

Bald eagles may be year-round residents or seasonal migrants in North Dakota (NDGF 2019f) . Peak breeding season for bald eagles in North Dakota is generally March through July but adult birds may establish nests and territories as early as January or February.

As noted in Section 2.2, there are no known bald eagle nests within one mile of the replacement structure locations. Based on the field surveys, suitable nesting habitat consisting of large mature trees near water is not present at any of the structure locations. As such, a no effect determination has been concluded for bald eagles.

3.2.8 Golden Eagle

Golden eagles are uncommon in North Dakota but may be year-round residents or seasonal migrants (NDGF 2019g). Peak breeding season for golden eagles in North Dakota is generally early April through July but similar to bald eagles, adult birds may establish nests and territories earlier in the season.

As noted in Section 2.2, there are no known golden eagle nests within one mile of the replacement structure locations. Based on the field surveys, suitable nesting habitat consisting of cliffs or large trees is not present at any of the replacement structure locations. As such, a no effect determination has been concluded for golden eagles.

3.3 Natural Resources Inventory

The natural resources inventory pertaining to compatibility with North Dakota Century Code 69-06-08-02 Exclusion Areas A through E identified that Exclusion Areas D and E are the only two Exclusion Areas applicable to the Project.

Exclusion Area D - Areas critical to the life stages of threatened or endangered animal or plant species

Section 3.2 provides an analysis of potential impacts to federally protected species from the Project. As noted in Section 3.2, due to lack of suitable habitat at the replacement structure locations, a no effect determination was

concluded for the northern long-eared bat, Dakota skipper, monarch butterfly, bald eagle, and golden eagle. A may affect, not likely to adversely affect determination was concluded for whooping crane, piping plover, and rufa red knot. While these three species could potentially pass through the Project area, none of the replacement structure locations contain habitat that is critical to the life stages of these species.

Since the Project consists of replacing existing structures within an established utility corridor, direct impacts to federally protected species are not anticipated. No new disturbance would occur outside of the utility corridor as a 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 not cause impacts to areas critical to the life stages of threatened or endangered animal or plant species and would be in compliance with North Dakota Century Code 69-06-08-02 Exclusion Area D and NDPSC citing rules regarding threatened and endangered species.

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

As discussed in Section 3.1, the dominant habitat across the replacement structure locations consists of upland grassland dominated by non-native species, with a few areas of natural vegetation, such as wetlands. No native prairie communities or other natural vegetation communities are present at the replacement structure locations. As noted in Section 3.2, the vegetation present at the replacement structures may provide habitat to some species; however, it would be considered poor habitat to animal or plant species that are unique or rare to North Dakota (i.e., federally protected species).

Since the Project would occur within the existing utility corridor, in habitat that is not considered high quality, replacement of existing structures would not result in areas where animal or plant species that are unique or rare to this state would be irreversibly damaged. Therefore, the Project would be in compliance with North Dakota Century Code 69-06-08-02 Exclusion Area E and NDPSC citing rules.

4 Conclusions and Recommendations

Based on field surveys, desktop reviews, and a natural resources inventory, the Project is in compliance with North Dakota Century Code 69-06-08-02 Exclusion Areas A through E. The Project would occur in an established utility corridor, primarily on disturbed upland grassland, mostly dominated by non-native species. A few wetlands are also present in the Project area; however no native prairies or other natural vegetation communities are present. The land within the Project area is similar to habitats found in the surrounding landscape, and therefore would not be considered rare or unique in this area.

No significant impacts are anticipated to federally protected species or their habitat. As noted in Section 3.2.2 and Appendix A, if during construction whooping cranes were to be found in the vicinity of the replacement structures, the USFWS recommends a 1 mile no-activity zone when present. As noted in Section 3.2.4 and Appendix A, between April 15 and August 15 a 0.5-mile buffer around any piping plover nests is recommended. Given that Line 12C Structure #107 is located approximately 0.4 miles from designated critical habitat for piping plover, construction at this location should occur outside of this April 15 to August 15 time period.

Barr used IPaC to obtain a "draft" list of federally protected species that could be present in the Project area. However, Barr did not officially consult with the USFWS regarding this Project, meaning Barr did not obtain an official species list from IPaC or fill out the determination keys. These steps may be necessary depending on permitting requirements for the Project. It is our understanding, based on previous projects, that the NDPSC may engage USFWS for concurrence and/or guidance with the findings of this document.

I certify this report was prepared by me. Please contact me directly with questions or comments on this report at jbutler@barr.com or 952.832.2694.



Jessica Butler
Senior Ecologist

January 30, 2024

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- North Dakota Game and Fish. 2019c. Piping Plover. Available online at: <https://gf.nd.gov/wildlife/id/shorebirds/piping-plover>
- North Dakota Game and Fish. 2019d. Red Knot. Available online at: <https://gf.nd.gov/wildlife/id/shorebirds/red-knot>
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Appendix A – North Dakota Buffers and Timing Recommendations



United States Department of the Interior



FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501
(701) 250-4481, ndfieldoffice@fws.gov

USFWS Timing/Buffer Recommendations

03/2023

Species/ Type	Recommended Buffer	Additional Specific Measures	Period of Concern
Bald Eagle ¹	660 ft if activity visible from nest 330 ft if visual screen	Aerial survey recommended in the spring, before leaf-out	February 1–July 15
Dakota skipper	250m – 500m from suitable habitat	Flight period varies year to year, but generally occurs for approximately 14 days between June 10 and July 25.	June 10 - July 25
Golden Eagle ²	No visual buffer – ½ mile buffer Visual buffer – 660 feet Avoid activities during the nesting season (Feb. 1 –July15)	Aerial survey recommended in the spring, before leaf-out	February 1-July 15
Migratory birds ^{1,3,4}		Avoid direct removal and indirect disturbance in proximity to the nest.	Feb 1 - July 15 (some species may nest longer)
Northern Long Eared Bat		Suggested Tree Removal	Nov. 1 - March 31
Piping plover	0.5 mile during nesting season		April 15-August 15
Pallid sturgeon		Migration and Spawning Period	April 1 – July 31
Whooping Crane	1 mile no-activity zone when present	General Migration Periods	March 15-May 15 September 10- November 15

1 USFWS. May 2007. National Bald Eagle Management Guidelines. Available at

<http://www.fws.gov/midwest/eagle/guidelines/NationalBaldEagleManagementGuidelines.pdf>.

2 Romin, L.A. and J.A. Muck. 1999. Utah field office guidelines for raptor protection from human and land use disturbances. USFWS. Salt Lake City, UT. 42 pp.

3 Jones, S. L., Dieni, J. S., & Gouse, P. J. (2010). Reproductive biology of a grassland songbird community in northcentral Montana. *The Wilson Journal of Ornithology*, 122(3), 455–464.

<http://www.jstor.org/stable/40962167>

4 Igl, Lawrence D. (2003). New Nesting Dates for Some Breeding Birds in North Dakota. *The Prairie Naturalist*, 35(4) December 2003.

Dakota Skipper

- DASK flight period generally occurs from **June 10 – July 25**. The actual flight period varies year to year based on weather conditions prior to and during the flight period.
- A buffer of 250 m should be maintained between a project and suitable DASK habitat and a 500 m buffer between occupied suitable habitat and/or designated critical habitat and the proposed project. (USFWS 2022). Occupancy surveys are conducted during the flight period and are performed within identified patches of suitable habitat. The habitat patches should be mapped (location and size) in order to evaluate the landscape habitat connectivity.
- The initiation date for surveys by a permitted surveyor is a critical component of data reliability for the Dakota skipper. Multiple surveys (minimum of three (3) during each flight period) are necessary to determine the species' likelihood of occurrence at a site.
- Occupancy is best determined with two consecutive seasons of surveys during the flight season, if only one season is available for survey for a project, then a minimum of 250 m of habitat around a site should be surveyed. When a known Dakota skipper site is located within 0.6 mile of a proposed project, then the buffer survey distance should be increased to 500 m. During occupancy surveys total numbers and locations of individuals should be recorded for the entire action area.

Determining if Dakota skipper habitat is present requires an assessment of the vegetation by a qualified biologist. Sites containing native prairie grassland and having features indicative of Dakota skipper habitat, described on pages 7-9 of the survey protocol document, may harbor the species. Dakota skippers are not likely to be present in cropped areas.

Persons with sufficient expertise in prairie ecology, Dakota skipper ecology, or both should preview sites before the flight period to delineate survey areas. Pre-survey reconnaissance of action area and adjacent habitat could facilitate efficient use of limited surveyor time by delineating habitat patches that should be surveyed during the flight period. In some cases, occupancy surveys may be limited to those habitat patches directly affected by the footprint of the action.

Occupancy survey results from prior years may be available for the site, section, or township of interest. This may be sufficient to inform the likelihood of occupancy at the site. We recommend that you coordinate with the NDFO to ensure survey results being considered are reliable regarding the Dakota skipper's status at a site.

U.S. Fish and Wildlife Service, (FWS). 2022. Dakota Skipper (*Hesperia dacotae*) North Dakota Survey Protocol.

Northern Long Eared Bat

- **Recommended Tree Removal Period for ND: November 1 – March 31**
- Active Season: April 1 – October 31
- Pup Season: June 1 – July 31
- Staging and Swarming Seasons: April 1 – May 15; August 15 – November 14

The Service has completed an Interim Consultation Framework (Framework) to provide for exemptions from section 9 prohibitions for incidental take that is reasonably certain to occur before April 1, 2024. We recommend using the Information for Planning and Consultation (IPaC) website to assist in making your determination. When an action agency enters the project information into IPaC, one of three outcomes will be reached, and it will prompt the action agency to follow a corresponding action.

Be advised that this system will be updated regularly as new information becomes available and/or survey results are added, therefore project proponents should ensure their IPaC report is current for their project timeline.

- https://www.fws.gov/sites/default/files/documents/Interim%20Consultation%20Framework_21Mar23.pdf
- <https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

The following are recommended conservation measures for the NLEB:

- Conduct tree removal activities between November 1 and March 31 to ensure NLEB are not present.
- Incidental take from tree removal activities is not prohibited *unless* it results from removing a known occupied maternity roost tree or from tree removal activities within 150 feet of a known occupied maternity roost tree from June 1 through July 31 or results from tree removal activities within 0.25 mile of a hibernaculum at any time. Avoid clearing suitable spring staging and fall swarming habitat/s/ within a 5-mile radius of known or assumed northern long-eared bat hibernacula during the staging and swarming seasons *OR* you are within an area that intersects a known occurrence location.
- Perform any bridge repair, retrofit, maintenance, and rehabilitation work outside of the northern long-eared bat active season in areas where northern long-eared bats are known to roost on bridges or where such use is likely.
- Do not use military smoke and obscurants within forested suitable northern long-eared bat habitat during the pup season or the active season (<https://pubs.er.usgs.gov/publication/70039214>).

Pallid Sturgeon

- Avoid in-stream work in waters occupied by pallid sturgeon, if possible, from during the migration and spawning season.
- If pallid sturgeon is documented (remote tracking data, etc.) at or near the project site, particularly during construction, the USFWS will be contacted immediately.

Cooling Water Intake Recommendations

- EPA requires owners or operators to comply with one of following BTA Standards for impingement mortality, explained in detail in 40 CFR 125.94(c) and summarized below:

- Closed-cycle recirculating system and daily monitoring of actual intake flows; or
- Demonstrated ≤ 0.5 ft/sec through-screen design velocity; or
- Demonstrated ≤ 0.5 ft/sec through-screen actual velocity and daily monitoring of velocity; or
- Existing offshore velocity cap and daily monitoring of intake flow; or
- Modified traveling screens, optimized to minimize impingement mortality; or
- BTA systems of technology, management practices, and operational measures; or
- 12-month impingement mortality performance standard and monthly monitoring: # fish killed or # fish impinged < 24 percent

General Intake Recommendations

- FWS recommends that intake velocities should not exceed 0.5 feet per second (fps).
- Mesh size at intake screens should have a maximum mesh opening of 1/4 inch to reduce the size of aquatic organisms that can be entrained (Environmental Protection Agency 1976).
- A Johnson (or Johnson type) screen/intake should be used if feasible.

Additional Intake Recommendations for Pallid Sturgeon in the Yellowstone River and in that portion of the Missouri River above river mile 1519 in Williams and McKenzie Counties (Potential Reproduction Areas).

- When possible floating intakes should be installed
- Intakes shall be located over water with a minimum depth of 20 feet.
- If the 20 foot depth is not attainable, the intake shall be located over the deepest water available at the start of the irrigation season.
- If the water depth falls below 6 feet the intake shall be moved to deeper water or maximum intake velocity limited to $\frac{1}{4}$ foot per second, with intake placed over maximum practicable attainable depth.

Piping Plover

- Piping plover Nesting Period **April 15 – August 15.**
- Surveys must begin 7 days prior to any onsite activities.
 - Survey in the morning, prior to the start of project/construction activities for the day and record a start and stop time.
 - Surveys must be conducted when there is adequate light to detect and identify birds. If cloudy or foggy, take additional time to ensure a good quality survey.
 - Surveys will be conducted daily.
- Survey will be conducted within 0.5 miles of proposed activity.
 - If suitable habitat is identified, a qualified wildlife biologist will conduct daily surveys of the identified areas to monitor for the **presence** of piping plovers.

- From a good vantage point, survey areas within 0.5 miles of where project/construction activities will occur. Use binoculars or spotting scope to survey for a minimum of 20 minutes in each viewing area.
- Look specifically for bird movements along sandbars in the middle of the channel, along the shoreline, and on recently formed floodplain sand deposits.
- Nesting behavior: copulations, birds returning to the same place, sitting on the sand for a long period of time, or nest exchange (males and females will generally take 20-minute shifts to incubate).
- Foraging behavior: looking for food along sandbar, probing the sand, hovering over river channel, and diving into water for fish, and bringing back fish to sandbar.
- If nesting activity is not observed, project/construction activities may commence.
- If a possible sighting occurs, then further investigation may be needed from a different vantage point or using higher-powered optics to verify if a nest, eggs, or chicks are present. Landowner permission must be obtained by the contractor if entering private land.
- **If at any time, an active nest, chick or adult bird is observed within 0.5 miles of the project:**
 - Do not attempt to disturb or remove the birds or nests.
 - Do not conduct construction activities that could result in the adults abandoning the nest.
 - Do not start or continue construction activity within 0.5 miles of the nest.
 - Immediately contact (within 1 hour) the USFWS for direction on continuation of work in the area.
 - Do not resume construction activity within .5 mile of the nest until individuals leave the site or it is determined by the USFWS that there is no risk for disturbance.

Rufa Red Knot

- If a rufa red knot is sighted within 0.6 mile of the action area during plan activities, the USFWS would be contacted immediately at 701-250-4481 or ndfieldoffice@fws.gov. In coordination with the USFWS, work may resume after the bird(s) leave the area.

Western Prairie Fringed Orchid

- If a project is proposed in Ransom or Richland counties or near the Sheyenne National Grasslands in North Dakota, and includes herbicide application, water drainage or other water/wetland alteration, breaking native prairie, or burning, please contact the USFWS at 701-250-4481 or ndfieldoffice@fws.gov for measures to avoid or minimize impacts to western prairie fringed orchids.

Whooping Crane

- Whooping Crane migration is generally **March 15-May 15** and **September 10-November 15**.
 - If project activities were to occur during this timeframe and whooping cranes were to occupy the area within 1 mile of construction or other activity, then the activity could cause whooping cranes to be disturbed and leave the area. If this were to occur, it would most likely occur first thing in the morning, as whooping cranes overnigh in one area before continuing the next morning. Disturbance, such as flushing the cranes, stresses them at critical times of the year, including migration.
 - If any whooping cranes do stopover, sightings within a mile of the project should also be reported to this office 701-250-4481 or ndfieldoffice@fws.gov

Migratory Bird Treaty Act (MBTA)

- The Migratory Bird Treaty Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service.
 - A complete list of species that are covered as well as not covered under MBTA can be found here: <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>
 - For projects that may impact migratory birds or if further information is needed concerning migratory birds, please contact the Service at 701-250-4481 or ndfieldoffice@fws.gov

Bald and Golden Eagle Protection Act (BGEPA)

- [The Bald and Golden Eagle Protection Act](#) prohibits anyone, without a permit issued by the Service, from "taking" bald or golden eagles, including their parts, nests, or eggs.
 - The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part*, nest, or egg thereof."
 - The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."
 - "Disturb" means: "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

Bald Eagles

To avoid/minimize impacts to nesting bald eagles from construction activities, the Service recommends: (1) keeping a minimum 660-foot buffer between the activity and any bald eagle nest if no landscape buffer exists; (2) keeping a minimum 330-foot buffer and maintaining a landscape buffer or natural areas between the activity and around nest trees; and (3) avoiding activities during the bald eagle breeding season (**February 1 – July 15**).

The National Bald Eagle Management Guidelines can be found at:
<https://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>

Golden Eagles

Unlike bald eagles, whose numbers have clearly increased in recent years, golden eagle populations appear to be slightly decreasing. We believe this is due to several factors, including susceptibility to human disturbance, especially during breeding. We recommend that your analysis consider possible effects to golden eagles if there is a nest within ½ mile of your project. For projects that may impact Bald or Golden Eagles or if further information is needed concerning eagles, please contact the Service at 701-250-4481 or ndfieldoffice@fws.gov

Appendix B – IPaC Species List

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

North Dakota



Local office

North Dakota Ecological Services Field Office

☎ (701) 250-4481

📅 (701) 355-8513

3425 Miriam Avenue

Bismarck, ND 58501-7926

NOT FOR CONSULTATION

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. IPaC only shows species that are regulated by USFWS (see FAQ).

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
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045</p>	Endangered

Birds

NAME	STATUS
<p>Piping Plover <i>Charadrius melodus</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6039</p>	Threatened
<p>Rufa Red Knot <i>Calidris canutus rufa</i></p> <p>Wherever found</p> <p>There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/1864</p>	Threatened
<p>Whooping Crane <i>Grus americana</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/758</p>	Endangered

Insects

NAME	STATUS
<p>Dakota Skipper <i>Hesperia dacotae</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1028</p>	Threatened

Monarch Butterfly *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

Critical habitats

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

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are bald and/or golden eagles in your project area.

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
<p>Bald Eagle <i>Haliaeetus leucocephalus</i></p> <p>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.</p>	Breeds Dec 1 to Aug 31
<p>Golden Eagle <i>Aquila chrysaetos</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/1680</p>	Breeds Jan 1 to Aug 31

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 $0.05/0.25 = 0.2$.

- 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.

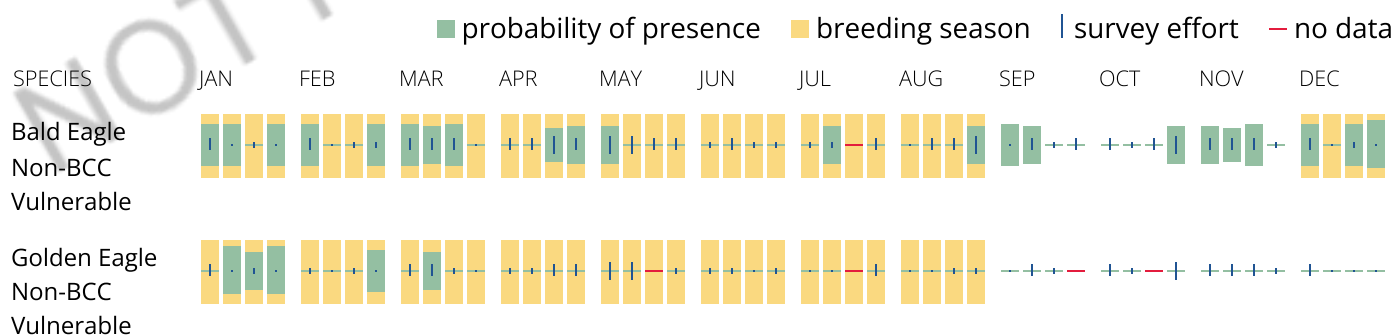
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

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.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence 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). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles 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 [Rapid Avian Information Locator \(RAIL\) Tool](#).

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. Please contact your local Fish and Wildlife Service Field Office if you have questions.

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 habitats³ 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:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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

American Golden-plover *Pluvialis dominica*

Breeds elsewhere

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

Baird's Sparrow *Ammodramus bairdii*

Breeds May 20 to Aug 15

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

<https://ecos.fws.gov/ecp/species/5113>

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.

Black Tern *Chlidonias niger*

Breeds May 15 to Aug 20

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

<https://ecos.fws.gov/ecp/species/3093>

Black-billed Cuckoo *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

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

<https://ecos.fws.gov/ecp/species/9399>

Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
California Gull <i>Larus californicus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
Chestnut-collared Longspur <i>Calcarius ornatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 10
Clark's Grebe <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 31
Ferruginous Hawk <i>Buteo regalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6038	Breeds Mar 15 to Aug 15
Franklin's Gull <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Golden Eagle <i>Aquila chrysaetos</i> 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/1680	Breeds Jan 1 to Aug 31
Le Conte's Sparrow <i>Ammodramus leconteii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 15
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Marbled Godwit <i>Limosa fedoa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds May 1 to Jul 31
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Prairie Falcon <i>Falco mexicanus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/4736	Breeds Mar 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Sprague's Pipit <i>Anthus spragueii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8964	Breeds May 10 to Aug 31
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

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.

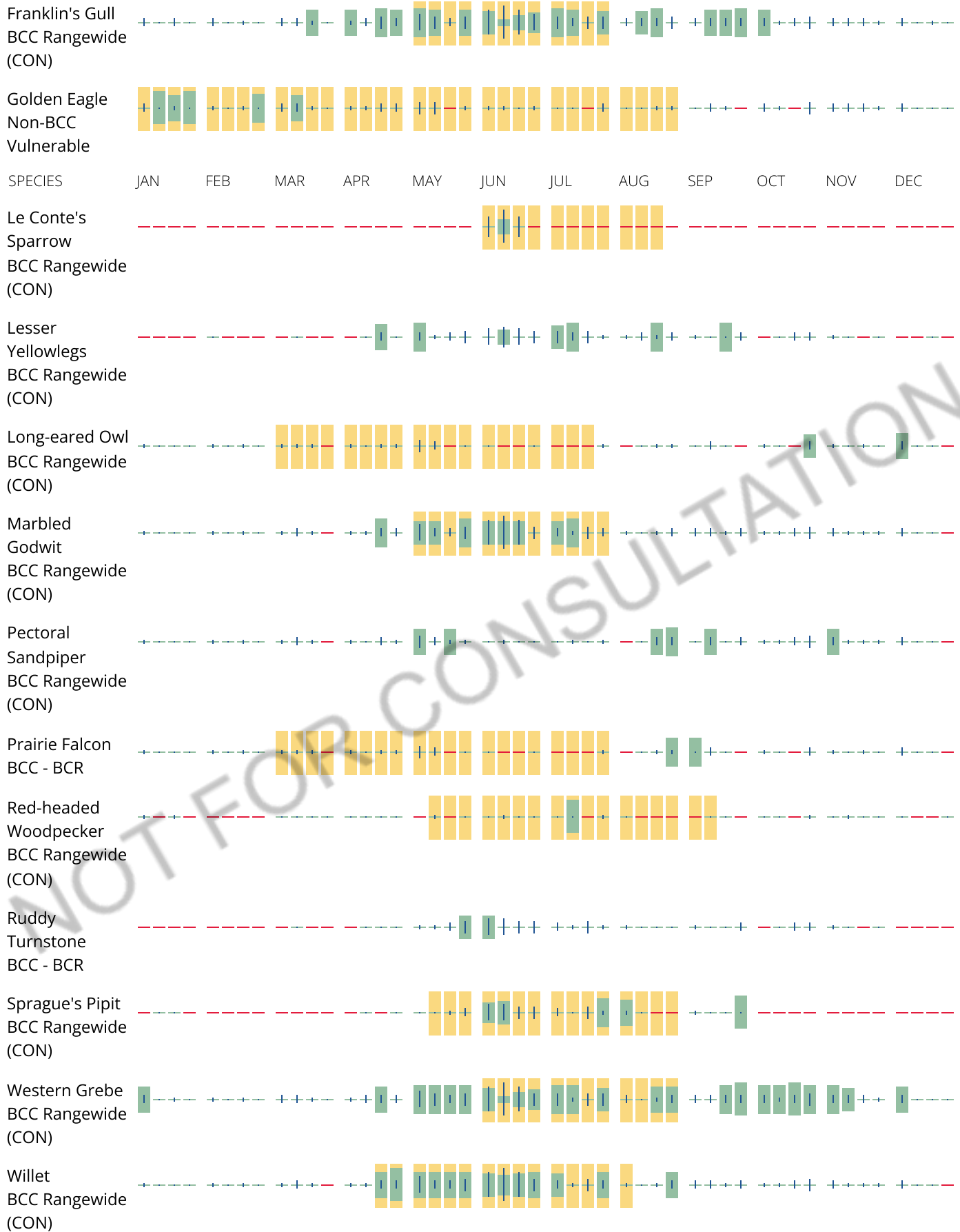
No Data (-)

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](#) 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 list of migratory birds that potentially occur 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 [Rapid Avian Information Locator \(RAIL\) 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 or migrating in my 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 query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. 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.

This location overlaps the following National Wildlife Refuge lands:

LAND	ACRES
KIDDER COUNTY WATERFOWL PRODUCTION AREA	0 acres
STUTSMAN COUNTY WATERFOWL PRODUCTION AREA	0 acres

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

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
[PEM1C](#)

[PEM1A](#)

FRESHWATER POND

[PABG](#)

LAKE

[L2ABG](#)

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

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

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 C – North Dakota Statute 69-06-08

CHAPTER 69-06-08 CRITERIA

Section

- 69-06-08-01 Energy Conversion Facility Siting Criteria
69-06-08-02 Transmission Facility Corridor and Route Criteria

69-06-08-01. Energy conversion facility siting criteria.

The following criteria must guide and govern the preparation of the inventory of exclusion and avoidance areas, and the site suitability evaluation process.

1. **Exclusion areas.** The following geographical areas must be excluded in the consideration of a site for an energy conversion facility.
 - a. Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; historic districts; monuments; wilderness areas; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.
 - b. Designated or registered state: parks; forests; forest management lands; historic sites; monuments; historical markers; archaeological sites; grasslands; wild, scenic, or recreational rivers; game refuges; game management areas; management areas; and nature preserves.
 - c. County parks and recreational areas; municipal parks; parks owned or administered by other governmental subdivisions; hardwood draws; and enrolled woodlands.
 - d. Areas critical to the life stages of threatened or endangered animal or plant species.
 - e. Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.
 - f. Areas within one thousand two hundred feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.
 - g. Areas within thirty feet [9.14 meters] on either side of a direct line between an intercontinental ballistic missile (ICBM) launch facility and a missile alert or launch control facilities to avoid microwave interference. This restriction only applies to aboveground structures, not to surface features, such as roads, or belowground infrastructure.
2. **Additional exclusion areas for wind energy conversion facilities.** The following geographical areas must be excluded in the consideration of a site for a wind energy conversion facility:
 - a. Areas within:
 - (1) One and one-tenth times the height of the turbine from the nearest edge of an interstate or state roadway right of way;
 - (2) One and one-tenth times the height of the turbine plus seventy-five feet from the centerline of any county or maintained township roadway;
 - (3) One and one-tenth times the height of the turbine from the nearest edge of railroad right of way;
 - (4) One and one-tenth times the height of the turbine from the nearest edge of a one hundred fifteen kilovolt or higher transmission line right of way; and

- (5) One and one-tenth times the height of the turbine from the property line of a nonparticipating landowner and three times the height of the turbine from an inhabited rural residence of a nonparticipating landowner, unless a variance is granted. A variance may be granted if an authorized representative or agent of the permittee, the nonparticipating landowner, and affected parties with associated wind rights file a written agreement expressing all parties' support for a variance to reduce the setback requirement in this subsection. A nonparticipating landowner is a landowner that has not signed a wind option or an easement agreement with the permittee of the wind energy conversion facility as defined in North Dakota Century Code chapter 17-04.
3. **Avoidance areas.** The following geographical areas may not be approved as a site for an energy conversion facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an avoidance area should be designated for a facility the commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative sites. Economic considerations alone will not justify approval of these areas. A buffer zone of a reasonable width to protect the integrity of the area must be included. Natural screening may be considered in determining the width of the buffer zone.
 - a. Historical resources which are not designated as exclusion areas.
 - b. Areas within the city limits of a city or the boundaries of a military installation.
 - c. Areas within known floodplains as defined by the geographical boundaries of the hundred-year flood.
 - d. Areas that are geologically unstable.
 - e. Woodlands and wetlands.
 - f. Areas of recreational significance which are not designated as exclusion areas.
4. **Additional avoidance areas for wind energy conversion facilities.** A wind energy conversion facility site must not include a geographic area where, due to operation of the facility, the sound levels within one hundred feet of an inhabited residence or a community building will exceed forty-five dBA. The sound level avoidance area criteria may be waived in writing by the owner of the occupied residence or the community building.
5. **Selection criteria.** A site may be approved in an area only when it is demonstrated to the commission by the applicant that any significant adverse effects resulting from the location, construction, and operation of the facility in that area as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum. The effects to be considered include:
 - a. The impact upon agriculture:
 - (1) Agricultural production.
 - (2) Family farms and ranches.
 - (3) Land which the owner demonstrates has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.
 - (4) Surface drainage patterns and ground water flow patterns.
 - (5) The agricultural quality of the cropland.

- b. The impact upon the availability and adequacy of:
 - (1) Law enforcement.
 - (2) School systems and education programs.
 - (3) Governmental services and facilities.
 - (4) General and mental health care facilities.
 - (5) Recreational programs and facilities.
 - (6) Transportation facilities and networks.
 - (7) Retail service facilities.
 - (8) Utility services.
 - c. The impact upon:
 - (1) Local institutions.
 - (2) Noise-sensitive land uses.
 - (3) Light-sensitive land uses.
 - (4) Rural residences and businesses.
 - (5) Aquifers.
 - (6) Human health and safety.
 - (7) Animal health and safety.
 - (8) Plant life.
 - (9) Temporary and permanent housing.
 - (10) Temporary and permanent skilled and unskilled labor.
 - d. The cumulative effects of the location of the facility in relation to existing and planned facilities and other industrial development.
 - e. The impact upon military installations, assets, and operations.
6. **Policy criteria.** The commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits. The benefits to be considered include:
- a. Recycling of the conversion byproducts and effluents.
 - b. Energy conservation through location, process, and design.
 - c. Training and utilization of available labor in this state for the general and specialized skills required.
 - d. Use of a primary energy source or raw material located within the state.

- e. Not relocating residents.
- f. The dedication of an area adjacent to the facility to land uses such as recreation, agriculture, or wildlife management.
- g. Economies of construction and operation.
- h. Secondary uses of appropriate associated facilities for recreation and the enhancement of wildlife.
- i. Use of citizen coordinating committees.
- j. A commitment of a portion of the energy produced for use in this state.
- k. Labor relations.
- l. The coordination of facilities.
- m. Monitoring of impacts.
- n. A commitment to install lighting mitigation technology for wind energy conversion facilities subject to commercial availability and federal aviation administration approval.

History: Amended effective August 1, 1979; July 1, 2006; April 1, 2013; July 1, 2017; July 1, 2018; July 1, 2019; July 1, 2020; January 1, 2022.

General Authority: NDCC 28-32-02, 49-22-18

Law Implemented: NDCC 49-22-05.1, 49-22.1-03

69-06-08-02. Transmission facility corridor and route criteria.

The following criteria must guide and govern the preparation of the inventory of exclusion and avoidance areas, and the corridor and route suitability evaluation process. Exclusion and avoidance areas may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor width unless there is no reasonable alternative.

1. **Exclusion areas.** The following geographical areas must be excluded in the consideration of a route for a transmission facility. A buffer zone of a reasonable width to protect the integrity of the area must be included. Natural screening may be considered in determining the width of the buffer zone.
 - a. Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.
 - b. Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserves.
 - c. County parks and recreational areas; municipal parks; and parks owned or administered by other governmental subdivisions.
 - d. Areas critical to the life stages of threatened or endangered animal or plant species.
 - e. Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.
 - f. Areas within one thousand two hundred feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.
 - g. Areas within thirty feet on either side of a direct line between an intercontinental ballistic missile (ICBM) launch facility and a missile alert or launch control facilities to avoid

microwave interference. This restriction only applies to aboveground structures, not to surface features, such as roads, or belowground infrastructure.

2. **Avoidance areas.** The following geographical areas may not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an avoidance area should be designated for a facility, the commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative routes. Economic considerations alone will not justify approval of these areas. A buffer zone of a reasonable width to protect the integrity of the area will be included unless a distance is specified in the criteria. Natural screening may be considered in determining the width of the buffer zone.
 - a. Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.
 - b. Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.
 - c. Historical resources which are not specifically designated as exclusion or avoidance areas.
 - d. Areas which are geologically unstable.
 - e. Within five hundred feet [152.4 meters] of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility. This avoidance area may be waived by the owner.
 - f. Reservoirs and municipal water supplies.
 - g. Water sources for organized rural water districts.
 - h. Irrigated land. This criterion shall not apply to an underground transmission facility.
 - i. Areas of recreational significance which are not designated as exclusion areas.
3. **Selection criteria.** A corridor or route shall be designated only when it is demonstrated to the commission by the applicant that any significant adverse effects which will result from the location, construction, and maintenance of the facility as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum. The effects to be considered include:
 - a. The impact upon agriculture:
 - (1) Agricultural production.
 - (2) Family farms and ranches.
 - (3) Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.
 - (4) Surface drainage patterns and ground water flow patterns.
 - b. The impact upon:
 - (1) Sound-sensitive land uses.

- (2) The visual effect on the adjacent area.
 - (3) Extractive and storage resources.
 - (4) Wetlands, woodlands, and wooded areas.
 - (5) Radio and television reception, and other communication or electronic control facilities.
 - (6) Human health and safety.
 - (7) Animal health and safety.
 - (8) Plant life.
4. **Policy criteria.** The commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits. The benefits to be considered include:
- a. Location and design.
 - b. Training and utilization of available labor in this state for the general and specialized skills required.
 - c. Economies of construction and operation.
 - d. Use of citizen coordinating committees.
 - e. A commitment of a portion of the transmitted product for use in this state.
 - f. Labor relations.
 - g. The coordination of facilities.
 - h. Monitoring of impacts.
 - i. Utilization of existing and proposed rights of way and corridors.
 - j. Other existing or proposed transmission facilities.

History: Amended effective August 1, 1979; January 1, 1982; February 1, 1995; July 1, 2006; April 1, 2013; July 1, 2020; January 1, 2022.

General Authority: NDCC 49-22-18

Law Implemented: NDCC 49-22-05.1

Appendix D – Photo Log

Photographic Log

Line 12 Structure Replacements

Photo 1: View south of the typical landscape present within the Structure #8 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 2: View west of the typical landscape present within the Structure #8 corridor. Rolling hills upland grassland landscape, land use is pasture and cropped fields adjacent.

Photo 3: View east of the typical landscape present within the Structure #107 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 4: View north of the typical landscape present within the Structure #107 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 5: View north of the typical landscape present within the Structure #132 corridor. Gently rolling hills upland grassland landscape, land use is pasture.

Photo 6: View west of the typical landscape present within the Structure #132 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 7: View east of the typical landscape present within the Structure #212 corridor. Gently rolling hills upland grassland landscape, land use is pasture.

Photo 8: View south of the typical landscape present within the Structure #212 corridor. Gently rolling hills upland grassland landscape, land use is pasture.

Photo 9: View south of the typical landscape present within the Structure #290 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 10: View west of the typical landscape present within the Structure #290 corridor. Rolling hills upland grassland landscape, land use is pasture.

Photo 11: View north of the typical landscape present within the Structure #339 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the east/northeast.

Photo 12: View east of the typical landscape present within the Structure #339 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the east/northeast.

Photo 13: View northwest of the typical landscape present within the Structure #340 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the north/northwest.

Photo 14: View east of the typical landscape present within the Structure #340 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the north/northwest.

Photo 15: View north of the typical landscape present within the Structure #452 corridor. Gently rolling hills with a mix of wetland and upland grasses. Wetland located to the north.

Photo 16: View west of the typical landscape present within the Structure #452 corridor. Gently rolling hills with a mix of wetland and upland grasses. Wetland located to the north.

Photo 17: View east of the typical landscape present within the Structure #600 corridor. Rolling hills with a mix of wetland and upland grasses. Wetland located within drainage to the northeast.

Photo 18: View south of the typical landscape present within the Structure #600 corridor. Rolling hills with a mix of wetland and upland grasses. Wetland located within drainage to the northeast.

Photo 19: View northeast of the typical landscape present within the Structure #618 corridor. Flat landscape with a mix of wetland and cropland. Wetland/open water located within drainage to the east.

Photo 20: View west of the typical landscape present within the Structure #618 corridor. Flat landscape with a mix of wetland and cropland. Wetland/open water located within drainage to the east.

Photo 21: View southwest of the typical landscape present within the Structure #684 corridor. Gently rolling hills with upland grassland vegetation, land use is pasture.

Photo 22: View east of the typical landscape present within the Structure #684 corridor. Gently rolling hills with upland grassland vegetation, land use is pasture. Adjacent cropland.

Photo 23: View east of the typical landscape present within the Structure #699 corridor. Flat landscape within a cropped field. Adjacent land is predominately cropped fields.

Photo 24: View south of the typical landscape present within the Structure #699 corridor. Flat landscape within a cropped field. Adjacent land is predominately cropped fields.

Photo 25: View southwest of the typical landscape present within the Structure #737 corridor. Flat landscape with a mix of wetland and cropland. Wetland located within drainage to the north.

Photo 26: View northeast of the typical landscape present within the Structure #737 corridor. Flat landscape with a mix of wetland and cropland. Wetland located within drainage to the north.



Photo 1: View south of the typical landscape present within the Structure #8 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 2: View west of the typical landscape present within the Structure #8 corridor. Rolling hills upland grassland landscape, land use is pasture and cropped fields adjacent.



Photo 3: View east of the typical landscape present within the Structure #107 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 4: View north of the typical landscape present within the Structure #107 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 5: View north of the typical landscape present within the Structure #132 corridor. Gently rolling hills upland grassland landscape, land use is pasture.



Photo 6: View west of the typical landscape present within the Structure #132 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 7: View east of the typical landscape present within the Structure #212 corridor. Gently rolling hills upland grassland landscape, land use is pasture.



Photo 8: View south of the typical landscape present within the Structure #212 corridor. Gently rolling hills upland grassland landscape, land use is pasture.



Photo 9: View south of the typical landscape present within the Structure #290 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 10: View west of the typical landscape present within the Structure #290 corridor. Rolling hills upland grassland landscape, land use is pasture.



Photo 11: View north of the typical landscape present within the Structure #339 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the east/northeast.



Photo 12: View east of the typical landscape present within the Structure #339 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the east/northeast.



Photo 13: View northwest of the typical landscape present within the Structure #340 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the north/northwest.



Photo 14: View east of the typical landscape present within the Structure #340 corridor. Flat landscape with a mix of wetland and upland grasses. Wetland located to the north/northwest.



Photo 15: View north of the typical landscape present within the Structure #452 corridor. Gently rolling hills with a mix of wetland and upland grasses. Wetland located to the north.



Photo 16: View west of the typical landscape present within the Structure #452 corridor. Gently rolling hills with a mix of wetland and upland grasses. Wetland located to the north.



Photo 17: View east of the typical landscape present within the Structure #600 corridor. Rolling hills with a mix of wetland and upland grasses. Wetland located within drainage to the northeast.



Photo 18: View south of the typical landscape present within the Structure #600 corridor. Rolling hills with a mix of wetland and upland grasses. Wetland located within drainage to the northeast.



Photo 19: View northeast of the typical landscape present within the Structure #618 corridor. Flat landscape with a mix of wetland and cropland. Wetland/open water located within drainage to the east.



Photo 20: View west of the typical landscape present within the Structure #618 corridor. Flat landscape with a mix of wetland and cropland. Wetland/open water located within drainage to the east.



Photo 21: View southwest of the typical landscape present within the Structure #684 corridor. Gently rolling hills with upland grassland vegetation, land use is pasture.



Photo 22: View east of the typical landscape present within the Structure #684 corridor. Gently rolling hills with upland grassland vegetation, land use is pasture. Adjacent cropland.



Photo 23: View east of the typical landscape present within the Structure #699 corridor. Flat landscape within a cropped field. Adjacent land is predominately cropped fields.



Photo 24: View south of the typical landscape present within the Structure #699 corridor. Flat landscape within a cropped field. Adjacent land is predominately cropped fields.



Photo 25: View southwest of the typical landscape present within the Structure #737 corridor. Flat landscape with a mix of wetland and cropland. Wetland located within drainage to the north.



Photo 26: View northeast of the typical landscape present within the Structure #737 corridor. Flat landscape with a mix of wetland and cropland. Wetland located within drainage to the north.

7 CFR 1970 Environmental Policies and Procedures

Environmental Report

345kV Line 12 Structure Replacements

Oliver, Burleigh, Kidder, and Stutsman Counties, North Dakota

Minnkota Power Cooperative, Inc

June 10, 2024

PROJECT DESCRIPTION

Project Name: Line 12 345kV Structure Replacements (Project)

Applicant: Minnkota Power Cooperative, Inc

Loan #:1051.3.2023.0.5

Total Estimated Project Cost: \$1,277,000

Project Description: The Project comprises replacing 13 structures along a 345kV transmission line. Construction typically consists of placing the new structure, transferring the phases, then removing the old structure, which is why the new ones are placed at least 10 feet away from the existing location. Additionally, although most of the structures are planned for removal, a few structures in better conditions may be abandoned in place. Removal will consist of either digging a hole with a standard excavator around the foundation then lifting it out with a crane or using a bigger excavator to dig a wider hole then dragging the foundation out of the hole. Alternatively, if foundations are left in place, the aluminum structure will be removed and the steel cut flush with the concrete foundation. There is rebar and steel within the concrete foundations left. They are then tipped over and buried. The new structures are of a different design that do not require concrete foundations, rather are directly embedded 14 feet into the subsurface.

Project Location: This Project has 13 structures located across Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota. The structures generally traverse croplands and rural farmsteads. Structure 8 is near MPC’s Milton R. Young coal plant. The current structures’ coordinates and PLSS sections, as well as the distance from the existing structures of the replacements are in the table below.

LINE #	STR #	DISTANCE OF NEW STR FROM EXISTING STR (DIRECTION ALONG LINE)	CURRENT COORDINATES		TOWNSHIP	RANGE	SECTION
			LAT	LONG			
012A	8	10 FT AHEAD/ SOUTH	47.06542	-101.188	141	83	3
012C	107	10 FT BACK/ WEST	47.02682	-100.867	141	80	18
012C	132	10 FT BACK/ WEST	47.03052	-100.78	141	80	14
012C	212	10 FT AHEAD/ NORTHEAST	47.05943	-100.515	141	78	1
012C	290	10 FT BACK/ WEST	47.06821	-100.248	141	76	1
012C	339	10 FT AHEAD/ EAST	47.06789	-100.074	141	74	5

012C	340	10 FT BACK/ WEST	47.06788	-100.07	141	74	4
012C	452	10 FT BACK /WEST	47.06599	-99.6862	141	71	4
012C	600	10 FT BACK/ WEST	47.06019	-99.1851	141	67	4
012C	618	80 FT BACK/ WEST	47.05773	-99.125	141	67	2
012E	684	15 FT AHEAD/ EAST	47.05565	-98.9005	141	65	3
012E	699	10 FT BACK/ WEST	47.05558	-98.8482	141	65	1
012G	737	10 FT BACK/ NORTHWEST	47.04011	-98.7144	141	63	7

Project Purpose and Need: The existing structures have concrete foundations degraded beyond reasonable repair, and therefore, must be replaced to prevent outages related to failing structures.

Level of Review Determination: The Project has been determined to be a categorically excluded proposal with an Environmental Report required, per 7 CFR 1970.54(c)(3).

Impact Summary:

HISTORIC PROPERTIES AND CULTURAL RESOURCES

MPC commissioned Barr to complete a Class I Cultural Resources Literature Review and created a report dated January 2024. APE. Barr recommends a finding of *No Historic Properties Affected* for the Project.

On February 22, 2024, MPC submitted the findings, conclusions, and recommendations on behalf of RUS regarding the cultural resource activities to the ND State Historic Preservation Officer (NDSHPO) and 12 tribal historic preservation officers (THPO). The following tribes that have interest in Oliver, Burleigh, Kidder, and Stutsman Counties were contacted: Apache Tribe of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Belknap Indian

Community of the Fort Belknap Reservation of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

NDSHPO Margaret Patton responded on March 20, 2024 with a concurring determination of *No Historic Properties Affected*. THPO director Merle Marks of the Crow Creek Sioux Tribe responded on February 24, 2024, deferring project comments to local ND tribes. THPO Jon Eagle of the Standing Rock Sioux Tribe responded on February 23, 2024, asking to describe how Section 106 was complied with and asking for a copy of any Class III surveys conducted for the project. Kristen Bastis, archaeologist with RUS, responded on February 23, 2024, describing compliance, and indicating that 31 Class III surveys within 1 mile showed no cultural resources. No further response was received from the Standing Rock Sioux Tribe. Bastis confirmed on April 22, 2024, that RUS is concluding Section 106 consultation.

The report and associated consultation have been submitted under separate cover at the agency's request to protect potentially sensitive information but is on file with the agency.

THREATENED AND ENDANGERED SPECIES

The USFWS IPaC program was consulted on March 22, 2024. The Project is not within any federally designated critical habitats. IPaC identified five species listed on the Endangered Species Act: Northern Long-eared Bat (NLEB; endangered), Piping Plover (threatened), Rufa Red Knot (threatened), Whooping Crane (endangered), Dakota Skipper (threatened); and one candidate for listing, Monarch Butterfly (Monarch; candidate) as potentially being present within the Project area.

Barr Engineering, Inc (Barr) completed a Natural Resources Report on behalf of MPC, dated January 2024. The report describes potential impacts to listed species, as well as the vegetative community and habitat quality near the structures in greater detail.

Structure 107 may be located within NLEB's known primary range along the Missouri River, as depicted by NDGF's statewide range map. Although, Barr found a lack of suitable active or inactive season habitat, concluding with a "No Effect" determination. The NLEB Determination Key (DKey) reached a determination of "No Effect."

Structure 107 is also 0.4 miles west of the Piping Plover's designated critical habitat along the Missouri River. MPC consulted with USFWS on April 3, 2024. Heidi Riddle, Fish and Wildlife Biologist at USFWS, responded on April 5, 2024, with concurrence with the Not Likely to Adversely Affect (NLAA) determination provided the 0.5-mile buffer around habitat is maintained between April 15 and August 15. On April 16, 2024, USFWS provided additional guidance for conducting the project during the nesting season while maintaining the NLAA determination. The Project has been pushed to likely take place in fall after the nesting season. If the Project gets delayed and overlaps with nesting season, MPC will either replace structure 107 outside of the season or hire a permitted biologist to survey for presence and a biologist to monitor during structure 107's activities.

The Rufa Red Knot utilizes wetlands as stopover habitat during migration in mid-May and late September. Potentially suitable wetlands are located near structures 339, 340, 452, 618, and 737. Barr and the IPAC ND DKey came to the NLAA determination, since the Project is remaining in the same ROW and the Rufa Red Knot is considered a rare migratory transient.

Whooping Cranes typically utilize wetlands for roosting and foraging during migration between March 15 and May 15, and between September 10 and November 15. Barr suggests a NLAA determination, since the 10 westernmost structures are within the Whooping Crane's primary migration corridor range. The IPAC ND DKey came to a No Effect determination, with USFWS concurrence in Riddle's email on April 5, 2024, provided that construction ceases if a Whooping Crane is spotted within one mile of construction.

Barr found no native tallgrass prairie habitat at any structures suitable for the Dakota Skipper, as the vegetation communities were typically dominated by non-native species. The ND DKey came to a No Effect determination for the Project.

Monarchs are dependent on milkweed species to complete the caterpillar life stage and on nectar resources during other stages of their lifecycle. Barr found no milkweed at any of the structures. Some forb species, including White aster, Russian thistle, Canadian thistle, Western snowberry, Canadian goldenrod, and Common dandelion, were found at various sites with less than 15% ground cover within those vegetation communities. Barr found the general lack of suitable habitat to conclude a No Effect determination.

Both bald and golden eagles, and 19 other birds protected under the Migratory Bird Protection Act were identified by IPaC to possibly be present in the area. Barr reported no known bald nor golden eagle nests within one mile of each structure. Additionally, no suitable nesting habitats were found at any of the structures and no tree trimming activities are associated with the Project, which led to the conclusion of a No Effect determination for both eagle species.

FLOODPLAIN MANAGEMENT

FEMA's National Flood Hazard Layer (NFHL) Viewer was consulted on May 6, 2024. The FIRM panel encompassing structure 8 has not been printed. Structures 339 and 340 are in unmapped areas. Structures 212 and 290 are in Zone D areas with undetermined flood hazard. The remaining structures are in Zone X areas.

WETLANDS PROTECTION

According to the National Wetland Inventory, structures 339, 340, 452, 618 and 737 are within or bordering wetlands. Structures 452 and 618 are in standing water and may be pushed to attempt in the winter when the ground freezes to provide a more stable ground for equipment and minimize ground disturbances. These two have also been identified to be a likely significant challenge to remove the foundations without extensive impact to the wetlands and/or area around them. Structures 452 and 737 are on the banks of wetlands and may be able this year since it's been drier. Although depending on conditions in August, these may also be a challenge to achieve removing the foundations.

MPC sent a letter via email to Jason Renschler, Senior Project Manager with USACE Omaha District, regarding work and potentially leaving foundations in the wetlands on April 29, 2024.

On April 30, 2024, Renschler provided the USACE file number NOW-2024-761-BIS assigned to the project.

FORMALLY CLASSIFIED LANDS

The USDA identifies the following as formally classified lands: monuments, landmarks, wild and scenic rivers, wilderness areas, state or national parks, reservations, recreational areas, city parks, USFWS and BLM administered lands, wildlife refuges, and national forests and grasslands. Four poles are within privately-owned USFWS-administered Waterfowl Production Areas (WPAs). On February 16, 2024, MPC contacted both the Long Lake and the Chase Lake Wetland Management District (WMD) that oversee the Kidder and the Stutsman County WPAs, respectfully.

Jared Newton with the Long Lake WMD confirmed that both structures 339 and 340 are in wetland easements, and that 340 is within a protected wetland basin. However, no permit would be required from the WMD, since MPC's easement predate the WPA easement.

Jennifer Jewett with the Chase Lake WMD also confirmed that structures 600 and 684 are in wetland easements. Neither are within protected wetland basins; therefore, no permit will be required. Although, MPC agrees to notify the WMD of the final construction start date, so they can flag wetland basin boundaries for MPC crews to avoid any impacts to those protected.

PRIME FARMLAND

According to the NRCS Web Soil Survey, consulted on April 24, 2024, structures 8, 107 and 290 are within soils of statewide farmland importance, and structure 699 is within prime farmland soils. MPC sent a letter on April 24, 2024, via email to Wade Bott, State Soil Scientist at USDA NRCS, regarding leaving foundations in place potentially depending on the conditions. Bott responded with a letter dated May 1, 2024, clarifying that concrete foundations left in the ground removed the land from agricultural production when they were initially put in. Therefore, the Farmland Protection Policy Act does not apply nor require any further action.

CONTAMINATION AND TOXIC SUBSTANCES

None of the Project's materials contain toxic substances. According to consultation with NEPAssist on May 2, 2024, structure 8 is approximately 0.5 miles away from Minnesota Power's Center HVDC Terminal. The other structures to be replaced are not within 0.5 miles of any EPA facilities.

COASTAL RESOURCES

The Project is entirely within Oliver, Burleigh, Kidder, and Stutsman Counties, North Dakota. There are no coastal resources present, therefore an analysis of potential impacts to coastal resources is not applicable to the Project.

AIR QUALITY

According to NEPAssist, consulted on May 2, 2024, the Project is not within nor near any non-attainment areas. The Project itself does not introduce any emissions-producing equipment. Construction equipment and vehicles will produce some emissions and disturb the ground, causing airborne particles. However, the described activities will only be present during active construction and should not impact the long-term air quality.

WATER QUALITY

There are no sole source aquifers within 0.5 miles of the Project. The Project does not cross any waterbodies considered impaired under Section 303(d) of the Clean Water Act. The following structures are within 0.5 miles of the following impaired stream: structure 8 of Square Butte Creek, structure 107 of the Missouri River, and structure 684 of Pipestem Creek. Structure 737 is roughly 2.6 miles and may be next to a tributary that drains into the James River. MPC called Karl Rockman, Director of ND Division of Water Quality (DoWQ), on May 2, 2024, to inquire about permitting needs. MPC called the main DoWQ office on Friday May 10, 2024, and Alexis Delzer confirmed that only an NPDES general permit would be needed for areas over an acre affected by the Project.

VIOLATION OF FEDERAL OR STATE PERMITS

The Project will not violate any federal or state permits. On April 12, 2024, MPC contacted NDDEQ solid waste section manager Diana Trussell. Ms. Trussell was contacted via phone to inquire as to whether any permitting was needed for abandonment in place of the concrete footings. Ms. Trussell indicated that solid waste regulations did not apply. On May 9, 2024, MPC sent an email to Ms. Trussell to inquire if solid waste regulations would apply. As of the date of this report, no response has been received from Ms. Trussell. On June 3, 2024, MPC called NDDEQ and spoke with Chad Hermanson, who confirmed that a permit is not required for abandoned concrete, an inert material. Mr. Hermanson sent an email on June 10, 2024, to provide written confirmation. On June 12, 2024, MPC called Hermanson and received verbal confirmation that the metal within the foundations do not require additional permits.

MPC is seeking a siting exclusion with the ND Public Service Commission (NDPSC) and will not proceed with construction until proper approval is received.

ENVIRONMENTAL JUSTICE

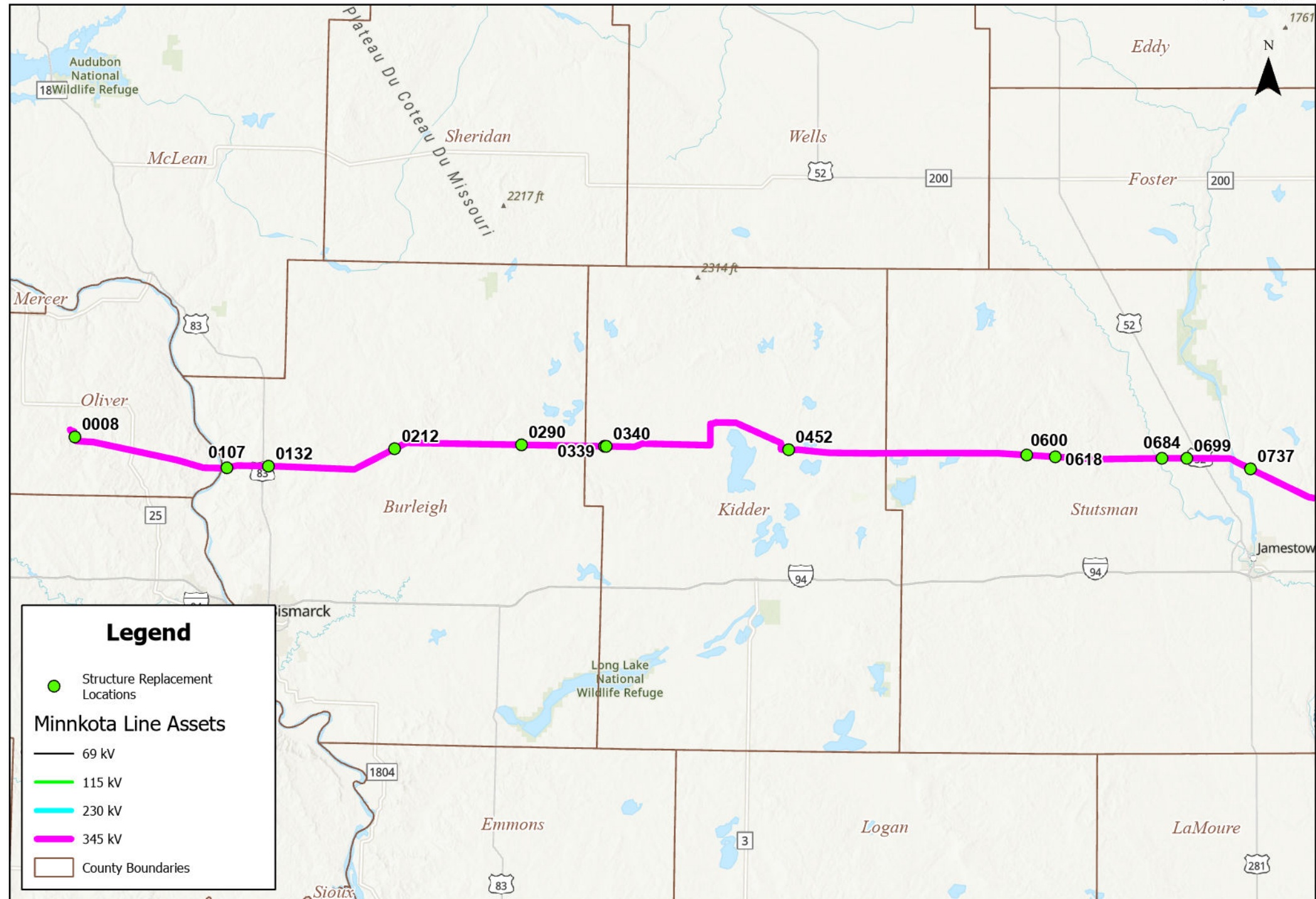
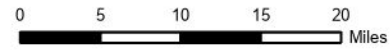
A Community Report run on EPA's EJScreen website, on May 3, 2024, indicates an approximate population of 99 among 37 households within a 0.5-mile buffer of structures 107, 132, 339, 340, 699 and 737. The 0.5-mile buffer around the other structures in the Project were too sparsely populated to generate an EJScreen report.

The households near structures 107, 132, 339, 340, and 737 had values for lead greater than the state and federal averages. The population near structures 107, 132, 339, 340, 699, and 737 is made of a greater percentage of people over the age of 64 than the state and federal averages. Near 107 and 132, a higher percentage of people are unemployed compared to state averages, and near structures 339 and 340, a higher percentage with less than high school education compared to state averages. Lastly, the population near structure 737 has a higher percentage of people younger than age 5 than state and federal averages.

PROJECT MAP

21839: CENTER-MR STRUCTURE REPLACEMENTS

Burleigh, Kidder, Oliver, and Stutsman Counties, ND



**ATTACHMENTS: SECTION 106 HISTORIC PROPERTIES AND TRIBAL
CONSULTATION**

Submitted under separate cover at the agency's request

ATTACHMENTS: THREATENED AND ENDANGERED SPECIES



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

In Reply Refer To:

03/22/2024 13:07:29 UTC

Project Code: 2024-0066645

Project Name: 21839 Line 12 Structure Replacements

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 IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC 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: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.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 [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

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/library/collections/threats-birds>.

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/partner/council-conservation-migratory-birds>.

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

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: 2024-0066645

Project Name: 21839 Line 12 Structure Replacements

Project Type: Transmission Line - New Constr - Above Ground

Project Description: The Project entails replacing 13 poles within Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along the 345kV line. Most of the structures will be placed within 10 feet, and one within 15 feet, of the existing structure. However, one structure, #012C0618, will be relocated 80 feet west of the existing structure. This structure will be replaced in winter 2024, when the ground is frozen for stability and less wetland impact. Table I below shows the structures and their replacement distance. These structures have structural foundation issues beyond reasonable repair. The Project replaces these identified structures proactively to avoid catastrophic failures threatening the line's reliability

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.05944195,-100.51519732300122,14z>



Counties: North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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 Fisheries¹, 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.

-
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 <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> 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. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

INSECTS

NAME	STATUS
Dakota Skipper <i>Hesperia dacotae</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1028	Threatened
Monarch Butterfly <i>Danaus plexippus</i> 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.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture

Name: Kacey Ann Borin

Address: 5301 32nd Ave S

City: Grand Forks

State: ND

Zip: 58201

Email: kborin@minnkota.com

Phone: 7017954287



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

In Reply Refer To:

06/10/2024 16:33:08 UTC

Project Code: 2024-0066645

Project Name: 21839 Line 12 Structure Replacements

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:

Section 7 of the Endangered Species Act

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 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 IPaC system by completing the same process used to receive the enclosed list.

The Act requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service *if they determine their project and associated actions "may affect" listed species or critical habitat*. If Federal agencies or their non-federal representatives determine their project and associated actions will have "no effect" on listed species, their habitats, or designated critical habitat, consultation is not required. However, if a "no effect" is determined, we recommend that you maintain a written record in support of your conclusion.

Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

Additionally, while not all are listed as threatened or endangered, eagles and migratory birds

have protections under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA prohibits take which is defined as, “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” (50 CFR 22.3). Disturb is defined in regulations as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”. The MBTA makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed as migratory birds, including eagles. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests.

Service Property Interests

As part of the National Wildlife Refuge System, the Service administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. For exact locations of Service interest lands, please contact the appropriate Wetland Management Districts (WMD) for guidance regarding FWS easements.

Northwest ND WMD Complex: Kyle Flanery, (701) 768-2548

Eastern ND WMD Complex: Dave Azure, (701) 285-3341

Central ND WMD Complex (also covers south and west): Todd Luke, (701) 442-5474

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: 2024-0066645
Project Name: 21839 Line 12 Structure Replacements
Project Type: Transmission Line - New Constr - Above Ground
Project Description: The Project entails replacing 13 poles within Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along the 345kV line. Most of the structures will be placed within 10 feet, and one within 15 feet, of the existing structure. However, one structure, #012C0618, will be relocated 80 feet west of the existing structure. This structure will be replaced in winter 2024, when the ground is frozen for stability and less wetland impact.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.05944195,-100.51519732300122,14z>



Counties: North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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 Fisheries¹, 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.

-
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 <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> 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. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Rufa Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

INSECTS

NAME	STATUS
Dakota Skipper <i>Hesperia dacotae</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1028	Threatened
Monarch Butterfly <i>Danaus plexippus</i> 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.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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
KIDDER COUNTY WATERFOWL PRODUCTION AREA https://www.fws.gov/our-facilities?keywords=%5C%22KIDDER+COUNTY+WATERFOWL+PRODUCTION+AREA%5C%22	0
STUTSMAN COUNTY WATERFOWL PRODUCTION AREA https://www.fws.gov/our-facilities?keywords=%5C%22STUTSMAN+COUNTY+WATERFOWL+PRODUCTION+AREA%5C%22	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.

FRESHWATER EMERGENT WETLAND

- PEM1C
- PEM1A

FRESHWATER POND

- PABG

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture

Name: Kacey Ann Borin

Address: 5301 32nd Ave S

City: Grand Forks

State: ND

Zip: 58201

Email: kborin@minnkota.com

Phone: 7017954287



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

In Reply Refer To:

03/25/2024 15:37:38 UTC

Project code: 2024-0066645

Project Name: 21839 Line 12 Structure Replacements

Subject: Consistency letter for '21839 Line 12 Structure Replacements' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the North Dakota Determination Key (DKey) for project review and guidance for federally listed species.

Kacey Ann Borin:

The U.S. Fish and Wildlife Service (Service) received on **March 25, 2024** your effects determination for the '21839 Line 12 Structure Replacements' (the Action) using the North Dakota DKey for project review and guidance for federally-listed species within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's North Dakota DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Dakota Skipper (<i>Hesperia dacotae</i>)	Threatened	No effect
Piping Plover (<i>Charadrius melodus</i>)	Threatened	May affect
Rufa Red Knot (<i>Calidris canutus rufa</i>)	Threatened	NLAA
Whooping Crane (<i>Grus americana</i>)	Endangered	No effect

Consultation with the Service is not complete. Further consultation with the North Dakota Ecological Services Field Office is required for those species with a determination of "may affect" listed above. Please contact our office at (701) 250-4481 or your Service point of contact in the North Dakota Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered

Bald and Golden Eagle Protection Act(BGEPA): The following resources are provided to project proponents and consulting agencies as additional information. Bald and golden eagles are not included in this section 7(a)(2) consultation and this information does not constitute a determination of effects by the Service.

The Service developed the National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with Bald Eagles when and under what circumstances the protective provisions of the BGEPA may apply to their activities. The guidelines should be consulted prior to conducting new or intermittent activity near an eagle nest. This document may be downloaded from the following site: <https://www.fws.gov/media/national-bald-eagle-management-guidelines-0>

To determine if your proposed activity is likely to take or disturb Golden or Bald Eagles, please call our office at 702-250-4481 for further review.

If the recommendations detailed in the National Bald Eagle Management Guidelines cannot be followed, you may apply for a permit to authorize removal or relocation of an eagle nest in certain instances. The application form is located at <http://www.fws.gov/forms/3-200-72.pdf>.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

21839 Line 12 Structure Replacements

2. Description

The following description was provided for the project '21839 Line 12 Structure Replacements':

The Project entails replacing 13 poles within Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along the 345kV line. Most of the structures will be placed within 10 feet, and one within 15 feet, of the existing structure. However, one structure, #012C0618, will be relocated 80 feet west of the existing structure. This structure will be replaced in winter 2024, when the ground is frozen for stability and less wetland impact. Table I below shows the structures and their replacement distance. These structures have structural foundation issues beyond reasonable repair. The Project replaces these identified structures proactively to avoid catastrophic failures threatening the line's reliability

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.05944195,-100.51519732300122,14z>



QUALIFICATION INTERVIEW

1. Is your project a federal project or have a federal nexus (funded, permitted or other authorization by a federal agency)?

Yes

2. Does your project consist solely of interior or exterior rehabilitation and renovations of existing residential, commercial buildings and public facilities?

Note: These activities may involve exterior painting, replacement of doors, windows, siding or roofing.

No

3. Does your project consist solely of work done within the existing footprint of a building such as electrical, heating plumbing, basement and foundation repairs?

No

4. Does your project consist solely of additions onto an existing structure?

No

5. Does your project consist solely of renting or purchasing existing buildings?

No

6. Does your project consist solely of demolition of structures within Incorporated City Boundaries?

No

7. Does your project consist solely of repair or replacement of existing parking lots, sidewalks, roads or other paved or graveled surfaces?

No

8. Does your project consist solely of repair or replacement or upgrading playground equipment?

No

9. Is your project a wind farm?

No

10. Is your project a new construction on an existing residential infill lot within Incorporated City Boundaries?

No

11. Are you building overhead power lines?

No

12. Are you constructing a communication tower or other permanent structure over 200 feet above ground line without guy wires?

No

13. Are there any wetlands in your project area?

Yes

14. Will the project impact a wetland?

Note: Common impacts to wetlands include filling, grading, removal of vegetation, building construction and changes in water levels and drainage patterns.

Yes

15. Is your project located entirely within a developed area?

Note: A developed area is an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping.

No

16. [Semantic] Does the action area intersect the Dakota Skipper area of influence?

Automatically answered

Yes

17. Is the project area on disturbed land (e.g. urban areas, previously cropped areas, non-native haylands, pasture or other grassland that is dominated by non-native species, or in areas where trees or shrubs predominate)?

Yes

18. [Semantic] Does the action area intersect the Whooping Crane area of influence?

Automatically answered

Yes

19. If a whooping crane is spotted within one-mile of construction, will you stop construction and immediately call the USFWS North Dakota Ecological Service Office?

Yes

20. [Semantic] Does the action area intersect the Piping Plover area of influence?

Automatically answered

Yes

21. Will the project result in changes to river hydrology (i.e. via construction of lock & dams, major waterbody diversion/major (over 1,000,000 gallons/day water withdrawals, etc.)?

No

22. Is the project a cooling water intake for a power plant regulated under section 316 of the Clean Water Act?

Note: This applies to facilities that are designed to withdraw at least two million gallons per day of cooling water from waters of the U.S.

No

23. Is this an instream sand and gravel mining project?

No

24. Will this project completely cross the Missouri River or Lake Sakakawea?

Note: This includes project under, over and through the Missouri River or Lake Sakakawea, such as a bridge, buried cable and pipelines including HDD pipelines.

No

25. Will the project directly impact suitable piping plover nesting habitat?

Note: Direct impacts include any off road vehicle access including use of mat roads, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.)

Yes

26. [Semantic] Does the action area intersect the Rufa Red Knot area of influence?

Automatically answered

Yes

27. Will the project construction or other impacts occur between April 1-May 31 or between August 15-October 31?

Yes

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture

Name: Kacey Ann Borin

Address: 5301 32nd Ave S

City: Grand Forks

State: ND

Zip: 58201

Email: kborin@minnkota.com

Phone: 7017954287



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

In Reply Refer To:
Project code: 2024-0066645
Project Name: 21839 Line 12 Structure Replacements

03/22/2024 13:35:44 UTC

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Agriculture

Subject: Record of project representative's no effect determination for '21839 Line 12 Structure Replacements'

Dear Kacey Ann Borin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 22, 2024, for '21839 Line 12 Structure Replacements' (here forward, Project). This project has been assigned Project Code 2024-0066645 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Dakota Skipper *Hesperia dacotae* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Piping Plover *Charadrius melodus* Threatened
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Whooping Crane *Grus americana* Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the North Dakota Ecological Services Field Office and reference Project Code 2024-0066645 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

21839 Line 12 Structure Replacements

2. Description

The following description was provided for the project '21839 Line 12 Structure Replacements':

The Project entails replacing 13 poles within Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along the 345kV line. Most of the structures will be placed within 10 feet, and one within 15 feet, of the existing structure. However, one structure, #012C0618, will be relocated 80 feet west of the existing structure. This structure will be replaced in winter 2024, when the ground is frozen for stability and less wetland impact. Table I below shows the structures and their replacement distance. These structures have structural foundation issues beyond reasonable repair. The Project replaces these identified structures proactively to avoid catastrophic failures threatening the line's reliability

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.05944195,-100.51519732300122,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture

Name: Kacey Ann Borin

Address: 5301 32nd Ave S

City: Grand Forks

State: ND

Zip: 58201

Email: kborin@minnkota.com

Phone: 7017954287

Kacey Borin

From: Riddle, Heidi L <heidi_riddle@fws.gov>
Sent: Wednesday, April 17, 2024 9:30 AM
To: Kacey Borin
Cc: Johnson, Jessica N
Subject: RE: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kacey,

Jessica shared the information below. I would say a “qualified wildlife biologist” is a bit of a judgment call. The person should probably have some experience with shorebirds/plovers so they are able to accurately identify piping plovers.

Hope this helps.

Piping Plover

- Piping plover Nesting Period **April 15 – August 15.**
- Surveys must begin 7 days prior to any onsite activities.
- Survey in the morning, prior to the start of project/construction activities for the day and record a start and stop time.
- Surveys must be conducted when there is adequate light to detect and identify birds. If cloudy or foggy, take additional time to ensure a good quality survey.
- Surveys will be conducted daily.
- Survey will be conducted within 0.5 miles of proposed activity.
- If suitable habitat is identified, a **qualified wildlife biologist** will conduct daily surveys of the identified areas to monitor for the presence of piping plovers.
- From a good vantage point, survey areas within 0.5 miles of where project/construction activities will occur. Use binoculars or spotting scope to survey for a minimum of 20 minutes in each viewing area.
- Look specifically for bird movements along sandbars in the middle of the channel, along the shoreline, and on recently formed floodplain sand deposits.
- Nesting behavior: copulations, birds returning to the same place, sitting on the sand for a long period of time, or nest exchange (males and females will generally take 20-minute shifts to incubate).
- Foraging behavior: looking for food along sandbar, probing the sand, hovering over river channel, and diving into water for fish, and bringing back fish to sandbar.
- If nesting activity is not observed, project/construction activities may commence.
- If a possible sighting occurs, then further investigation may be needed from a different vantage point or using higher-powered optics to verify if a nest, eggs, or chicks are present. Landowner permission must be obtained by the contractor if entering private land.
- **If at any time, an active nest, chick or adult bird is observed within 0.5 miles of the project:**
- Do not attempt to disturb or remove the birds or nests.
- Do not conduct construction activities that could result in the adults abandoning the nest.
- Do not start or continue construction activity within .5 miles of the nest.
- Immediately contact (within 1 hour) the USFWS for direction on continuation of work in the area.

- Do not resume construction activity within .5 mile of the nest until individuals leave the site or it is determined by the USFWS that there is no risk for disturbance.

From: Kacey Borin <kborin@minnkota.com>
Sent: Tuesday, April 16, 2024 2:44 PM
To: Riddle, Heidi L <heidi_riddle@fws.gov>
Cc: Johnson, Jessica N <jessica_n_johnson@fws.gov>
Subject: RE: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

Hi Heidi,

Thank you for the guidance! One clarification- so only a permitted surveyor is allowed to make the initial determination of presence. Are they then also the only ones allowed to conduct monitoring during construction and to have the discretionary determination about disturbance to plovers found present within 0.5 miles? Or could the latter two be a biologist not necessarily permitted?

Thanks,

Kacey Ann Borin (she/her)

Environmental Specialist I

Office: (701) 795-4287

Mobile: (701) 317-8741

From: Riddle, Heidi L <heidi_riddle@fws.gov>
Sent: Tuesday, April 16, 2024 12:28 PM
To: Kacey Borin <kborin@minnkota.com>
Cc: Johnson, Jessica N <jessica_n_johnson@fws.gov>
Subject: RE: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kacey,

As long as the project is not in critical habitat, you could have a permitted surveyor determine if piping plovers are present. If no plovers are there, you could continue to monitor throughout construction and continue if plovers are not using the area. If plovers are detected, there are still ways to possibly initiate or continue construction – the ½ mile buffer is a rule of thumb, but some individual birds may be tolerant of human activity and a biologist could be watching to determine if activities are “disturbing” to the plovers. Also, if there is a geographic or other barrier between the construction and the plover area(s) that blocks sound/vision, this could be demonstrated to not impact the plovers.

Also, just to be clear, there is no scenario in which you are “not able” to conduct the project. The scenarios I described above are in line with informal consultation; in other words, I believe the Service could concur with a “may affect, not likely to adversely affect” piping plovers if the measures are able to be implemented. If such measures cannot be feasibly implemented, but the project proponent wishes to move forward anyway, there is also the option to formally consult if the project “may affect, is likely to adversely affect” piping plovers. Of

course, this is usually a longer process, but it's doable, and it's possible we could complete it in a shorter timeframe (subject to manager's approval).

I am also cc'ing Jessica Johnson on this email, as she may have additional input as the office plover lead.

Great questions, thanks for asking. Let me know if you need any clarification.

Heidi

From: Kacey Borin <kborin@minnkota.com>
Sent: Tuesday, April 16, 2024 10:32 AM
To: Riddle, Heidi L <heidi_riddle@fws.gov>
Subject: RE: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

Hi Heidi,

For the piping plover, in what scenarios, if any, might construction be able to take place within that 0.5-mile buffer during the April-August timeframe? For example, would someone be able to prove that there weren't any piping plovers present during the process- like an environmental person at the company, or consultant, at the site monitoring? Or is the construction 'degrading' the habitat atmosphere and therefore piping plovers' approach/ use of it?

Thanks,

Kacey Ann Borin (she/her)

Environmental Specialist I

Office: (701) 795-4287

Mobile: (701) 317-8741

From: Riddle, Heidi L <heidi_riddle@fws.gov>
Sent: Friday, April 5, 2024 12:04 PM
To: Kacey Borin <kborin@minnkota.com>
Subject: RE: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kacey, yes time sure does fly! If you implement the 0.5-mile buffer for the areas that have suitable piping plover habitat, we could still concur with your NLAA determination. And yes, you are correct about the 1-mile no activity zone for whooping cranes.

Feel free to reach out with any other questions. Happy Spring!

Heidi Riddle, CWB®
Fish and Wildlife Biologist
USFWS North Dakota Ecological Services Field Office
3425 Miriam Ave
Bismarck, ND 58501
(701) 319-6708
heidi_riddle@fws.gov

From: Kacey Borin <kborin@minnkota.com>
Sent: Wednesday, April 3, 2024 10:53 AM
To: Riddle, Heidi L <heidi_riddle@fws.gov>
Subject: [EXTERNAL] 21839 345kV Structure Replacements- Piping Plover

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good morning Heidi-

Hope you've been doing well, it's been quite a while! I've got a few questions for you about a project I'm working on.

We're getting RUS funding for replacing 13 structures along our 345kV line, so I've been working through NEPA stuff for the project with them. Most structures are moving 10-15 feet, with one of them moving 80 feet. The old foundations may be left in place due to their size and weight. Four of the structures are within WPAs (Str 339 & 340 in Kidder County, Str 600 & 680 in Stutsman County), and I've coordinated with the WMDs about those. The IPaC ND D-key made a determination of "May Affect" for the Piping Plover. I talked to Jessica, I think, over the phone about the D-key, and she mentioned we may need a suitable habitat survey. We did have a consultant conduct a Natural Resources Report last November 2023, in which they surveyed for Piping Plover habitat and identified that Str 107 activities should take place outside of April 15-August 15 due to habitat proximity.

Originally, the project was planned to take place during outages scheduled at the end of May and beginning of June, except for Str 618 (moving 80 feet) planned for the winter since it's within a wetland. However, some other portions of the project are taking longer than planned, so it will likely be postponed, but I don't know at this time when that might be.

Would the Natural Resources Report suffice for surveying potential impacts to the Piping Plover? If I inform the team to delay Str 107's work until after August 15, are there any other considerations/ recommendations I should mention? Is the 1-mile no-activity zone for whooping cranes just for any sighting of them during construction or for if they're noticed to be using a wetland for roosting/ foraging nearby? Lastly, is there anything additional I may need to provide to you/ your office?

(I've attached the project maps showing existing and proposed structure locations, the IPAC ND D-Key, and the Natural Resources Report.)

Thanks-

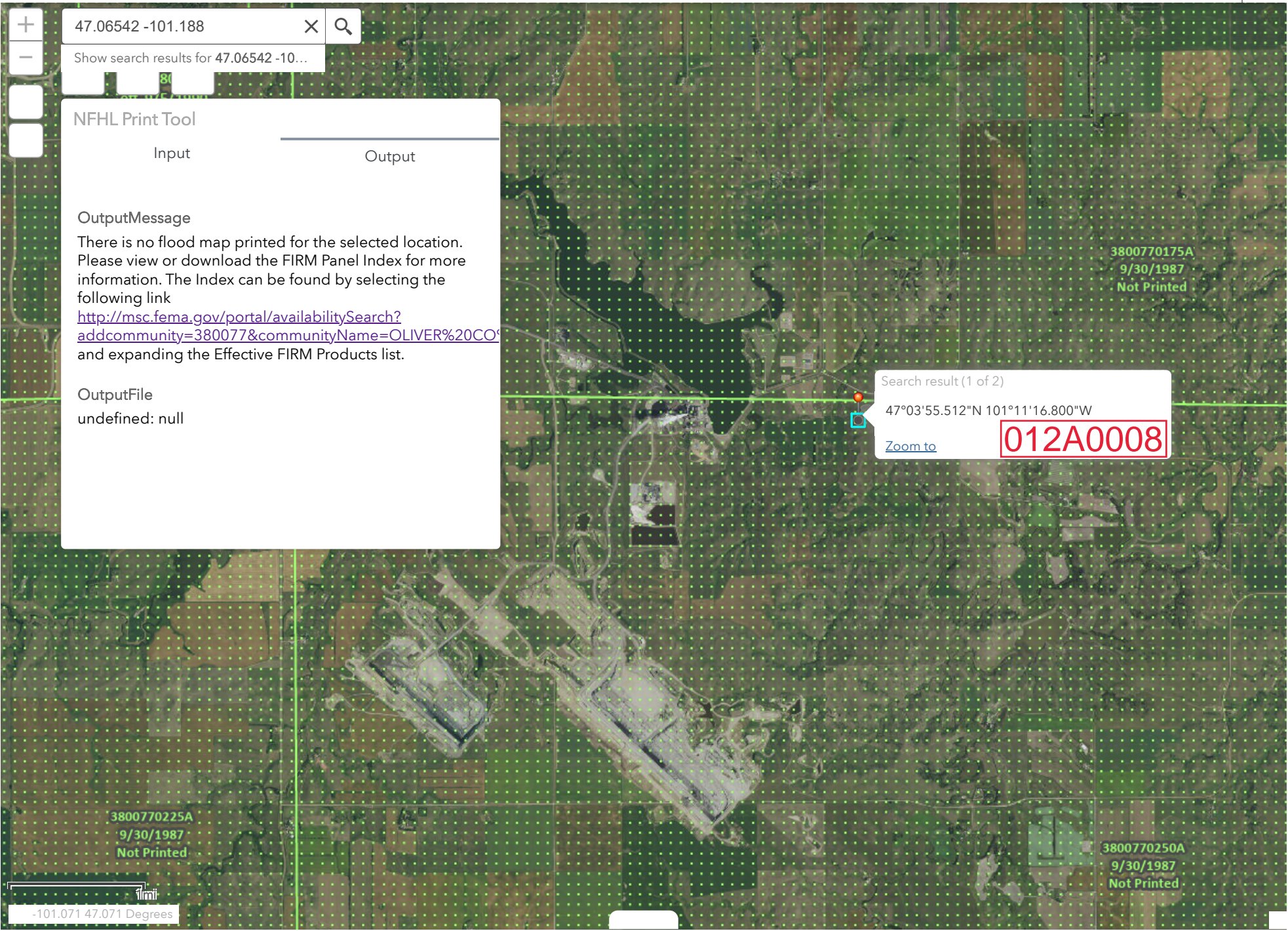
Kacey Ann Borin (she/her)
Environmental Specialist I

Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4287
Mobile: (701) 317-8741

Email: kborin@minnkota.com
Web: www.minnkota.com



ATTACHMENTS: FLOODPLAIN MANAGEMENT



+ 47.06542 -101.188 X Q

- Show search results for 47.06542 -10...

NFHL Print Tool

Input Output

OutputMessage

There is no flood map printed for the selected location. Please view or download the FIRM Panel Index for more information. The Index can be found by selecting the following link
<http://msc.fema.gov/portal/availabilitySearch?addcommunity=380077&communityName=OLIVER%20CO> and expanding the Effective FIRM Products list.

OutputFile
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Search result (1 of 2)

47°03'55.512"N 101°11'16.800"W

012A0008

[Zoom to](#)

3800770225A
9/30/1987
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Not Printed

-101.071 47.071 Degrees

* 380077 0175 A

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NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

OLIVER COUNTY,
NORTH DAKOTA
(UNINCORPORATED AREAS)

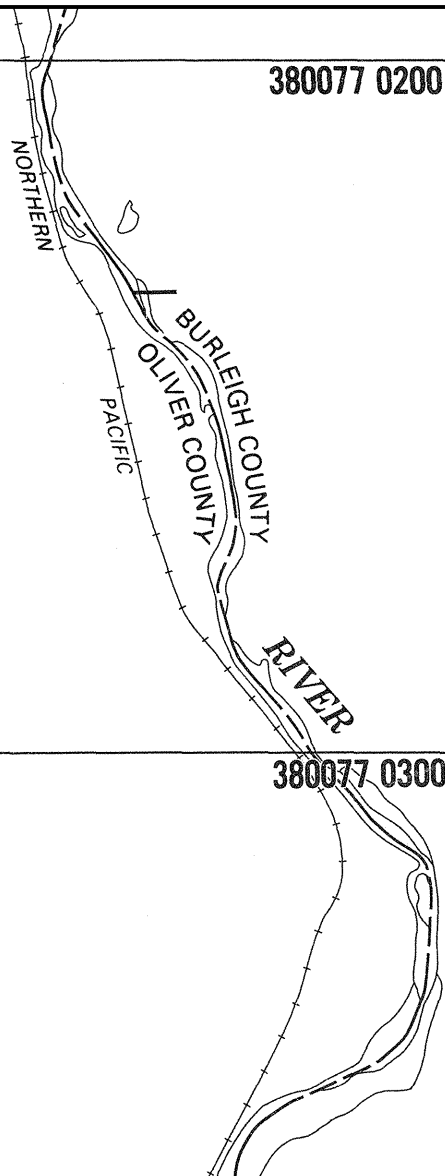
MAP INDEX
PANELS PRINTED: 200, 300

COMMUNITY-PANEL NUMBERS
380077 0001 - 0300

EFFECTIVE DATE:
SEPTEMBER 30, 1987



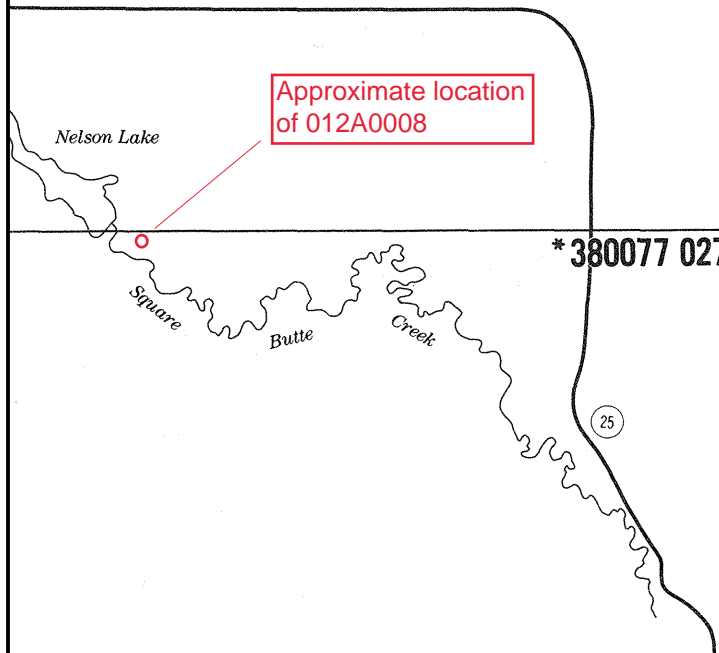
Federal Emergency Management Agency



Approximate location
of 012A0008

* 380077 0275 A

380077 0300 A

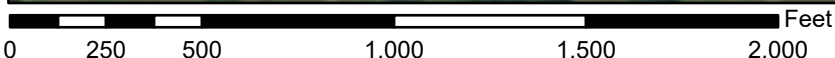
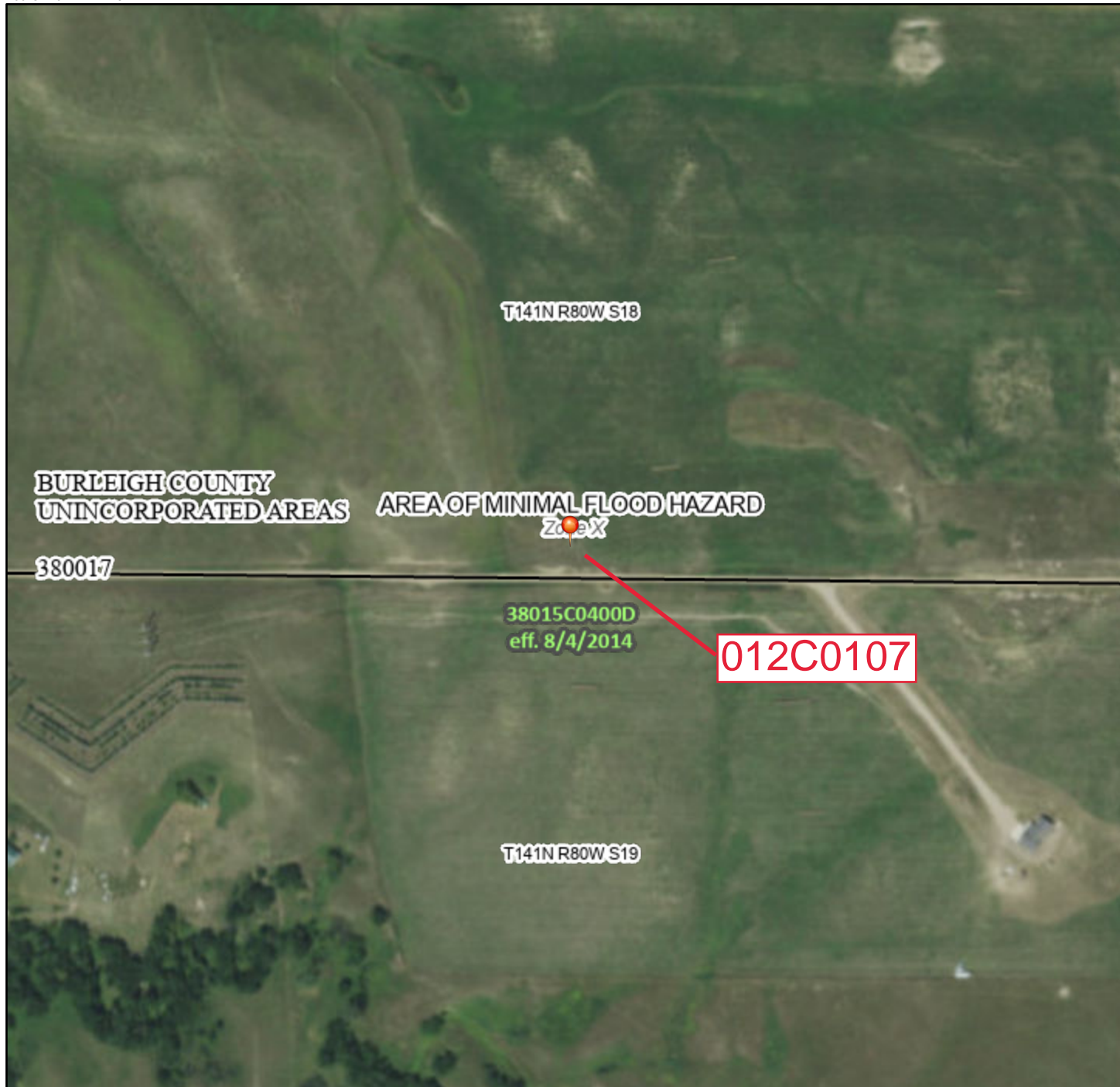


This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

National Flood Hazard Layer FIRMette



100°52'20"W 47°1'49"N





























1:6,000

100°51'42"W 47°1'24"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS |  Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i>
 With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
 Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD |  0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
 Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
 Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
 Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS |  NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
 Effective LOMRs
 Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES |  Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall |
| OTHER FEATURES |  20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
 17.5
 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature |
| MAP PANELS |  Digital Data Available
 No Digital Data Available
 Unmapped |
- 
- 

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

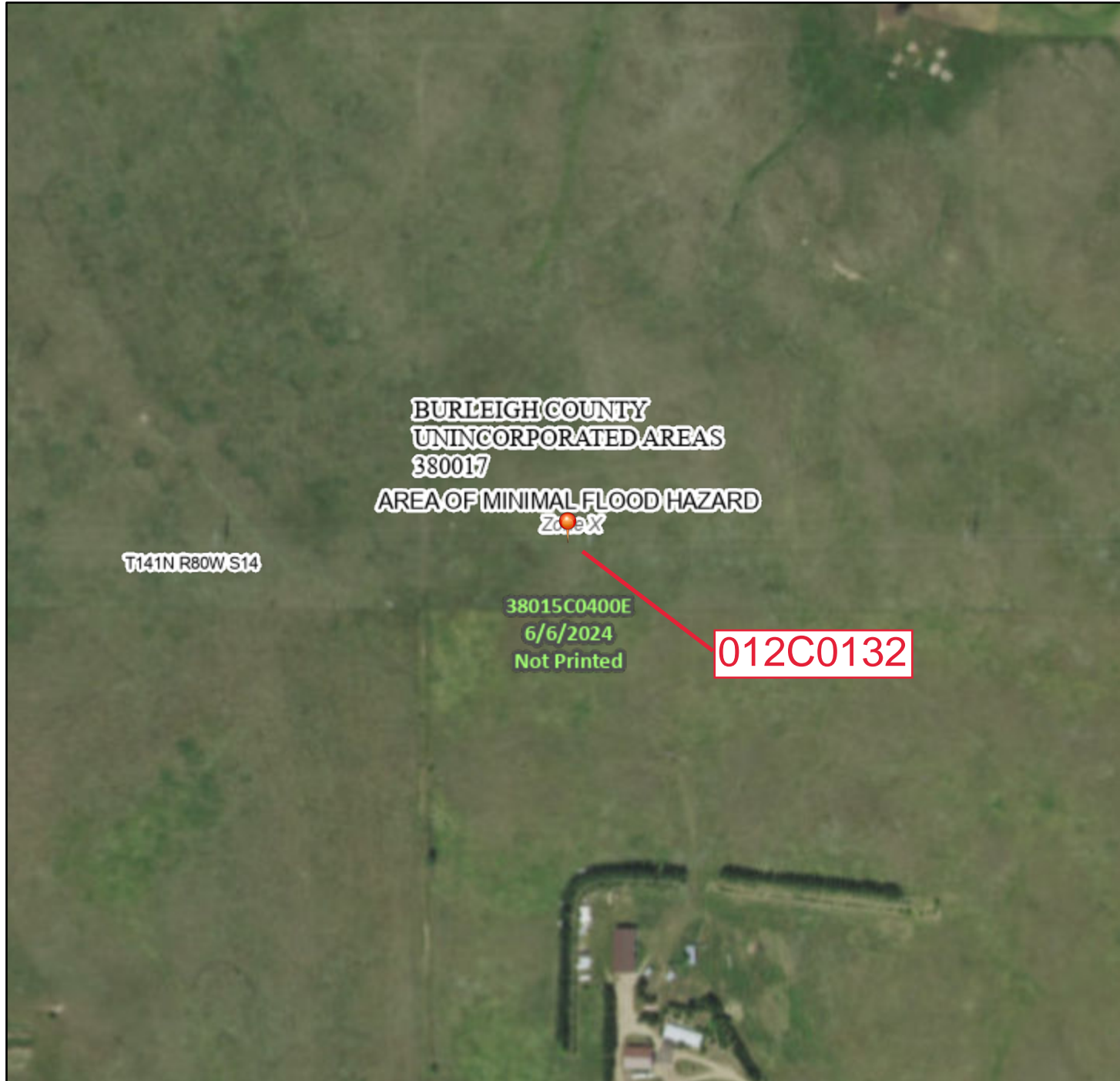
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:35 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



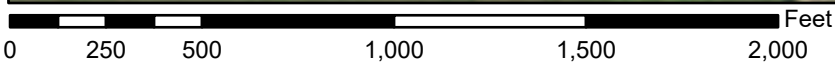
100°47'7"W 47°2'2"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



1:6,000

100°46'29"W 47°1'38"N

Basemap Imagery Source: USGS National Map 2023

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/10/2024 at 3:46 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



100°31'13"W 47°3'46"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

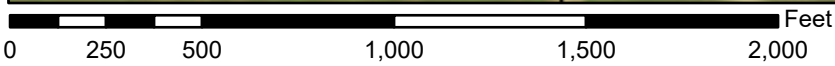


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:38 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



1:6,000

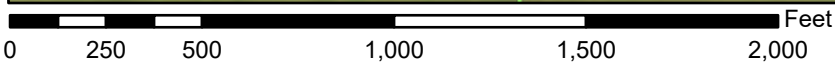
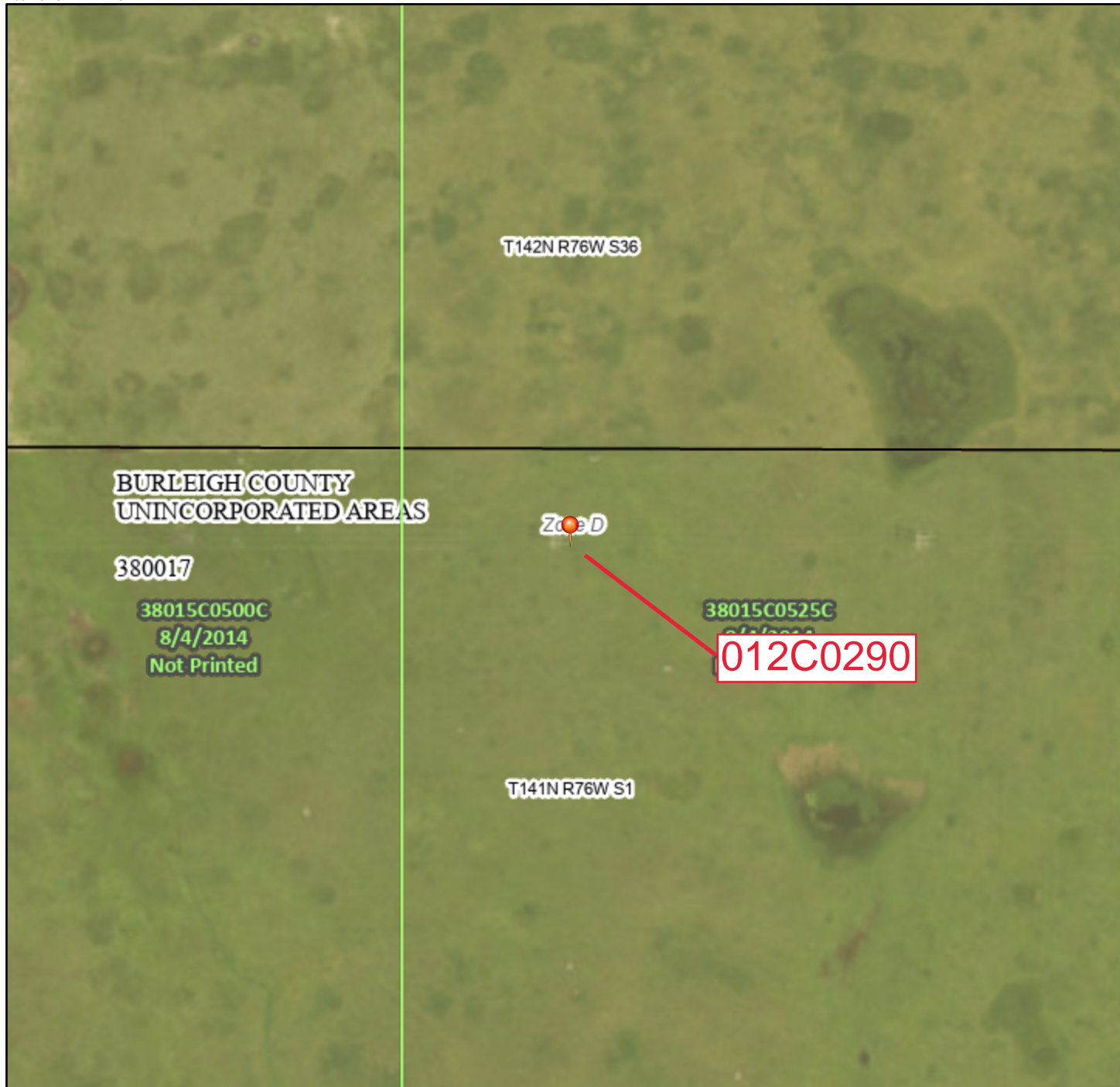
100°30'35"W 47°3'22"N

Basemap Imagery Source: USGS National Map 2023

National Flood Hazard Layer FIRMMette



100°15'13"W 47°4'18"N



1:6,000

100°14'36"W 47°3'53"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

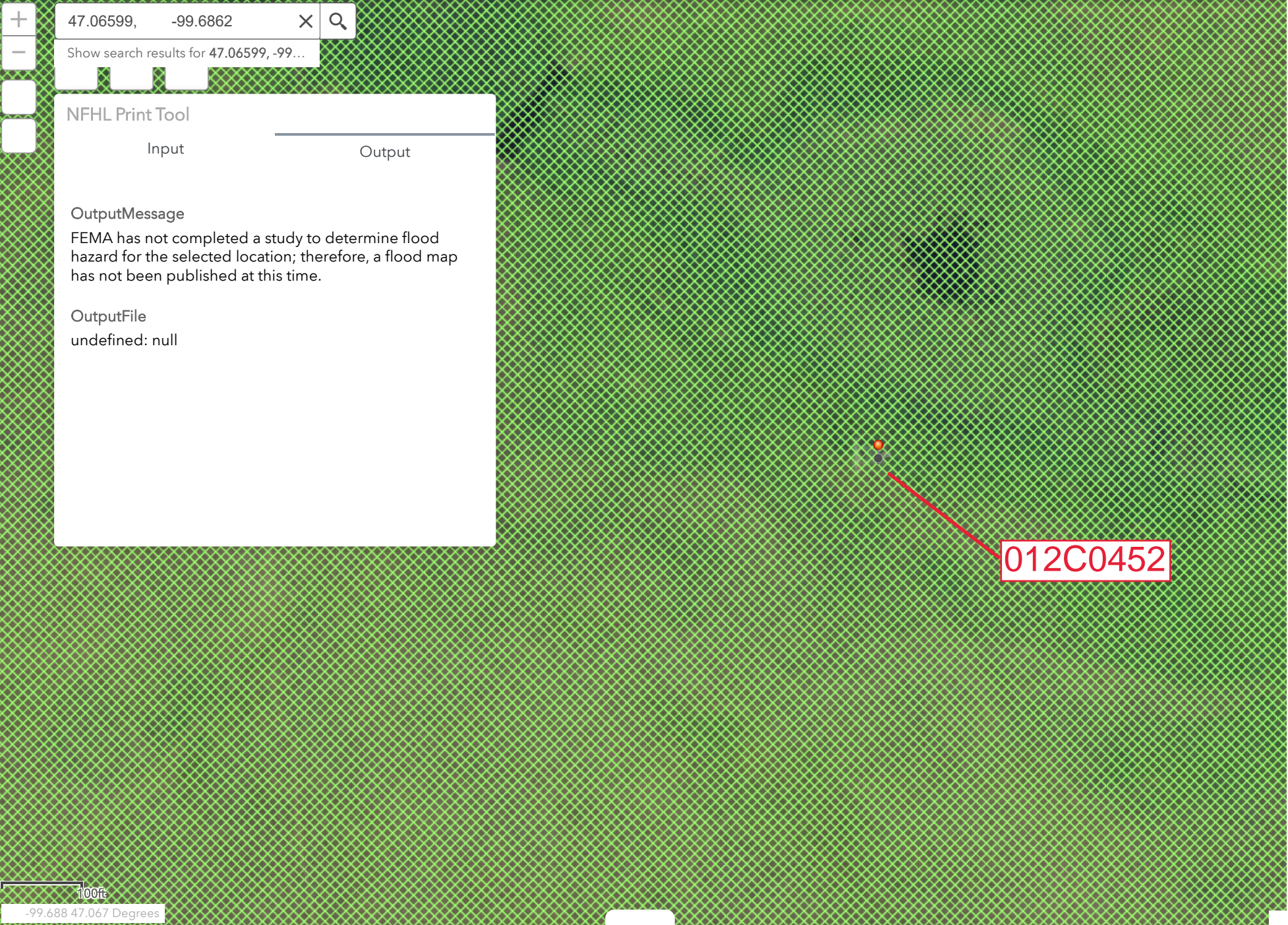
SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/6/2024 at 10:43 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





National Flood Hazard Layer FIRMMette



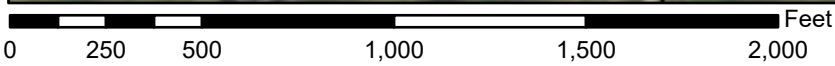
99°11'25"W 47°3'49"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



1:6,000

99°10'48"W 47°3'24"N

Basemap Imagery Source: USGS National Map 2023

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:47 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



99°7'49"W 47°3'40"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

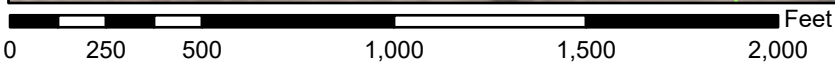
- | | | |
|------------------------------------|----------------------|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | Hydrographic Feature | |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:48 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



1:6,000

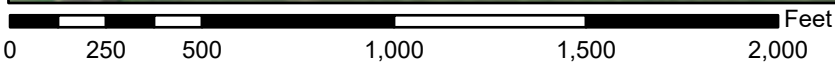
99°7'11"W 47°3'15"N

Basemap Imagery Source: USGS National Map 2023

National Flood Hazard Layer FIRMette



98°54'20"W 47°3'32"N



1:6,000

98°53'43"W 47°3'8"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

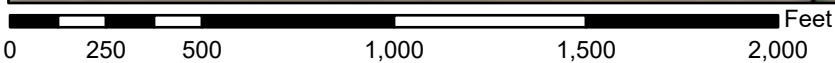
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:49 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



98°51'12"W 47°3'32"N



1:6,000

98°50'35"W 47°3'18"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:50 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

National Flood Hazard Layer FIRMMette



98°43'11"W 47°2'37"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

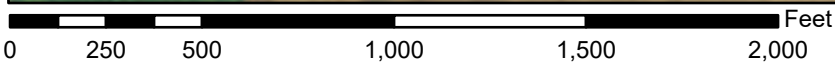


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/6/2024 at 10:52 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



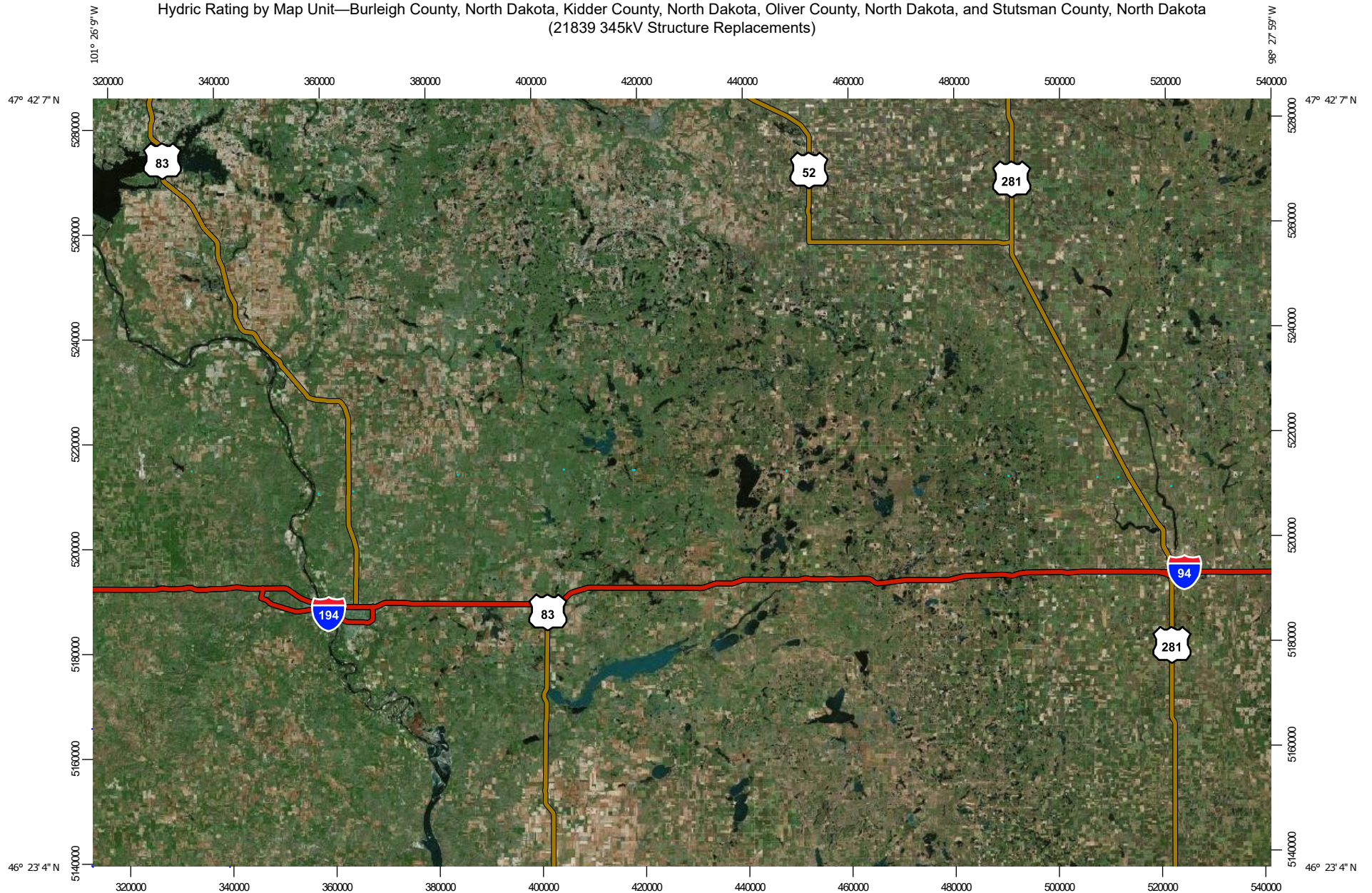
1:6,000

98°42'33"W 47°2'12"N

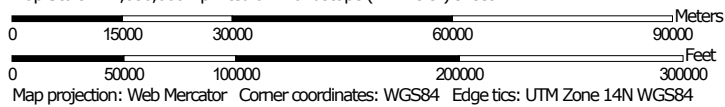
Basemap Imagery Source: USGS National Map 2023

ATTACHMENTS: WETLANDS PROTECTION

Hydric Rating by Map Unit—Burleigh County, North Dakota, Kidder County, North Dakota, Oliver County, North Dakota, and Stutsman County, North Dakota
(21839 345kV Structure Replacements)




Map Scale: 1:1,030,000 if printed on A landscape (11" x 8.5") sheet.









MAP LEGEND

Area of Interest (AOI)







 Area of Interest (AOI)

Soils







Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available


Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available






Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Burleigh County, North Dakota
Survey Area Data: Version 24, Sep 7, 2023

Soil Survey Area: Kidder County, North Dakota
Survey Area Data: Version 25, Aug 30, 2023

Soil Survey Area: Oliver County, North Dakota
Survey Area Data: Version 28, Sep 7, 2023

Soil Survey Area: Stutsman County, North Dakota
Survey Area Data: Version 26, Aug 30, 2023

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 1, 1999—Dec 31, 2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C132C	Williams-Zahl-Zahill complex, 6 to 9 percent slopes	2	0.6	7.7%
C210B	Williams-Bowbells loams, 3 to 6 percent slopes	3	0.6	7.7%
E1333C	Vebar-Cohagen fine sandy loams, 6 to 9 percent slopes	0	0.6	7.7%
E2747D	Werner-Chama-Sen silt loams, 9 to 15 percent slopes	0	0.5	7.4%
E3802C	Linton-Mandan silt loams, 6 to 9 percent slopes	0	0.0	0.3%
Subtotals for Soil Survey Area			2.2	30.8%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C5A	Southam silty clay loam, 0 to 1 percent slopes	92	0.0	0.6%
C800C	Appam sandy loam, 6 to 9 percent slopes	1	0.4	5.8%
C825A	Divide loam, 0 to 2 percent slopes	10	0.1	1.9%
C829A	Marysland loam, 0 to 1 percent slopes	85	1.1	14.8%
Subtotals for Soil Survey Area			1.7	23.1%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
E3531C	Williams loam, 6 to 9 percent slopes	0	0.6	7.7%
Subtotals for Soil Survey Area			0.6	7.7%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C135D	Zahl-Williams loams, 9 to 15 percent slopes	3	0.4	5.9%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C165F	Zahl-Max-Parnell complex, 0 to 35 percent slopes	29	0.6	7.7%
C210B	Williams-Bowbells loams, 3 to 6 percent slopes	3	0.1	1.7%
G100A	Hamerly-Tonka complex, 0 to 3 percent slopes	40	0.1	1.1%
G143D	Barnes-Buse-Langhei loams, 9 to 15 percent slopes	6	0.5	7.1%
G144B	Barnes-Buse loams, 3 to 6 percent slopes	8	0.6	7.7%
G147D	Buse-Barnes-Darnen loams, 6 to 15 percent slopes	2	0.0	0.0%
G520A	Lowe clay loam, 0 to 1 percent slopes, frequently flooded	94	0.0	0.5%
G773B	Swenoda-Buse complex, 3 to 6 percent slopes	1	0.5	6.6%
Subtotals for Soil Survey Area			2.8	38.5%
Totals for Area of Interest			7.2	100.0%

Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower



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Hydric Rating by Map Unit

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- Order of Soil Survey
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Map — Hydric Rating by Map Unit

Scale (not to scale) ▼





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STR #012C0452



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A Touchstone Energy® Cooperative 

5301 32nd Ave. South
Grand Forks, ND 58201
Phone 701.795.4000
www.minnkota.com

April 26, 2024

Jason Renschler
US Army Corps of Engineers
North Dakota Regulatory Office
3319 University Drive
Bismarck, ND 58504

Sent Via Email: Jason.J.Reschler@usace.army.mil

**RE: Minnkota Power Cooperative, Inc.
345kV Line 12 Structure Replacements Project
Oliver, Burleigh, Kidder and Stutsman Counties, North Dakota**

Dear Jason Renschler,

Minnkota Power Cooperative, Inc. (MPC) is preparing to replace 13 structures in Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along a 345kV line with USDA Rural Utilities Service funding (Project). The concrete foundations are degraded beyond reasonable repair and must be replaced to prevent outages related to failing structures. These foundations are mostly solid concrete, but some are hollow in the middle, and sit roughly between 9'11" to 13" below ground and roughly 6" above ground, subject to changes due to ground conditions over time. Methods for removal will primarily be digging a hole with a standard excavator around the foundation then lifting it out with a crane; or using a bigger excavator to dig a wider hole then dragging the foundation out of hole. Alternatively, if foundations are left in place, the aluminum structure will be removed and the steel cut flush with the concrete foundation.

There will be 12 new steel H-frame tangent structures and 1 steel 3-pole dead end structure ranging in height between 100 and 115 feet. They will be embedded 4 feet plus 10% of the pole height directly into the subsurface, ranging in depth between 14 and 15.5 feet. The specific coordinates for all the current structures, the proposed distance away from the current for the new structures, structure type and height, plans for foundation removal and identified water resources can be found in Table 1. The project maps, along with the tangent and dead end structures, and concrete foundation design drawings can be found attached to this letter.

The Project is anticipated to take place in August. According to the National Wetland Inventory, structures 339, 340, 452, 618 and 737 are within or bordering wetlands. Structures 452 and 618 are in standing water and may be pushed to attempt in the winter when the ground freezes to provide a more stable ground for equipment and minimize ground disturbances. These two have also been identified to be a likely significant challenge to remove the foundations without extensive impact to the wetlands and/or area around them. Structures 452 and 737 are on the banks of wetlands and may be able this year since it's been drier. Although depending on conditions in August, these may also be a challenge to achieve removing the foundations.

A Natural Resources Report dated January 2024, was completed by Barr Engineering on behalf of MPC. The results from the vegetation field surveys conducted in November can be found in the report. That report and hydric rating maps pulled from the Web Soil Survey, are attached to this letter.

Structures 339 and 340

Both structure 339 and 340 are within Kidder County WPAs under wetland easements, and structure 340 is within a protected basin. MPC consulted with the Long Lake Wetland Management District with oversight and no permit is required. Both are currently within Marysland loam soils that have a hydric rating of 85, although structure 339 will move east 10 feet towards Southam silty clay loam soils with a hydric rating of 92. Barr Engineering completed a Natural Resources Report on behalf of MPC dated January 2024, in which the vegetation community was found to be dominated by upland vegetation within a 30-foot radius and by wetland vegetation 30 feet east-northeast of structure 339. The vegetation community around structure 340 is dominated by wetland vegetation.

Structure 452

Structure 452 is within the edge of a wetland, roughly 1.8 miles away from Kunkel Lake. This structure is currently and will be within Appam sandy loam that has a hydric rating of 1. The vegetation community around the structure is dominated by upland vegetation within a 25-foot radius of the structure, with wetland habitat located roughly 25 feet north. Structure 452 is moving 10 feet west.

Structure 618

Structure 618 is within a wetland near Deer Lake. This structure is in standing water and will be replaced in the winter when the ground is frozen to minimize impacts to wetlands and for easier accessibility. The structure is currently in Williams-Bowbells loams with a hydric rating of 3 and will be moving west 80 feet into Zahl-Williams loams, which also have a hydric rating of 3. The vegetation community around the structure is dominated by wetland vegetation within the surveyed 35-foot radius. Wetland habitat was observed outside of that. The new structure is moving towards agricultural land use.

Structure 737

Structure 737 is within the bank of a linear wetland possibly connected to James River 1.7 miles away. The current structure is within Barnes-Buse-Langhei loams with a hydric rating of 6. The new structures will be moving 10 feet northwest towards the Lowe clay loam soil with a hydric rating of 94 and considered frequently flooded. The vegetation community within a 10-foot radius of the structure was found to be dominated by wetland vegetation, although the wetland was observed to be approximately 130 feet north of the structure.

Table 1. Structure locations, plans for removal and nearby water resource details.

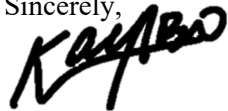
LINE #	STR #	STR TYPE	NEW HEIGHT (FT)	REPLACEMENT DISTANCE (DIRECTION ALONG LINE)	CURRENT COORD.		PLANS FOR REMOVAL	WATER RESOURCES
					LAT	LONG		
012A	0008	tangent	110	10 FT AHEAD/ SOUTH	47.06542	-101.188	remove	
012C	0107	tangent	115	10 FT BACK/ WEST	47.02682	-100.867	remove	
012C	0132	tangent	115	10 FT BACK/ WEST	47.03052	-100.78	remove	
012C	0212	tangent	115	10 FT AHEAD/ NORTHEAST	47.05943	-100.515	remove	
012C	0290	tangent	115	10 FT BACK/ WEST	47.06821	-100.248	remove	
012C	0339	tangent	115	10 FT AHEAD/ EAST	47.06789	-100.074	remove	Kidder WPA wetland easement, no permit required
012C	0340	tangent	115	10 FT BACK/ WEST	47.06788	-100.07	would like to leave if possible: challenging	Kidder WPA wetland easement, within

							to remove without extensive impact	protected basin, no permit required
012C	0452	tangent	115	10 FT BACK /WEST	47.06599	-99.6862	possibly able to remove since it's been a drier year	On edge of wetland, 1.8 mi to Kunkel Lake
012C	0600	tangent	100	10 FT BACK/ WEST	47.06019	-99.1851	remove	
012C	0618	tangent	115	80 FT BACK/ WEST	47.05773	-99.125	would like to leave if possible: standing water makes this very challenging to remove without extensive impact	In bank of wetland, 0.21 mi to Deer Lake.
012E	0684	dead end	100	15 FT AHEAD/ EAST	47.05565	-98.9005	remove	
012E	0699	tangent	115	10 FT BACK/ WEST	47.05558	-98.8482	remove	
012G	0737	tangent	115	10 FT BACK/ NORTHWEST	47.04011	-98.7144	possibly able to remove since it's been a drier year	Bank of linear wetland, may be connected to James River 1.7 mi NW

To ensure that all social, economic, and environmental effects are considered for this project we are soliciting your views and comments on the proposed project pursuant to Section 102 of the National Environmental Policy Act of 1969, as amended. We are requesting that any comments be forwarded to our office within 30 days of receipt of this letter.

Thank you for your consideration of this request. If you require additional information regarding the Project, please contact me via email at kborin@minnkota.com or phone at (701)795-4287.

Sincerely,



Kacey Borin
Environmental Specialist I

- Attachments:
- Project maps
 - Tangent 345kV structure design
 - Dead end 345kV structure design
 - Concrete foundations design
 - “Natural Resources Report”, dated January 2024, by Barr Engineering
 - Web Soil Survey: hydric ratings for the overall project
 - Web Soil Survey: hydric ratings at individual structures

Kacey Borin

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Tuesday, April 30, 2024 4:27 PM
To: Kacey Borin
Subject: [EXTERNAL] RE: Minnkota Power Cooperative: 345kV Structure Replacement Project

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kacey – for your records and use, Corps file no.: NWO-2024-761-BIS has been assigned to this project. Jason.

I have not went through all the information so far, once i do and if I have any follow-up questions, i'll give you a call/email.

Received. I'll have it logged in and assigned a project number, get that number back to you for your use/reference with RUS, if or when they ask. As they, lead Federal agency, completes their required actions (106 compliance, ESA, etc.) if you could please forward those to me, that would be great -i can use them in my process as necessary/required. Thanks, Jason.

From: Kacey Borin <kborin@minnkota.com>
Sent: Monday, April 29, 2024 8:54 AM
To: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Subject: [Non-DoD Source] RE: Minnkota Power Cooperative: 345kV Structure Replacement Project

Here's the Natural Resources Report.

Kacey Ann Borin (she/her)

Environmental Specialist I
Office: (701) 795-4287
Mobile: (701) 317-8741

From: Kacey Borin
Sent: Monday, April 29, 2024 8:53 AM
To: 'Renschler, Jason J CIV USARMY CENWO (USA)' <Jason.J.Renschler@usace.army.mil>
Subject: RE: Minnkota Power Cooperative: 345kV Structure Replacement Project

Here is the letter, project maps, and design drawings.

Kacey Ann Borin (she/her)

Environmental Specialist I
Office: (701) 795-4287
Mobile: (701) 317-8741

From: Kacey Borin
Sent: Monday, April 29, 2024 7:51 AM

To: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>

Subject: Minnkota Power Cooperative: 345kV Structure Replacement Project

Good morning Jason,

Minnkota Power Cooperative, Inc plans to replace 13 structures due to failing concrete foundations. In the letter attached, I describe the project in more detail. 4 structures stand out in particular, since they're shown to be within wetlands on NWI. Structure 737 (current and proposed) looks like it might be connected to James River. Could you provide insight into whether a permit may be required for any of the structure removals and/or proposed placements.

Thank you,

Kacey Ann Borin (she/her)

Environmental Specialist I

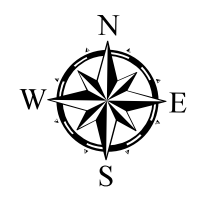
Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4287
Mobile: (701) 317-8741
Email: kborin@minnkota.com
Web: www.minnkota.com



ATTACHMENTS: FORMALLY CLASSIFIED LANDS

012C0339 STRUCTURE REPLACEMENT

COMMENTS: REPLACING DUE TO CLEARANCE CONCERNS BETWEEN 339-340, OUTSIDE OF ORIGINAL SCOPING OF
PLACEMENT: 10 FT AHEAD
STR TYPE: 345-1SG



Legend

- SECTIONS
- NWI WETLANDS
- ★ 012 STR REPLACEMENTS

From: [Newton, Jared](#)
To: [Kacey Borin](#)
Subject: Re: [EXTERNAL] Minnkota Power Cooperative- 345kV Structure Replacements
Date: Friday, February 16, 2024 2:10:25 PM
Attachments: [image002.png](#)
[Pages from KI 533X,1 Maps.pdf](#)
[Pages from KI 77X,1 SM.pdf](#)

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kacey,

These locations are both wetland easements. I have attached the Exhibit A Map for Section 4 and Wetland Area Supplemental Map for Section 5. Sorry I don't have the nice color map for Section 4. It looks to me that the work being completed in Section 5 will be outside of any protected wetland areas. The location in Section 4 looks like it would likely fall into the protected area. The BMPs that we previously discussed would work for both, however, you have a dominant r-o-w easement. Let me know if you have any questions.

Jared Newton
Station Manager
Long Lake NWR Complex
701-387-4397x14
c)701-329-0857

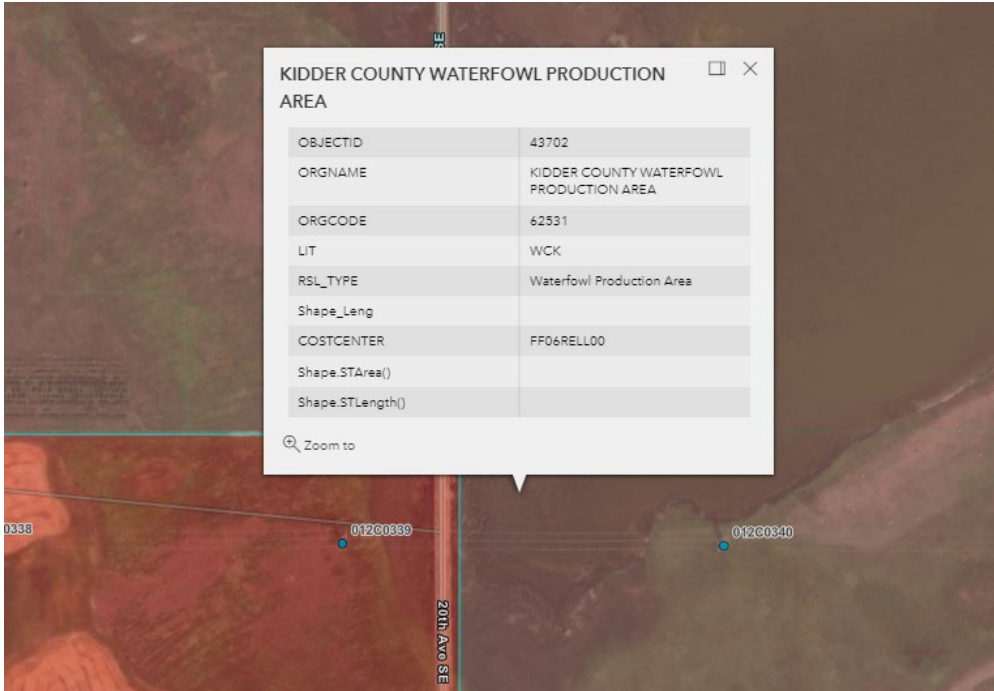
From: Kacey Borin <kborin@minnkota.com>
Sent: Friday, February 16, 2024 12:17 PM
To: Newton, Jared <Jared_Newton@fws.gov>
Subject: [EXTERNAL] Minnkota Power Cooperative- 345kV Structure Replacements

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Good morning Jared-

Minnkota is seeking financial assistance from the USDA Rural Utilities Service to replace a number of 345kV structures that have failing footings. Two of the structures are within Kidder County WPAs, see below. I have attached a map of both poles and their proposed locations. Structure 339 is at 47.067926, -100.073845. Structure 340 is at 47.067892, -100.070172. We are planning on This work is planned to get done during a planned outage tentatively in early June. I'm waiting for an internal response about whether these footings will be removed or not, since I've been told sometimes they aren't.

Although these are privately-owned, are there any restrictions I should make aware to the project team? We've talked previously about BMPs such as avoid/minimize driving through wet wetlands and grasslands during primary nesting season; minimize ground disturbance; fill and pack old holes when poles are moved. Are these grassland or wetland easements?



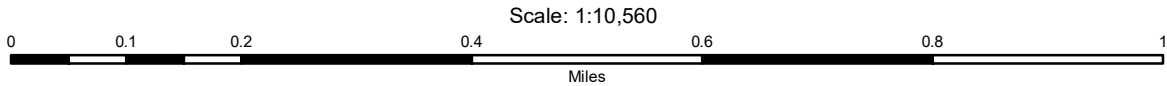
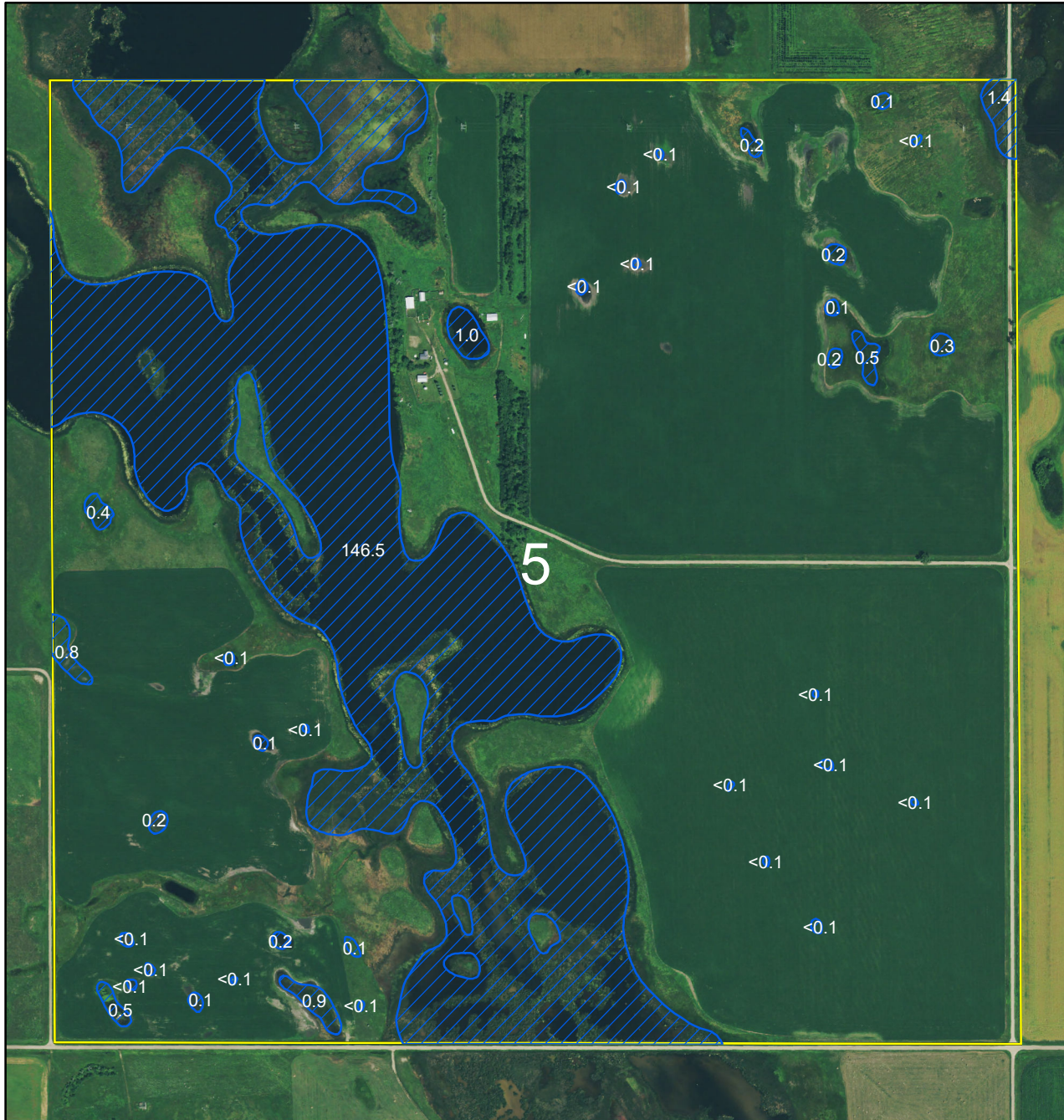
Thanks,

Kacey Ann Borin (she/her)




Environmental Specialist I

Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4287
Mobile: (701) 317-8741
Email: kborin@minnkota.com
Web: www.minnkota.com



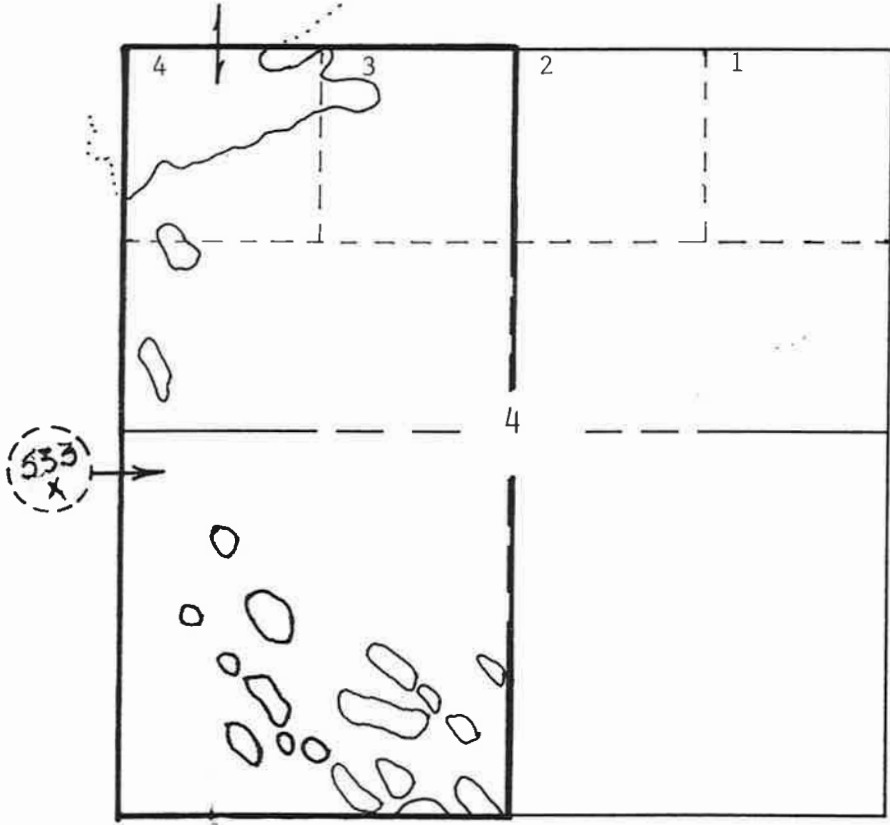


The U.S. Fish & Wildlife Service (Service) has purchased and owns a perpetual easement which restricts the rights to drain, burn, fill or level any wetland areas depicted on this map. This map represents the Service's effort to depict the approximate sizes, shapes, and locations of all protected wetland areas and is not intended to depict water levels in wetland areas for any given year. Wetland area acre estimates are provided to demonstrate that mapped wetland areas are consistent with the acres for which the Service paid. Any other interpretation of the estimated wetland area acreages may lead to a mischaracterization of the easement conveyance. A permit is required from the Service before conducting activities that result in the draining, burning, filling or leveling of wetland areas identified on this map.

-  Section Boundary
-  Boundary of Easement Description
-  Wetland Areas Covered by Provisions of the Easement

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

TRACT 533X.1 MAP 1 of 5
 Leno, Lyle etal
 WATERFOWL PRODUCTION AREA Kidder COUNTY, STATE OF North Dakota
 EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
 T. 141 N., R. 74 W., 5th PRINCIPAL MERIDIAN
 Section 4, Lots 3,4, S1/2NW1/4, SW1/4



LOT TABLE	
Lot	Acres
1	40.48
2	40.46
3	40.44
4	40.42

Scale: 4 Inches = 1 Mile


This map delineates wetlands referred to in the easement conveyance dated 12-5-00 which the parties of the first part agree to maintain as a waterfowl production area. The lands covered by this conveyance include any enlargement of the delineated wetland areas resulting from normal or abnormal increased water.

Lyle O. Leno
 Landowner Signature
Lester Leno
 Landowner Signature

 Landowner Signature

Marlys Leno
 Landowner Signature
Patricia Leno
 Landowner Signature

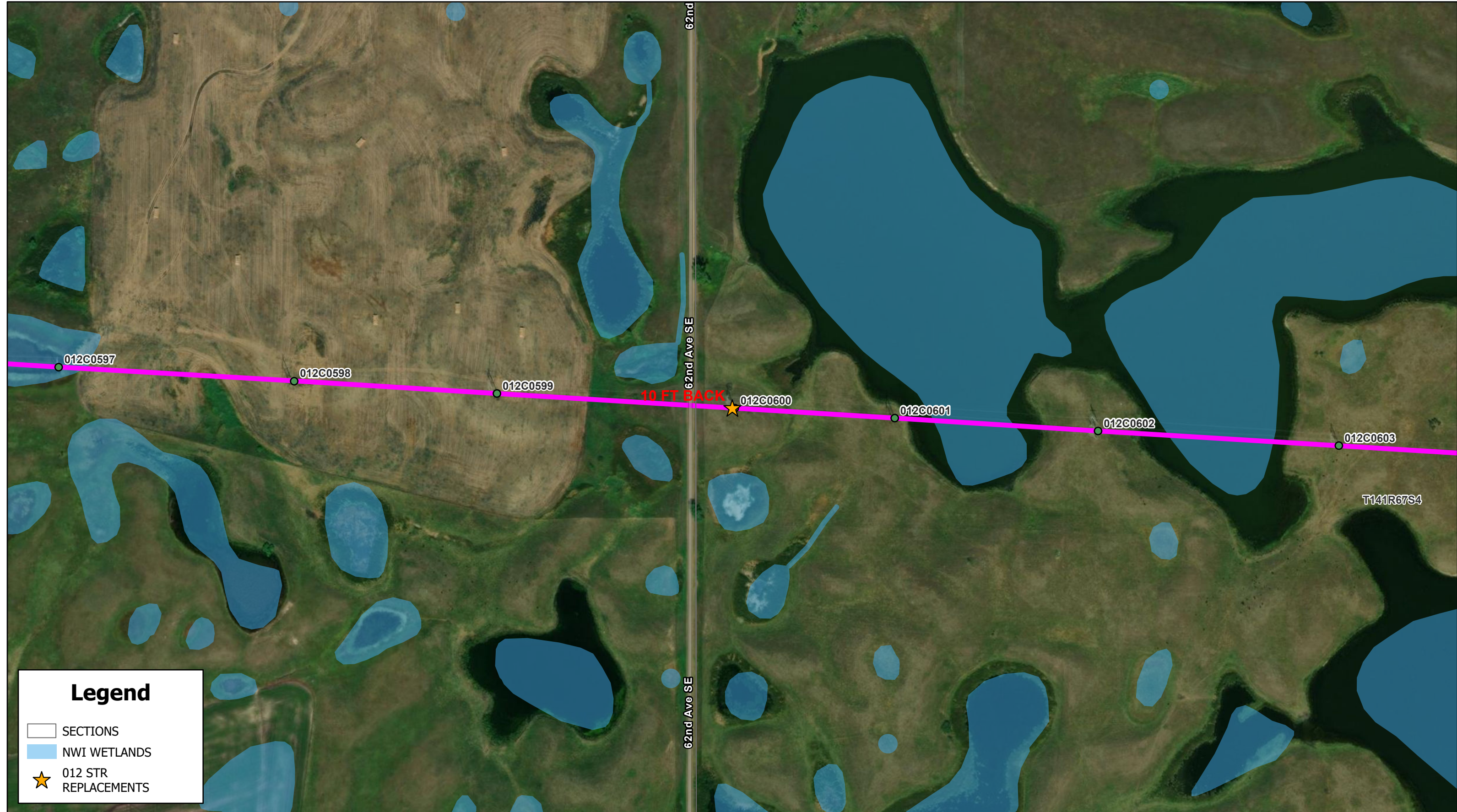
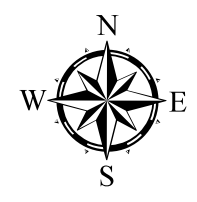
 Landowner Signature

LEGEND
 _____ Boundary of Easement Description
 Wetlands covered by provisions of the easement

Prepared by: Tammy Fairbanks Date: October 23, 2000

012C0600 STRUCTURE REPLACEMENT

COMMENTS: 345-1S, SWING IS FIXED WITH UPDATE VALUES, REFER TO SWING CALCULATOR
PLACEMENT: 10 FT BACK
STR TYPE: 345-1S

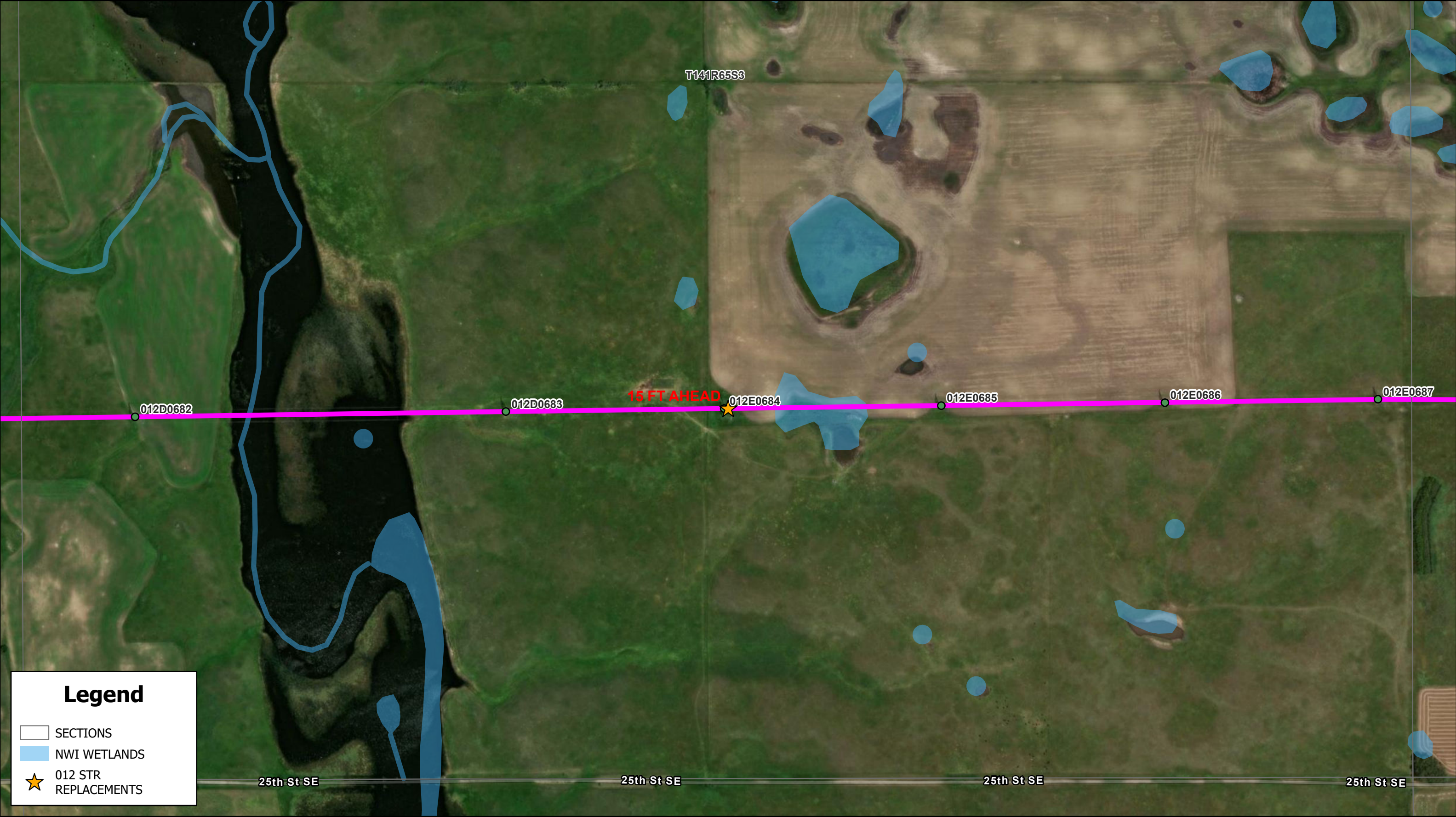


Legend

- SECTIONS
- NWI WETLANDS
- 012 STR REPLACEMENTS

012E0684 STRUCTURE REPLACEMENT

COMMENTS: REFER TO 684 NOTES
PLACEMENT: 15 FT AHEAD
STR TYPE: 345D-WPE



Legend

- SECTIONS
- NWI WETLANDS
- 012 STR REPLACEMENTS

From: [Jewett, Jennifer](#)
To: [Kacey Borin](#)
Subject: Fw: [EXTERNAL] Minnkota Power Cooperative- 345kV Structure Replacements (Stustman WPAs)
Date: Tuesday, March 12, 2024 8:00:52 AM
Attachments: [Outlook-ha5kyp42.png](#)
[Outlook-5jjyaakx.png](#)
[Outlook-uqgjxbqy](#)
[Outlook-quyoaahk.png](#)
[Outlook-0t05qsm0.png](#)
[Minnkota 1.pdf](#)
[Minnkota Map 2.pdf](#)

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Good Morning, Kacey-

Following up on the two requests for structure replacement on two Stutsman County U.S. Fish and Wildlife Service conservation wetland easements.

These particular tracts of land have U. S. Fish and Wildlife Service (Service) Waterfowl Management Right easements or more commonly referred to as a wetland easement. The purpose of the wetland easement is to preserve and protect wetlands for waterfowl and other wildlife. With this easement the Service has purchased and owns perpetual rights which restrict or prohibit the right to drain, burn, level or fill any wetland basin included within the easement. I have included overview maps identifying which wetlands are included within the provisions of these easements for these tracts of land. These maps represent the Service's effort to depict the approximate location, size and shape of all protected wetlands based on information, maps and aerial photographs available at the time this map was prepared. However, wetlands are hydrologically dynamic systems, with expanding and contracting water levels. These maps are not meant to depict water levels in the wetland in any given year.

In both cases, it looks that the structures are outside and away from the structures needing to be replaced. However, while work is being completed for structure replacement, the crews working must know where protected wetlands are located in the vicinity and be sure to keep any fill/dirt/concrete/rubble away from protected wetlands. No fill material can be placed inside protected wetlands. Also, no contouring work that promotes draining of protected wetland basins is allowable.

No permit is being issued for either of these structure replacements because the actual protected wetland basins will not be impacted. If you feel it would be helpful to flag wetland basin boundaries, please let me know so we can do so prior to work commencing. If helpful, we can also provide shapefiles of the protected basins.

Thank you for being proactive and reaching out to us before work commenced. Much appreciated. Please let me know if you have any further questions. Thanks.

Jennifer Jewett, Wildlife Refuge Specialist

U.S. Fish & Wildlife Service, National Wildlife Refuge System

[Chase Lake Wetland Mgmt. District & Refuge](#)

5924 19th St SE, Woodworth, ND 58496

Office: (701) 752-4218, ext 2

Cell: (701) 339-2335



**IT'S OKAY TO
ASK FOR HELP**

1-833-690-0210
peersupport@fws.gov

From: Hourt, Jacob S <jacob_hourt@fws.gov>

Sent: Friday, February 16, 2024 12:47 PM

To: Kacey Borin <kborin@minnkota.com>

Cc: Jewett, Jennifer <Jennifer_Jewett@fws.gov>; Halko, Paul <paul_halko@fws.gov>

Subject: Re: [EXTERNAL] Minnkota Power Cooperative- 345kV Structure Replacements (Stustman WPAs)

Hi Kacey,

Thank you for your email. I am now located in MT. I have cc'd Paul and Jen who are responsible for Stutsman county management.

Have a great weekend!

Jake Hourt

Refuge Manager

NW MT District

(Cell) 406-426-4921



From: Kacey Borin <kborin@minnkota.com>

Sent: Friday, February 16, 2024 11:26 AM

To: Hourt, Jacob S <jacob_hourt@fws.gov>

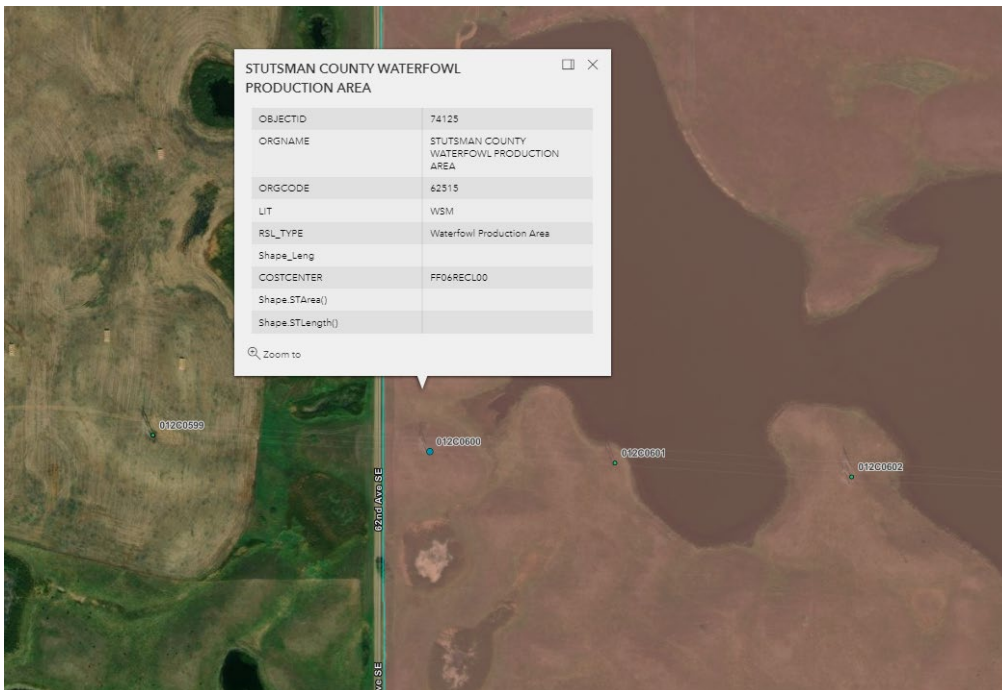
Subject: [EXTERNAL] Minnkota Power Cooperative- 345kV Structure Replacements (Stustman WPAs)

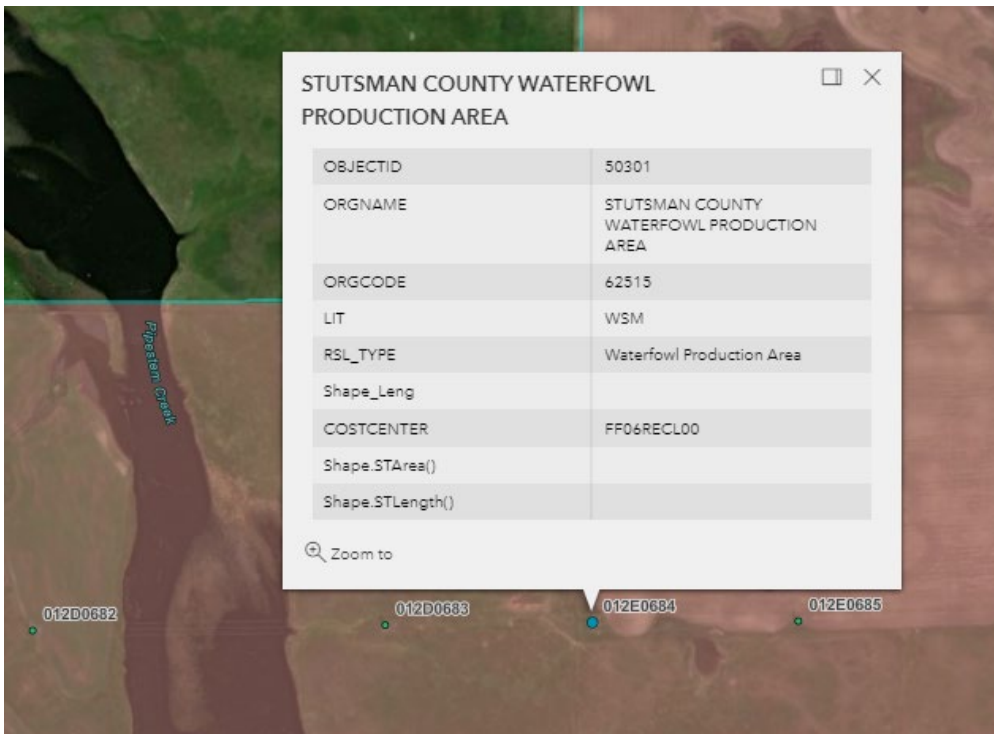
This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon Jacob-

Minnkota is seeking financial assistance from the USDA Rural Utilities Service to replace a number of 345kV structures that have failing footings. Two of the structures are within Stutsman County WPAs, see below. I have attached maps of both poles and their proposed locations. Structure is at 47.060209, -99.185155. Structure 684 is at 47.055659, -98.900591. We are planning for this work to et done during a planned outage tentatively scheduled for early June. I'm waiting for an internal response about whether these footings will be removed or not, since I've been told sometimes they aren't.

Although these are privately-owned, are there any restrictions I should make aware to the project team or a special use permit of some sort needed for the project? Are these grassland or wetland easements? From talking with WMDs, my understanding is that grassland easements restrict ground disturbance during nesting season and wetland easements restrict altering activities to wetlands.



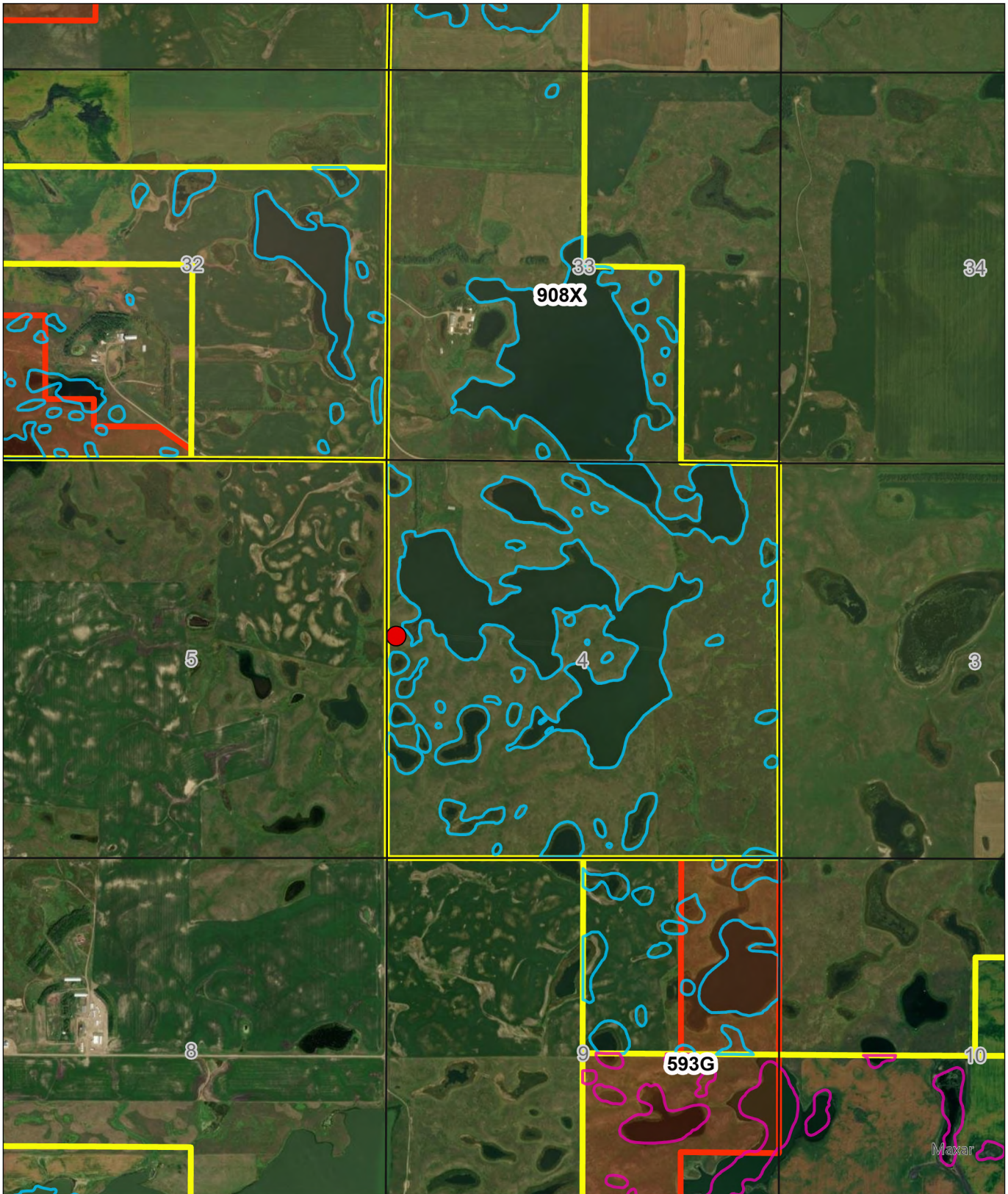


Thanks,

Kacey Ann Borin (she/her)
Environmental Specialist I

Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4287
Mobile: (701) 317-8741
Email: kborin@minnkota.com
Web: www.minnkota.com





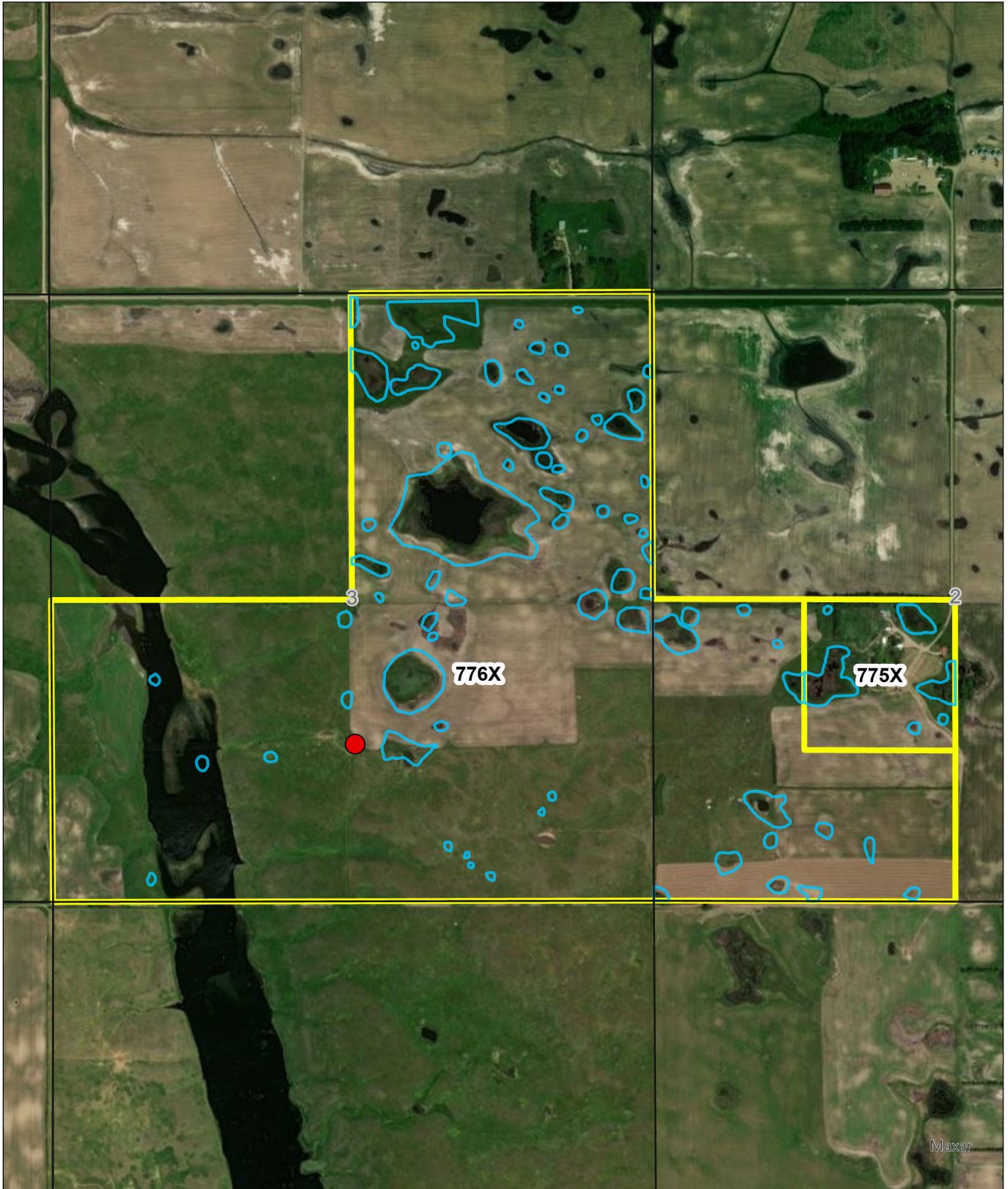
- Protected FWS Easment Basins
 - Wetland
 - Pre76
 - Post76
- Easements
 - Grassland

- ND PLS
- ND PLS

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This map template is intended as a general guide for the creation of U.S. Fish and Wildlife maps at a small scale. This map illustrates USFWS conservation wetland easements potentially impacted by (project) replacement of 354kV structures and is not intended for approval or permit at this time 3-5-2024.

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Protected FWS Easment Basins

Post76

Easements

Wetland

ND PLS

ND PLS

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This map template is intended as a general guide for the creation of U.S. Fish and Wildlife maps at a small scale.

This map illustrates USFWS conservation wetland easements potentially impacted by (project) replacement of 354kV structures and is not intended for approval or permit at this time 3-5-2024.

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ATTACHMENTS: PRIME FARMLAND

From: [Kacey Borin](#)
To: wade.bott@nd.usda.gov
Cc: [Shannon Mikula](#)
Subject: Minnkota Power Cooperative: 345kV Structure Replacements
Date: Wednesday, April 24, 2024 11:18:00 AM
Attachments: [20240424 LTR-ENV-NRCS 21839 012-Farmland.pdf](#)

Good morning Mr. Bott,

Minnkota Power Cooperative is planning to replace 13 structures along our 345kV line, detailed and mapped in the letter attached. All structures in prime farmland or farmland of statewide importance are planned to be removed. If when crews get to removing them, it gets to a point where leaving the foundation is the preferred output of the situation, with necessary authorization, would an AD-1006 form need to be completed to leave the foundation in place?

Thank you,

Kacey Ann Borin (*she/her*)

Environmental Specialist I

Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4287
Mobile: (701) 317-8741
Email: kborin@minnkota.com
Web: www.minnkota.com





A Touchstone Energy® Cooperative 

5301 32nd Ave. South
 Grand Forks, ND 58201
 Phone 701.795.4000
www.minnkota.com

April 24, 2024

Wade D. Bott
 State Soil Scientist
 USDA- NRCS
 220 East Rosser Avenue
 Federal Building
 Bismarck, ND 58501-1458

Sent Via Email: wade.bott@usda.gov

**RE: Minnkota Power Cooperative, Inc.
 345kV Line 12 Structure Replacements Project
 Oliver, Burleigh, Kidder and Stutsman Counties, North Dakota**

Dear Wade Bott,

Minnkota Power Cooperative, Inc. (MPC) is preparing to replace 13 structures in Oliver, Burleigh, Kidder, and Stutsman Counties in North Dakota along a 345kV line with USDA Rural Utilities Service funding (Project). The concrete foundations are degraded beyond reasonable repair and must be replaced to prevent outages related to failing structures. All structures within prime farmland and farmland of statewide importance are planned to be removed. Methods for removal will either be digging a hole with a standard excavator around the foundation then lifting it out with a crane or using a bigger excavator to dig a wider hole then dragging the foundation out of hole. The Project is anticipated to take place in August. The specific coordinates for all the current structures, the proposed distance away for the new structures, the farmland classification at each structure, as well as the plans to remove each structure can be found in Table 1. Farmland classifications drawn from the Web Soil Survey can be found attached to this letter.

Table 1. Structure location and removal plan details, and farmland classification.

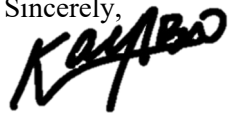
LINE #	STR #	REPLACEMENT DISTANCE (DIRECTION ALONG LINE)	CURRENT COORD.		PLANS	FARMLAND CLASSIFICATION
			LAT	LONG		
012A	0008	10 FT AHEAD/ SOUTH	47.06542	-101.188	remove	STATEWIDE IMPORTANCE
012C	0107	10 FT BACK/ WEST	47.02682	-100.867	remove	STATEWIDE IMPORTANCE
012C	0132	10 FT BACK/ WEST	47.03052	-100.78	remove	not prime
012C	0212	10 FT AHEAD/ NORTHEAST	47.05943	-100.515	remove	not prime
012C	0290	10 FT BACK/ WEST	47.06821	-100.248	remove	STATEWIDE IMPORTANCE
012C	0339	10 FT AHEAD/ EAST	47.06789	-100.074	remove	not prime
012C	0340	10 FT BACK/ WEST	47.06788	-100.07	would like to leave if possible: challenging to	not prime

					remove without extensive impact	
012C	0452	10 FT BACK /WEST	47.06599	-99.6862	possibly able to remove since it's been a drier year	not prime
012C	0600	10 FT BACK/ WEST	47.06019	-99.1851	remove	not prime
012C	0618	80 FT BACK/ WEST	47.05773	-99.125	would like to leave if possible: standing water makes this very challenging to remove without extensive impact	not prime
012E	0684	15 FT AHEAD/ EAST	47.05565	-98.9005	remove	not prime
012E	0699	10 FT BACK/ WEST	47.05558	-98.8482	remove	PRIME
012G	0737	10 FT BACK/ NORTHWEST	47.04011	-98.7144	possibly able to remove since it's been a drier year	not prime

To ensure that all social, economic, and environmental effects are considered for this project we are soliciting your views and comments on the proposed project pursuant to Section 102 of the National Environmental Policy Act of 1969, as amended. We are requesting that any comments be forwarded to our office within 30 days of receipt of this letter.

Thank you for your consideration of this request. If you require additional information regarding the Project, please contact me via email at kborin@minnkota.com or phone at (701)795-4287.

Sincerely,

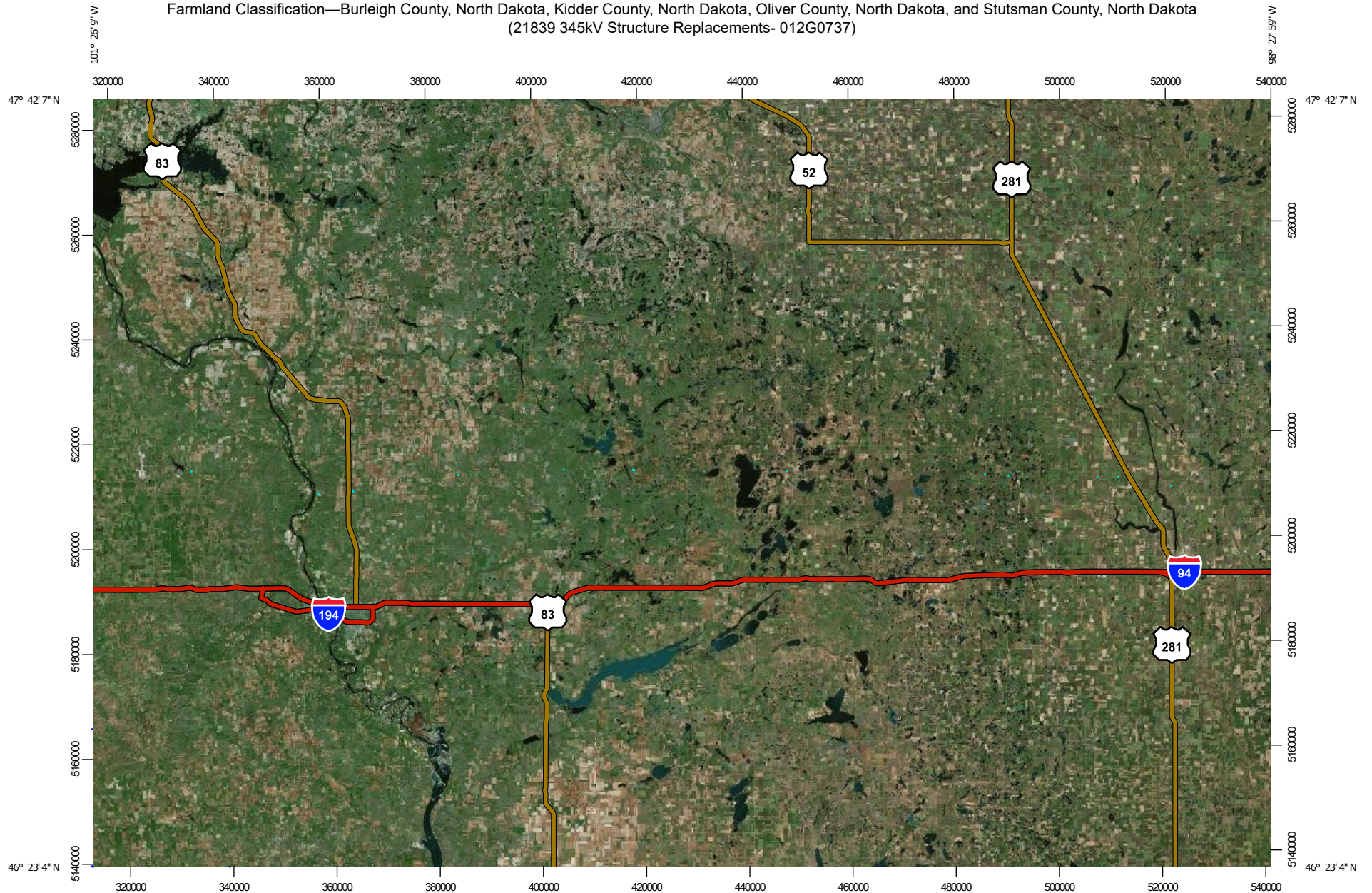


Kacey Borin

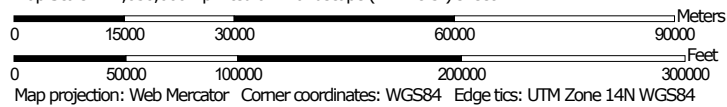
Environmental Specialist I

Attachments: Web Soil Survey: Farmland Classification ratings for the entire project
Web Soil Survey: rating at individual structures

Farmland Classification—Burleigh County, North Dakota, Kidder County, North Dakota, Oliver County, North Dakota, and Stutsman County, North Dakota
(21839 345kV Structure Replacements- 012G0737)




Map Scale: 1:1,030,000 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 14N WGS84









MAP LEGEND








Area of Interest (AOI)







 Area of Interest (AOI)







Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60


































-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Burleigh County, North Dakota, Kidder County, North Dakota, Oliver County, North Dakota, and Stutsman County, North Dakota
(21839 345kV Structure Replacements- 012G0737)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if drained		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated				Farmland of local importance		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
					Farmland of local importance, if irrigated		Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
							Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

Farmland Classification—Burleigh County, North Dakota, Kidder County, North Dakota, Oliver County, North Dakota, and Stutsman County, North Dakota
(21839 345kV Structure Replacements- 012G0737)

Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium	Farmland of unique importance Not rated or not available	<p>The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.</p>
Farmland of statewide importance, if irrigated and drained	Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	<p>Water Features</p> Streams and Canals	<p>Please rely on the bar scale on each map sheet for map measurements.</p>
Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season	Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season	<p>Transportation</p> Rails	<p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p>
Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer	Farmland of statewide importance, if warm enough	Interstate Highways	<p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p>
Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	Farmland of statewide importance, if thawed	US Routes	<p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p>
	Farmland of local importance	Major Roads	<p>Soil Survey Area: Burleigh County, North Dakota Survey Area Data: Version 24, Sep 7, 2023</p>
	Farmland of local importance, if irrigated	Local Roads	<p>Soil Survey Area: Kidder County, North Dakota Survey Area Data: Version 25, Aug 30, 2023</p>
		<p>Background</p> Aerial Photography	<p>Soil Survey Area: Oliver County, North Dakota Survey Area Data: Version 28, Sep 7, 2023</p>
			<p>Soil Survey Area: Stutsman County, North Dakota Survey Area Data: Version 26, Aug 30, 2023</p>
			<p>Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.</p>
			<p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p>
			<p>Date(s) aerial images were photographed: Jan 1, 1999—Dec 31, 2003</p>
			<p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C132C	Williams-Zahl-Zahill complex, 6 to 9 percent slopes	Not prime farmland	0.6	7.7%
C210B	Williams-Bowbells loams, 3 to 6 percent slopes	Farmland of statewide importance	0.6	7.7%
E1333C	Vebar-Cohagen fine sandy loams, 6 to 9 percent slopes	Not prime farmland	0.6	7.7%
E2747D	Werner-Chama-Sen silt loams, 9 to 15 percent slopes	Not prime farmland	0.5	7.4%
E3802C	Linton-Mandan silt loams, 6 to 9 percent slopes	Farmland of statewide importance	0.0	0.3%
Subtotals for Soil Survey Area			2.2	30.8%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C5A	Southam silty clay loam, 0 to 1 percent slopes	Not prime farmland	0.0	0.6%
C800C	Appam sandy loam, 6 to 9 percent slopes	Not prime farmland	0.4	5.8%
C825A	Divide loam, 0 to 2 percent slopes	Not prime farmland	0.1	1.9%
C829A	Marysland loam, 0 to 1 percent slopes	Not prime farmland	1.1	14.8%
Subtotals for Soil Survey Area			1.7	23.1%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
E3531C	Williams loam, 6 to 9 percent slopes	Farmland of statewide importance	0.6	7.7%
Subtotals for Soil Survey Area			0.6	7.7%
Totals for Area of Interest			7.2	100.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C135D	Zahl-Williams loams, 9 to 15 percent slopes	Not prime farmland	0.4	5.9%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
C165F	Zahl-Max-Parnell complex, 0 to 35 percent slopes	Not prime farmland	0.6	7.7%
C210B	Williams-Bowbells loams, 3 to 6 percent slopes	Farmland of statewide importance	0.1	1.7%
G100A	Hamerly-Tonka complex, 0 to 3 percent slopes	Prime farmland if drained	0.1	1.1%
G143D	Barnes-Buse-Langhei loams, 9 to 15 percent slopes	Not prime farmland	0.5	7.1%
G144B	Barnes-Buse loams, 3 to 6 percent slopes	All areas are prime farmland	0.6	7.7%
G147D	Buse-Barnes-Darnen loams, 6 to 15 percent slopes	Not prime farmland	0.0	0.0%
G520A	Lowe clay loam, 0 to 1 percent slopes, frequently flooded	Not prime farmland	0.0	0.5%
G773B	Swenoda-Buse complex, 3 to 6 percent slopes	All areas are prime farmland	0.5	6.6%
Subtotals for Soil Survey Area			2.8	38.5%
Totals for Area of Interest			7.2	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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Irrigated Capability Subclass

National Commodity Crop Productivity Index

NCCPI Corn Productivity

NCCPI Small Grains Productivity

NCCPI Soybeans Productivity

NH Forest Soil Group

Nonirrigated Capability Class

Nonirrigated Capability Subclass

NRCS Ecological Site ID

NRCS Ecological Site Name

Order of Soil Survey

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Scale (not to scale) ▼

STRUCTURE #012A0008

E35316



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NCCPI Small Grains Productivity

NCCPI Soybeans Productivity

NH Forest Soil Group

Nonirrigated Capability Class

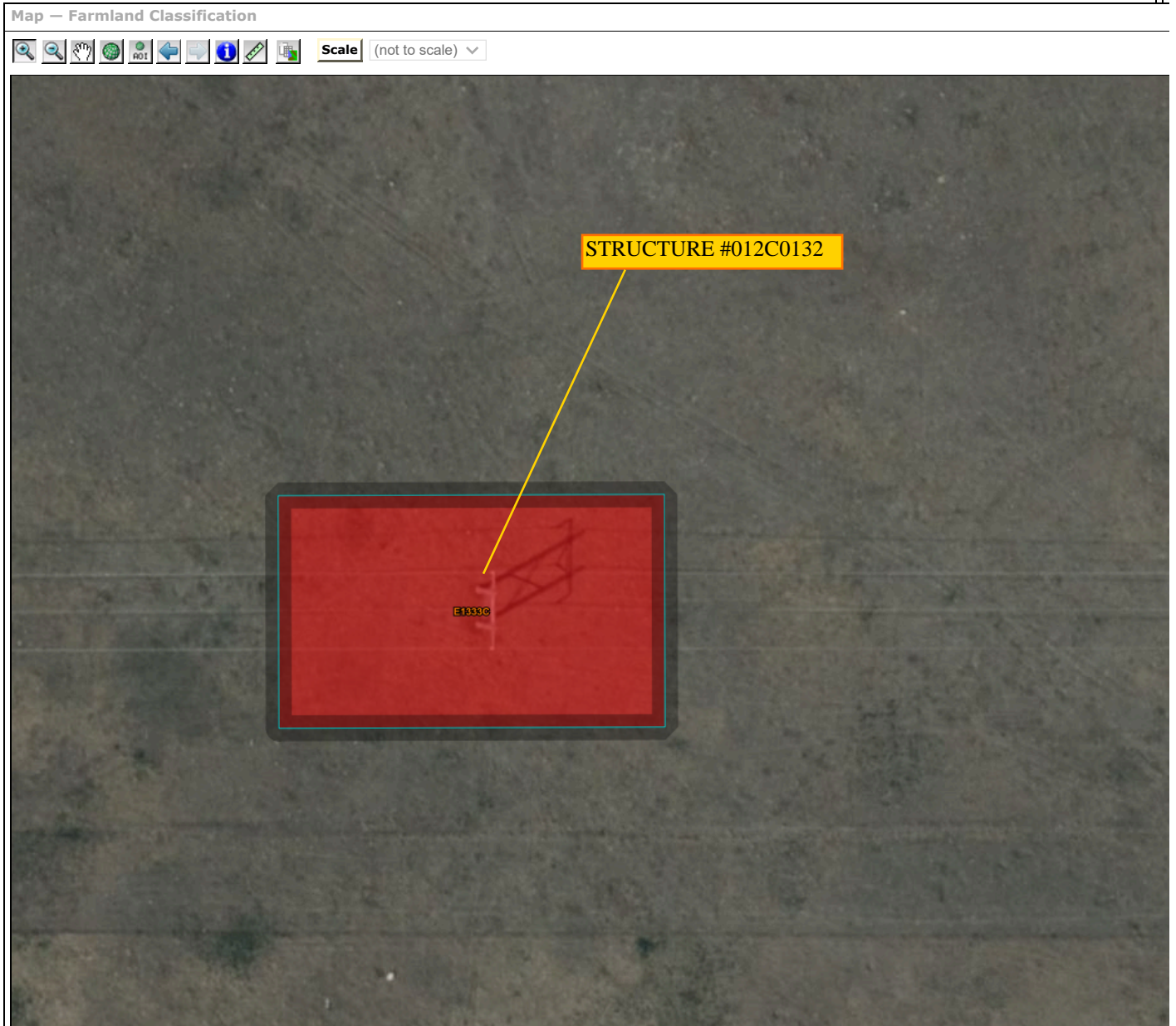
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NCCPI Soybeans Productivity

NH Forest Soil Group

Nonirrigated Capability Class

Nonirrigated Capability Subclass

NRCS Ecological Site ID

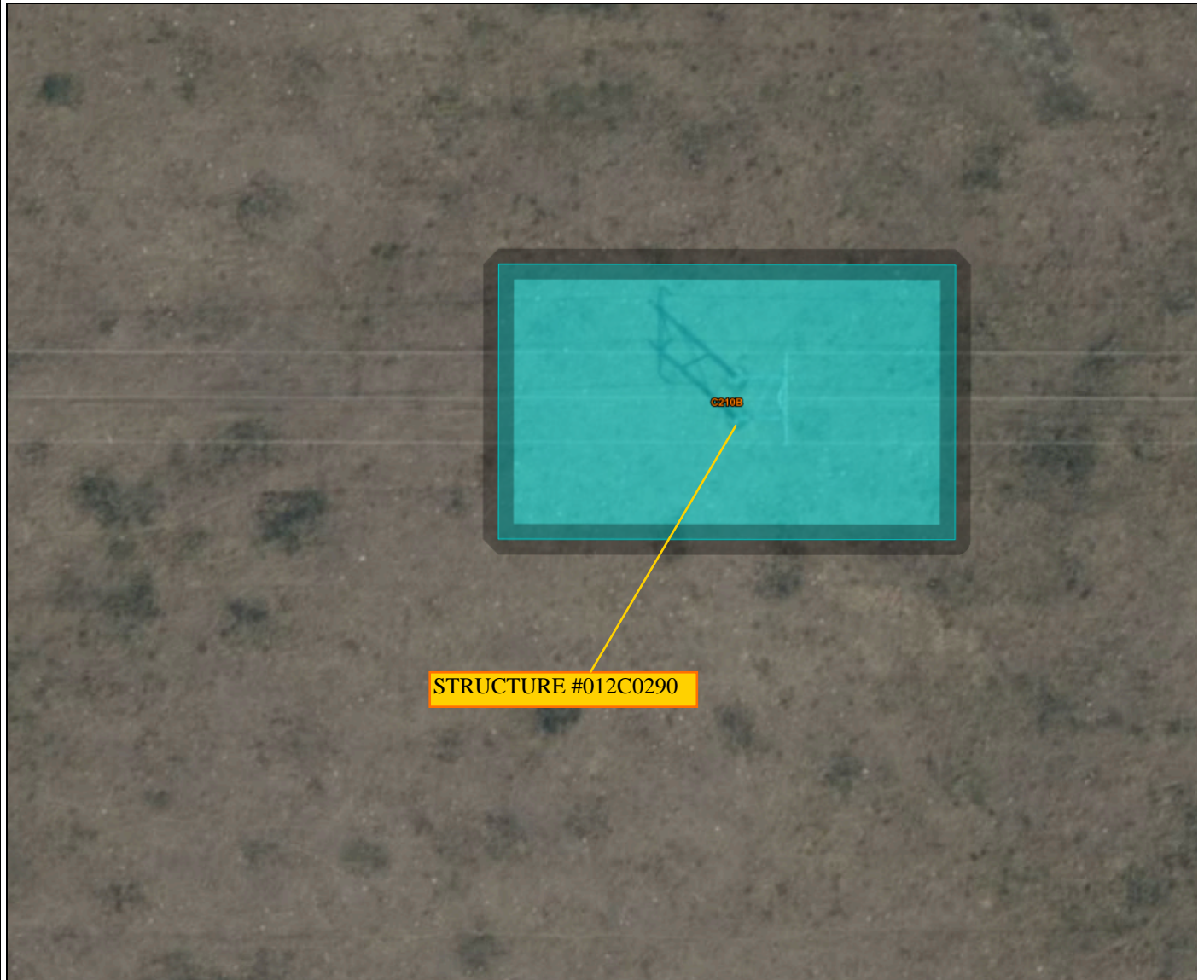
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Map -- Farmland Classification

Scale (not to scale)





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NCCPI Corn Productivity

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NH Forest Soil Group

Nonirrigated Capability Class

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NCCPI Small Grains Productivity

NCCPI Soybeans Productivity

NH Forest Soil Group

Nonirrigated Capability Class

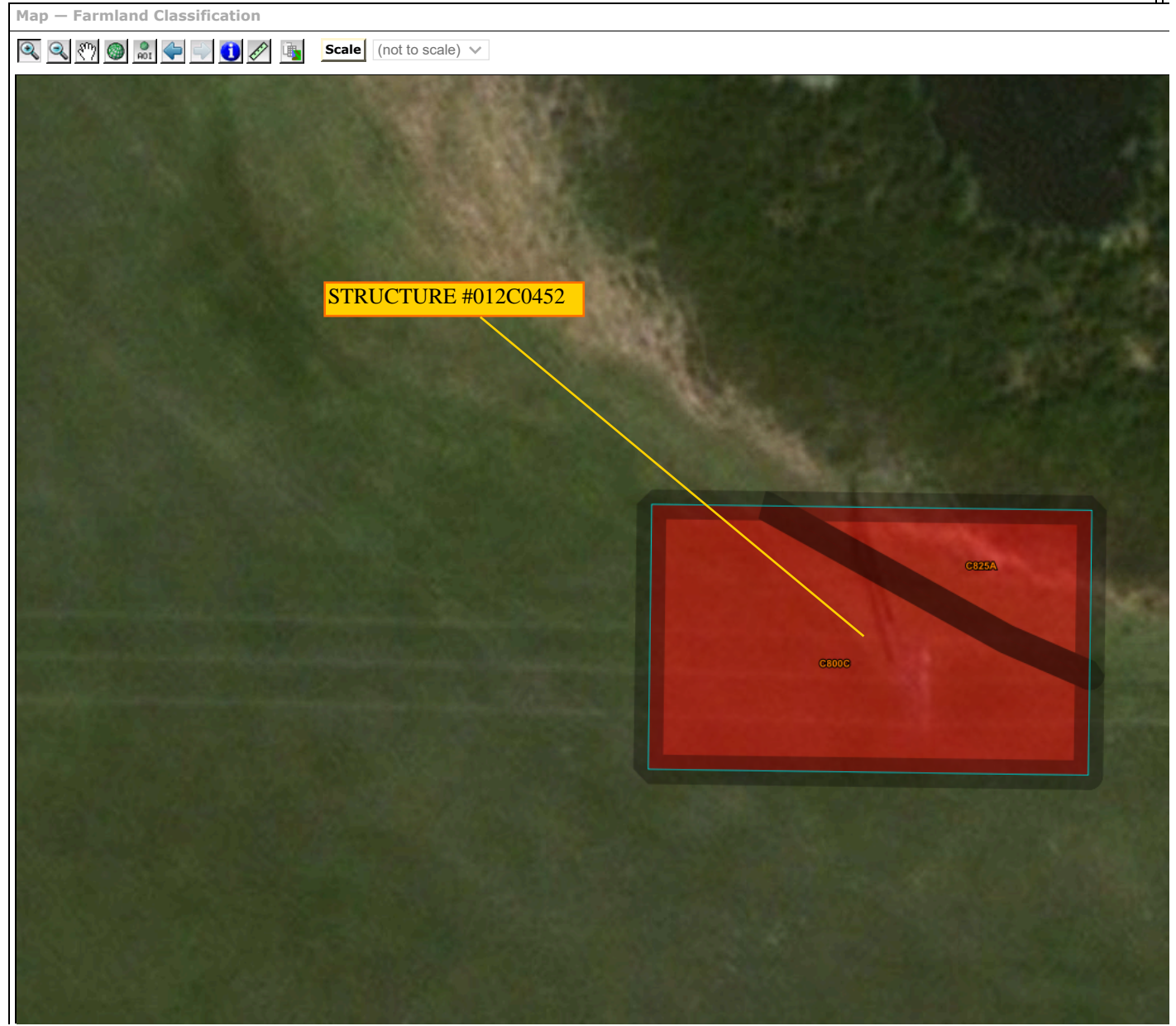
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Scale (not to scale) ▼





Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

May 1, 2024

Kacey Ann Borin
Minnkota Power Cooperative, Inc.
5301 32nd Ave S
Grand Forks, ND 58201

Dear Ms. Borin:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated April 24, 2024, concerning the removal of degraded concrete foundations that supported towers for 345 kV line 12 in four counties of North Dakota.

Farmland Protection Policy Act

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when federal funding is used. The previous construction of concrete foundations decades ago resulted in removal from agriculture production; therefore, even if concrete foundations are left in the ground, from a FPPA perspective, the rules do not apply and no further action is needed.

Wetlands

The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose or to have the effect of making agricultural production possible, loss of USDA benefits could occur. The Natural Resources Conservation Service has developed the following guidelines to help avoid impacts to wetlands and possible loss of USDA benefits for producers. If these guidelines are followed, the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches in a wetland must be backfilled to the original elevation.

NRCS recommends that impacts to wetland be avoided. If the project requires potential impacts to a wetland, NRCS can complete a certified wetland determination if requested by the landowner/operator.

Helping People Help the Land

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota, at (701) 530-2021.

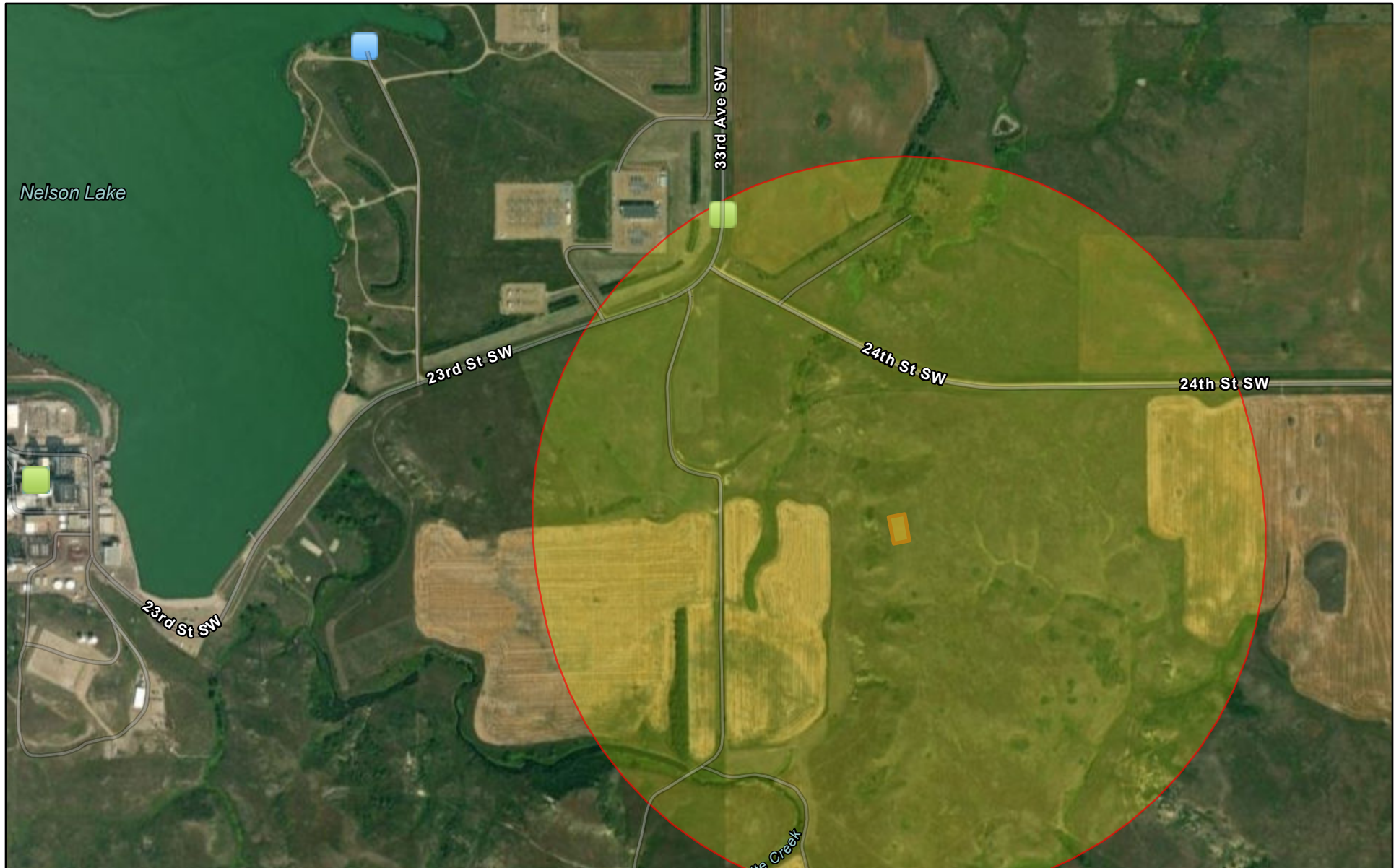
WADE BOTT

Digitally signed by WADE BOTT
Date: 2024.05.01 08:22:55 -05'00'








WADE D. BOTT
State Soil Scientist

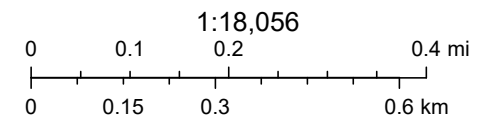
ATTACHMENTS: CONTAMINATION AND TOXIC SUBSTANCES

21839 345kV #012A0008 Replacement- EPA Facilities



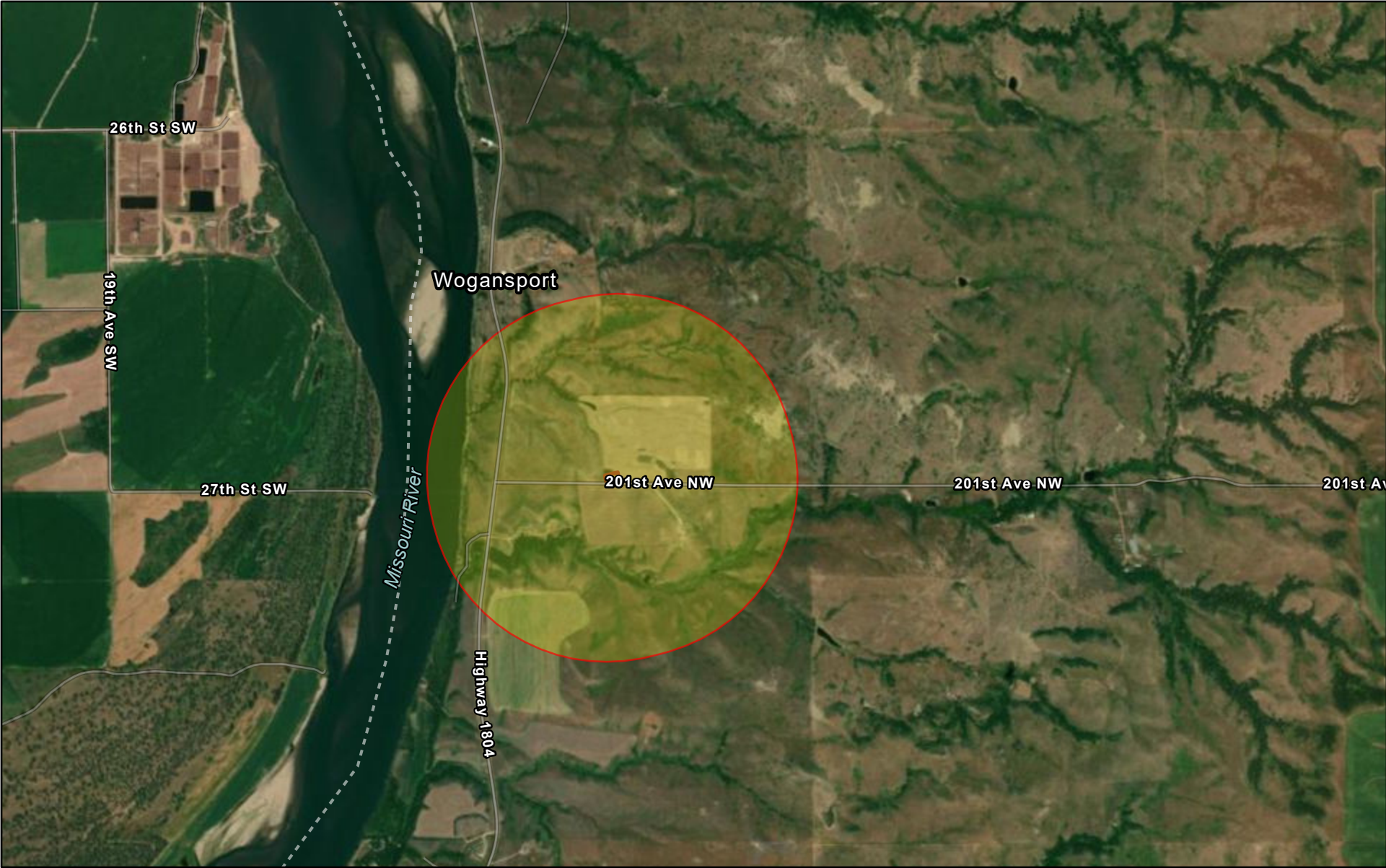
May 2, 2024

- | | | |
|--|---|--|
|  Hazardous Waste (RCRAInfo) |  Toxic Releases (TRI) |  Project Buffer |
|  Air Pollution (ICIS-AIR) |  Water Dischargers (NPDES) |  012A0008 |
| | |  012 rpl buffer polygons |



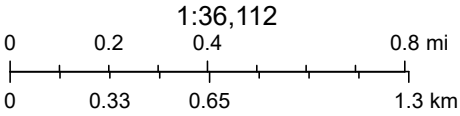
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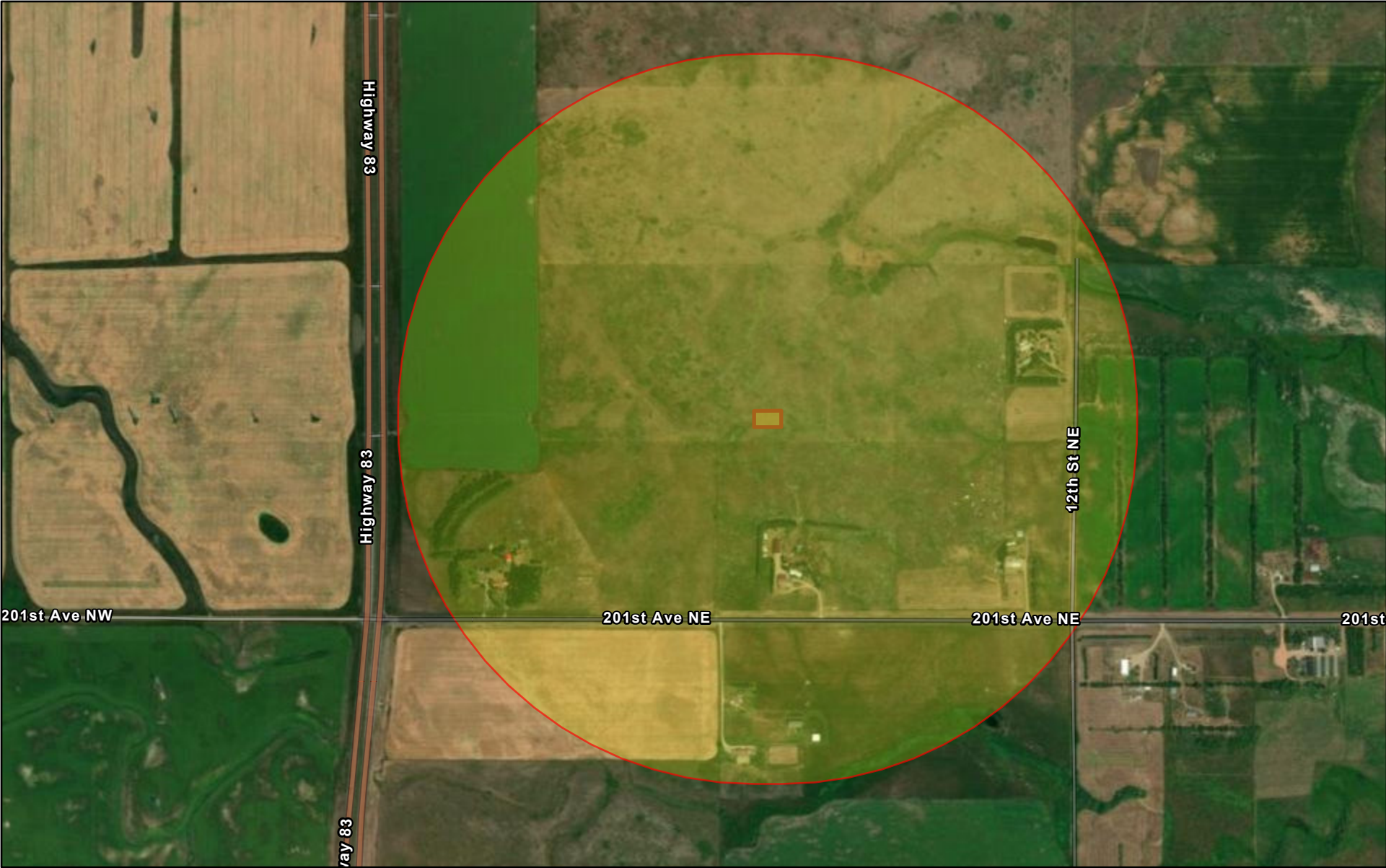
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-  012 rpl buffer polygons
-  Project Buffer



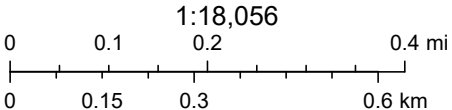
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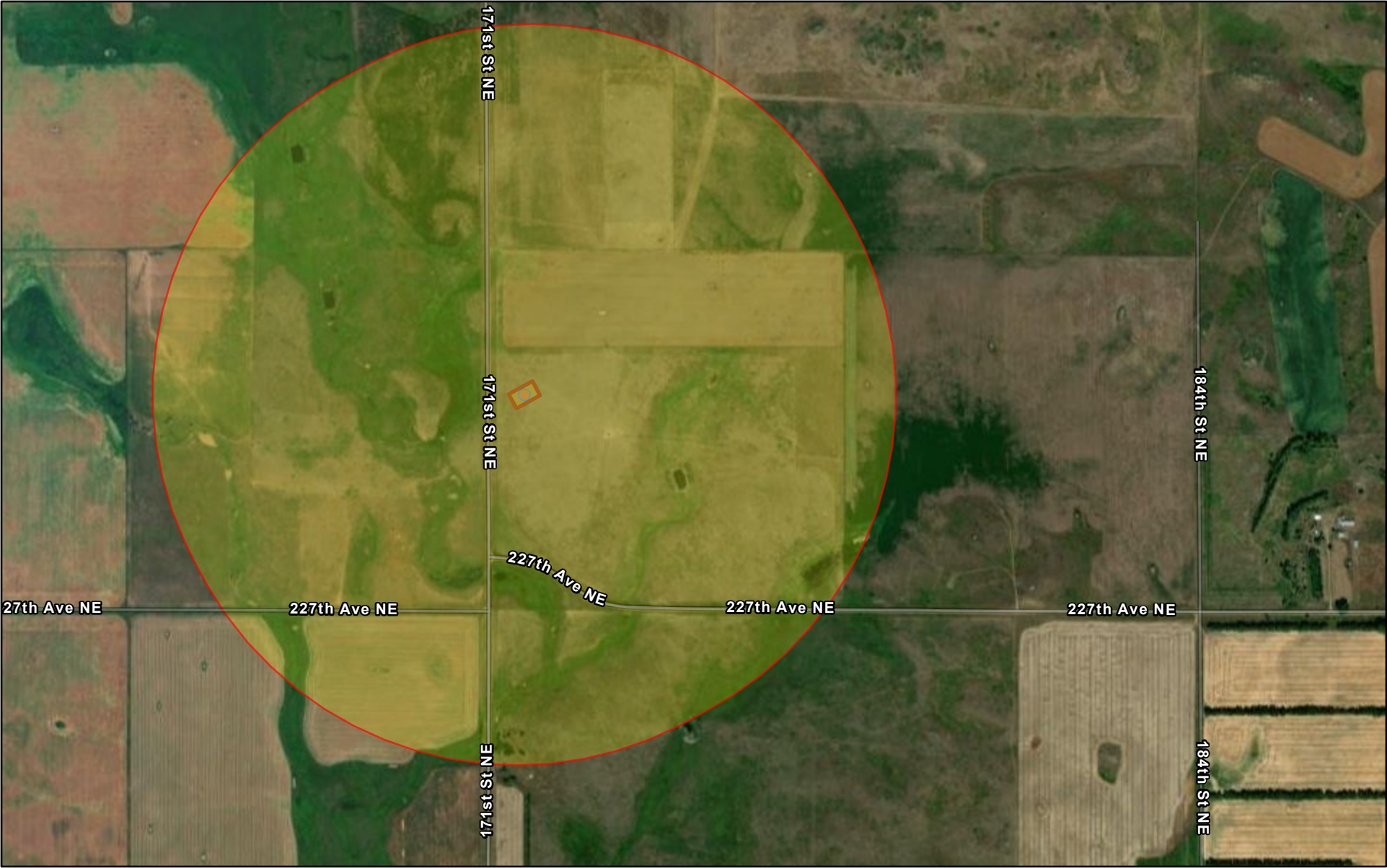
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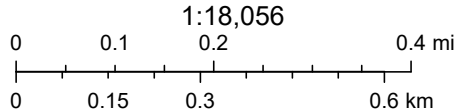
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-  012_new_locations
-  012 rpl buffer polygons



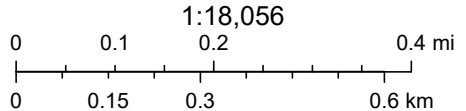
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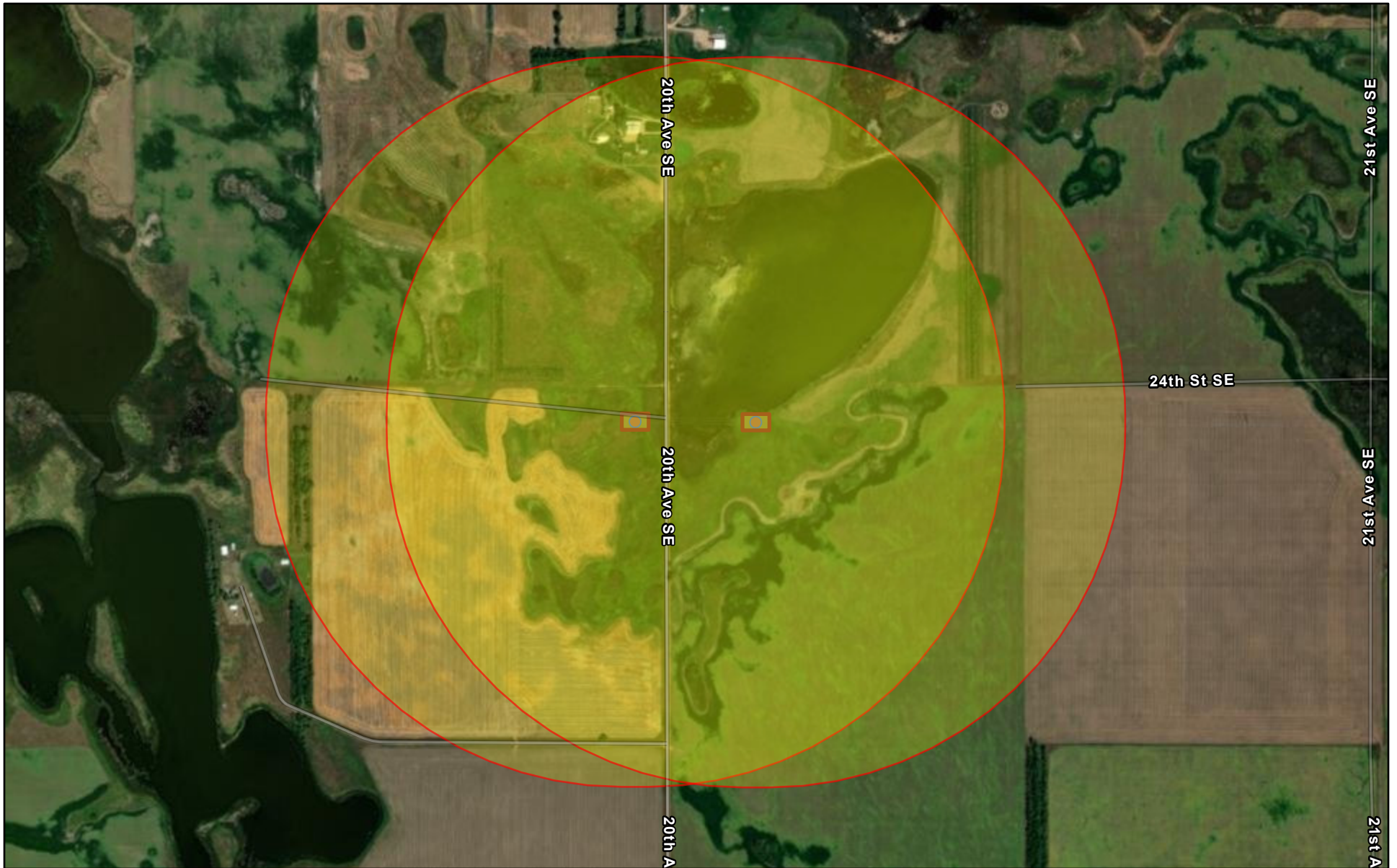
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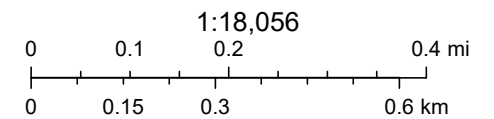
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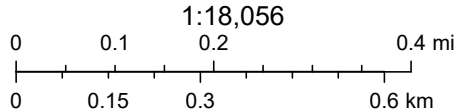
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May 2, 2024

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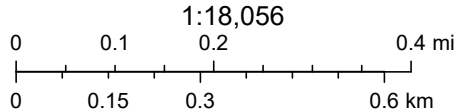
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May 2, 2024

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-  012 rpl buffer polygons



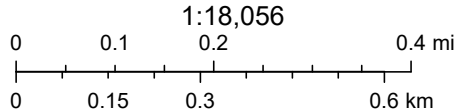
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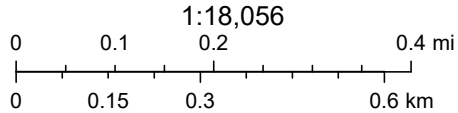
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21839 345kV #012C0684 Replacement- EPA Facilities



May 2, 2024

-  012E0684
-  Project Buffer
-  012_new_locations
-  012 rpl buffer polygons



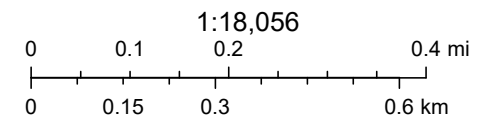
Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

21839 345kV #012E0699 Replacement- EPA Facilities



May 2, 2024

-  012E0699
-  Project Buffer
-  012_new_locations
-  012 rpl buffer polygons



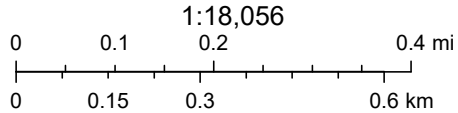
Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

21839 345kV #012G0737 Replacement- EPA Facilities



May 2, 2024

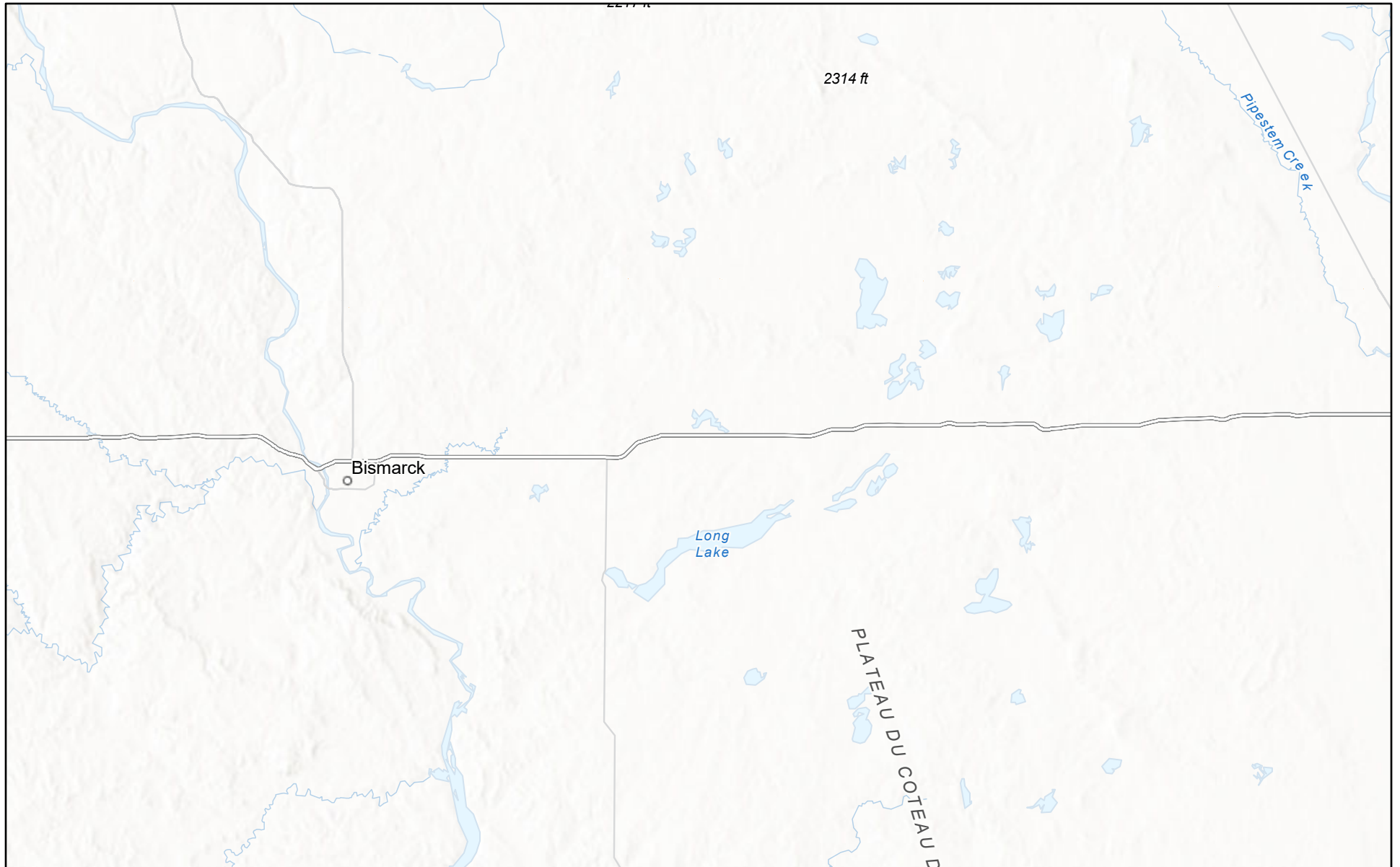
-  012G0737
-  Project Buffer
-  012_new_locations
-  012 rpl buffer polygons




Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

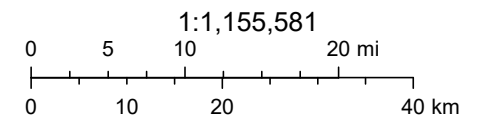
ATTACHMENTS: AIR QUALITY

21839 345kV Structure Replacements- Air Quality



May 2, 2024

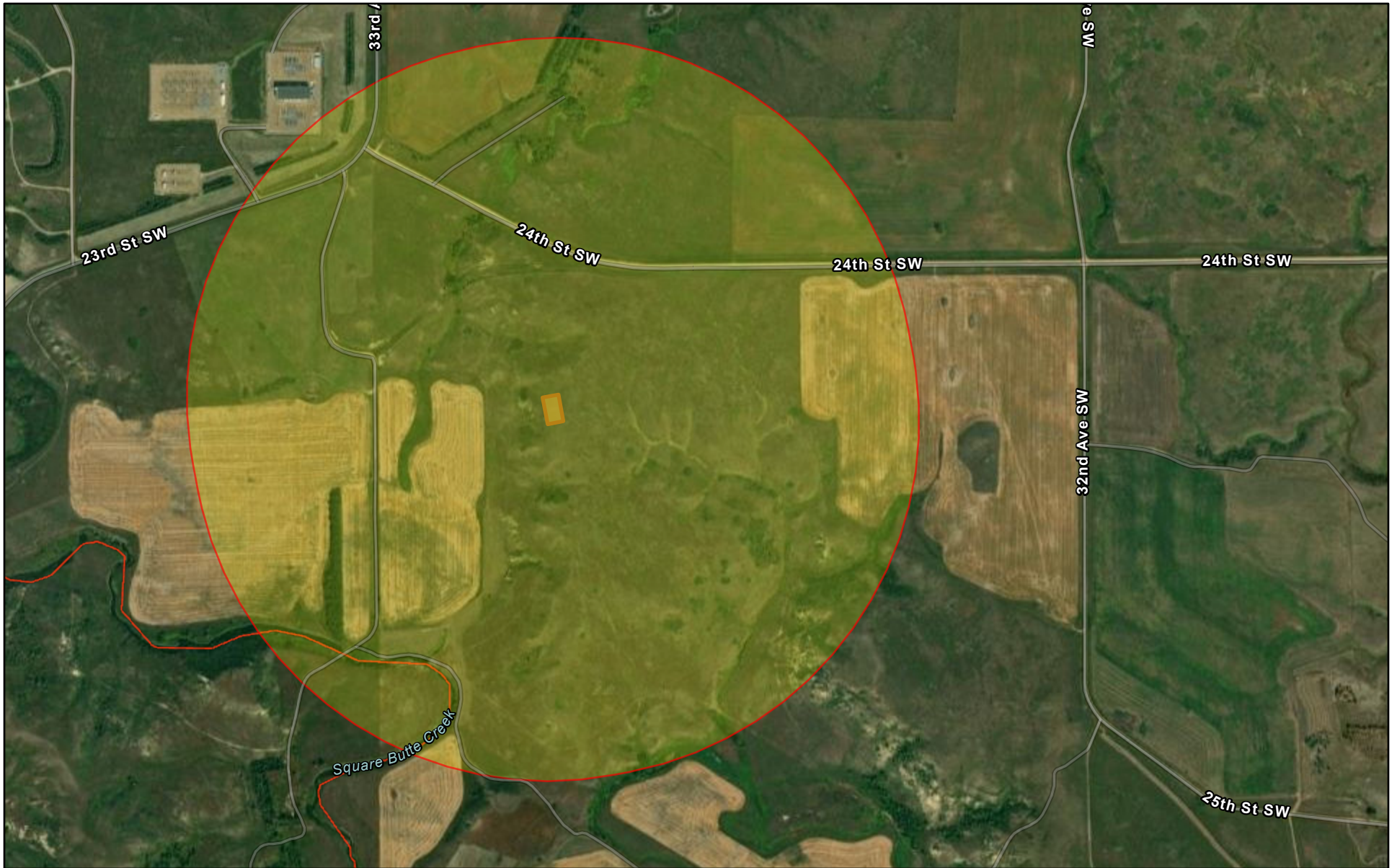
 012 rpl buffer polygons



State of North Dakota, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, USFWS, Esri, CGIAR, USGS, U.S. EPA Office of Air and

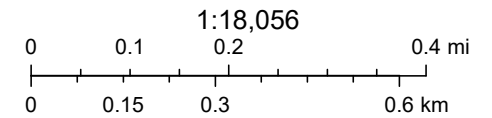
ATTACHMENTS: WATER QUALITY

21839 345kV #012A0008 Replacement- Impaired Stream



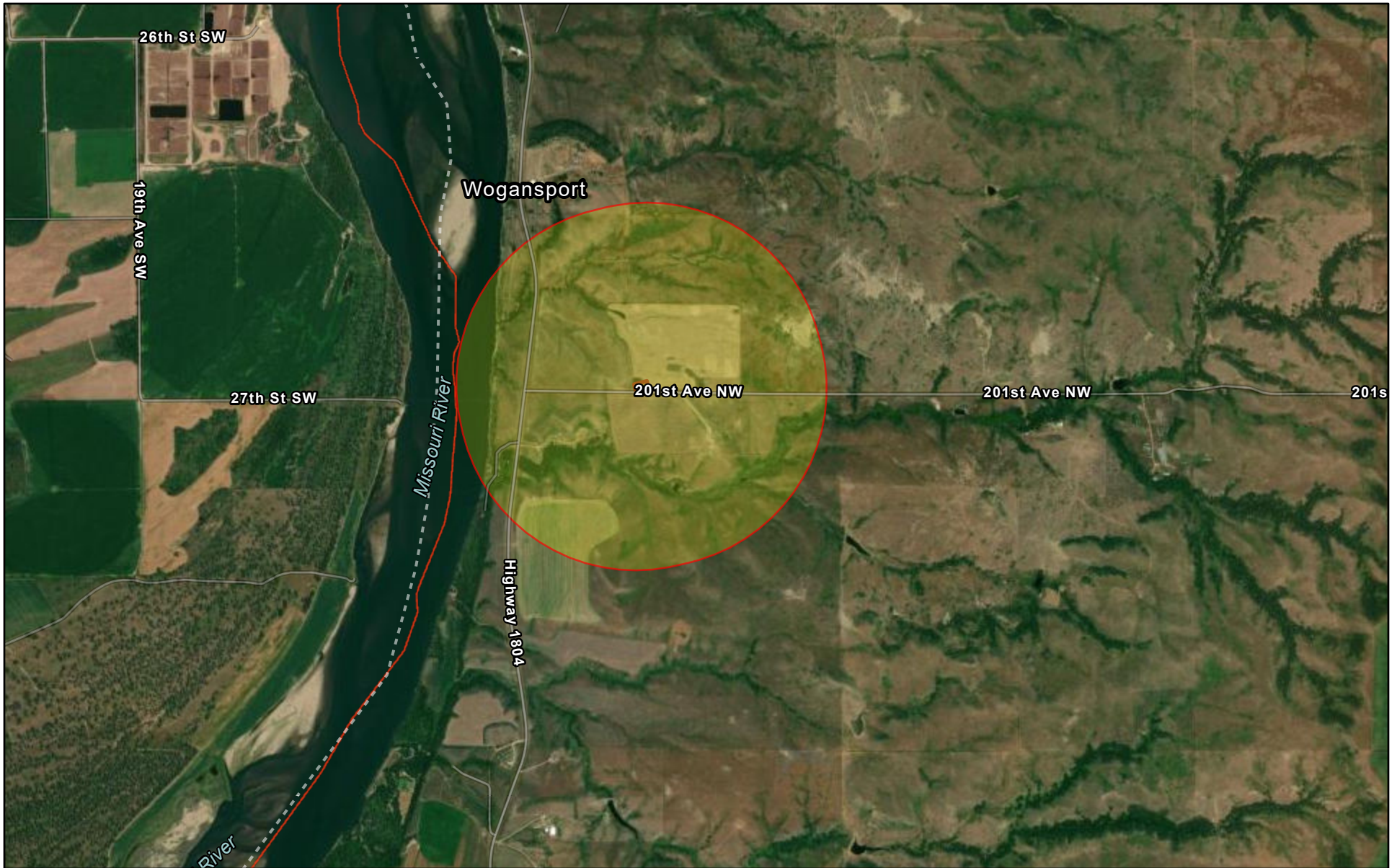
May 2, 2024

-  Project Buffer
-  012 rpl buffer polygons
-  012A0008
-  Impaired Streams





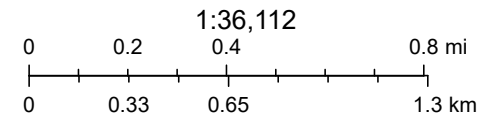
Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

21839 345kV #012C0107 Replacement- Impaired Stream



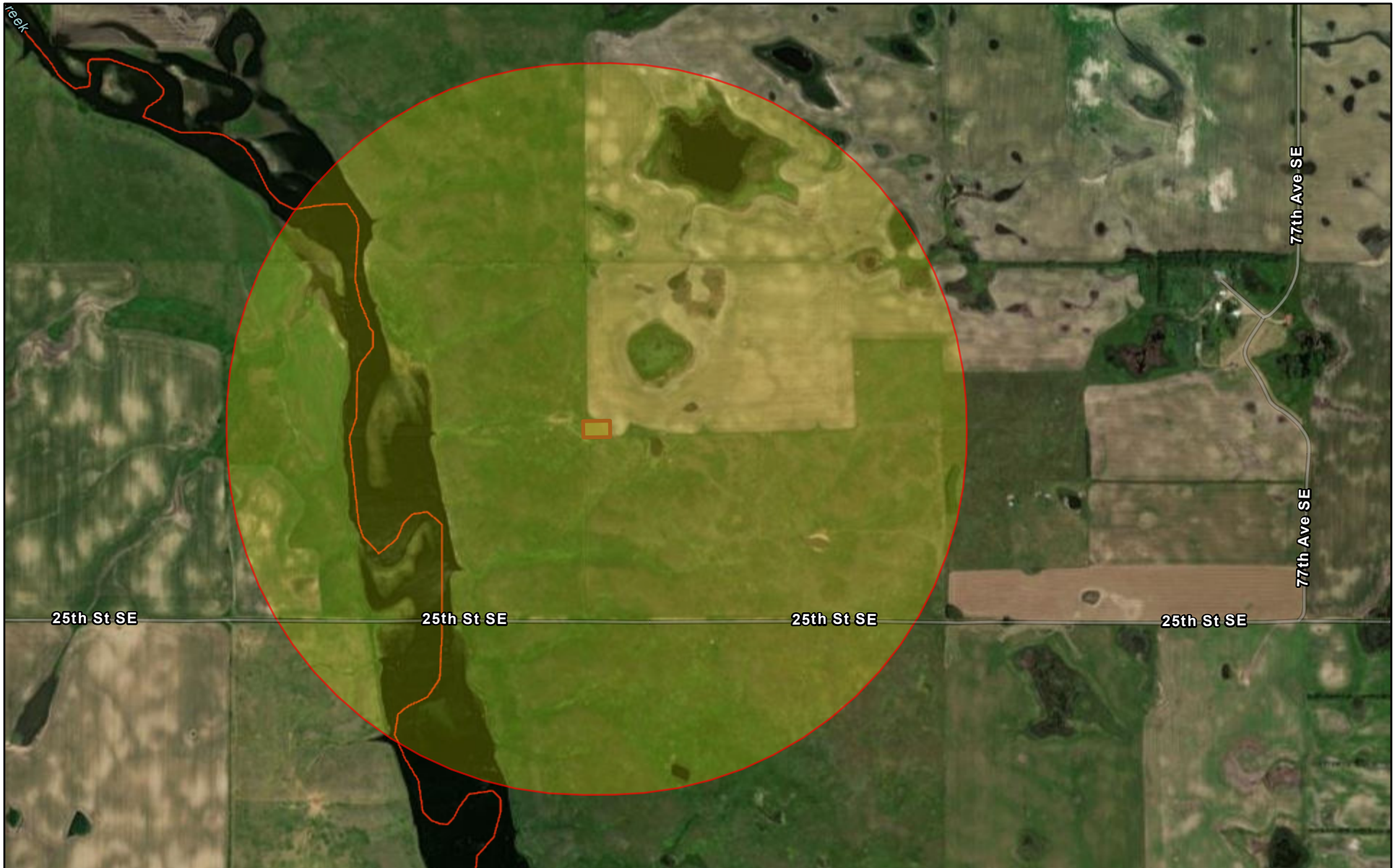
May 2, 2024

-  012C0107
-  012 rpl buffer polygons
-  Project Buffer
-  Impaired Streams



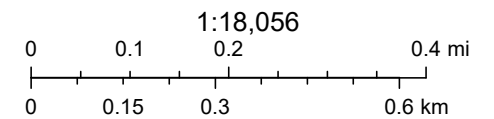
State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS,

21839 345kV #012C0684 Replacement- Impaired Stream



May 2, 2024

-  012C0684
-  012 rpl buffer polygons
-  Project Buffer
-  Impaired Streams



Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

ATTACHMENTS: VIOLATION OF FEDERAL OR STATE PERMITS

Samantha Roberts

From: Samantha Roberts
Sent: Thursday, May 9, 2024 12:56 PM
To: dtrussell@nd.gov
Subject: Minnkota Concrete Foundations

Hi Diana

My name is Samantha Roberts with Minnkota Power Cooperative, Inc. we spoke on April 12, 2024, in regards to an upcoming project that we are working on. Minnkota will be replacing 13 of our 345 kV lattice structures on Line 012. The structures are located in Oliver, Stutsman and Kidder counties. We will be replacing the old structures by removing the lattice portion and leaving the concrete foundations in place. The concrete foundations vary in length from 9 to 13 feet. The new 345 kV structures will be directly imbedded near the old structures. Will the ND DEQ require any additional information and is there any solid waste regulations that we would need to be aware of for leaving the footings in place?

Thank You

Samantha Roberts
Environmental Specialist II

Minnkota Power Cooperative, Inc
5301 32nd Ave. S.
Grand Forks, ND 58201
Office: (701) 795-4289
Cell: (701) 213-1537
Email: sroberts@minnkota.com
Web: www.minnkota.com



Kacey Borin

From: Hermanson, Chad <hermansonchad@nd.gov>
Sent: Monday, June 10, 2024 10:08 AM
To: Kacey Borin
Subject: [EXTERNAL] Concrete

CAUTION: This message originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kasey,

Monday the 3rd we had a conversation about work that you will be doing on power line structures. Some of the concrete that is used to hold the structures may have to be left in the ground depending on location. This will not have an effect environmentally as concrete does not produce any type of leachate that would cause a pollution into the surrounding soil or ground water. We did talk about structure in water and on private land and that we do not have any authority on these if they are left in place.

Thank you,
Chad

Chad Hermanson
Division of Waste Management • Solid Waste Program
701-328-1606 • hermansonchad@nd.gov
4201 Normandy St. • Bismarck, ND 58503

NORTH
Dakota | Environmental Quality
Be Legendary.™



A Touchstone Energy® Cooperative 

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

June 11, 2024

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

Sent Via Email:

**RE: Minnkota Power Cooperative, Inc.
 345kV Line 12 Structure Replacements Project
 Oliver, Burleigh, Kidder and Stutsman Counties, North Dakota**

Dear Mr. Schock:

Due to heavily degraded structure foundations that are beyond reasonable restoration, Minnkota Power Cooperative, Inc, (MPC) is proposing to replace thirteen 345 kV lattice structures along MPC’s existing high voltage line (HVTL) in August 2024. The structures are detailed in the table below.

LINE #	STR #	REPLACEMENT DISTANCE (DIRECTION ALONG LINE)	CURRENT COORD.		PLANS FOR REMOVAL
			LAT	LONG	
012A	0008	10 FT AHEAD/ SOUTH	47.06542	-101.188	remove
012C	0107	10 FT BACK/ WEST	47.02682	-100.867	remove
012C	0132	10 FT BACK/ WEST	47.03052	-100.78	remove
012C	0212	10 FT AHEAD/ NORTHEAST	47.05943	-100.515	remove
012C	0290	10 FT BACK/ WEST	47.06821	-100.248	remove
012C	0339	10 FT AHEAD/ EAST	47.06789	-100.074	remove
012C	0340	10 FT BACK/ WEST	47.06788	-100.07	(within standing water) preferably left in place
012C	0452	10 FT BACK /WEST	47.06599	-99.6862	(edge of wetland) possibly able to remove since it's been a drier year
012C	0600	10 FT BACK/ WEST	47.06019	-99.1851	remove
012C	0618	80 FT BACK/ WEST	47.05773	-99.125	(within standing water) preferably left in place
012E	0684	15 FT AHEAD/ EAST	47.05565	-98.9005	remove
012E	0699	10 FT BACK/ WEST	47.05558	-98.8482	remove



012G	0737	10 FT BACK/ NORTHWEST	47.04011	-98.7144	(edge of wetland) possibly able to remove since it's been a drier year
------	------	--------------------------	----------	----------	---

Replacement of the structures is needed to prevent line failure and maintain reliability. The sequence of construction activities typically starts with directly embedding the new structures 14 feet into the subsurface to move the phases over from the old structure. The lattice portion of the old structures are then removed. Methods for removing the concrete foundations either include digging a hole with a standard excavator around the foundation then lifting it out with a crane or using a bigger excavator to dig a wider hole then dragging the foundation out of hole. If required, a barricade and pump could be used in wetter areas prior to dragging the foundation out. Alternatively, if foundations are left in place, the aluminum structure will be removed and the steel cut flush with the concrete foundation, then buried.

Replacement of structures 8, 132, 212, 290, 600, 684 and 699 meet the definition of construction as defined by North Dakota Century Code (NDCC) 49-22-03 (3)(a)(1)(c), (a)(2), (a)(3)(c), and (a)(4). Replacement of the others, structures 107, 339, 340, 452, 618, and 737, may impact either an exclusion or avoidance area and therefore meet the definition of construction as defined by NDCC 49-22-03 (3)(b).

Structure 107 is within 0.5 miles of Piping Plover critical habitat along the Missouri River, which is considered an exclusion area in North Dakota Administrative Code (NDAC) 69-06-08-02(1)(d). MPC will mitigate the impacts by replacing this structure outside of the April 15- August 15 sensitive window. If construction does happen to take place within the avoidance window, MPC will hire a permitted biologist to survey. Construction activities will cease if impacts are determined by the monitor.

Structures 339 and 340 are within Kidder County Waterfowl Production Area (WPA) wetland easements. Structures 600 and 684 are within Stutsman WPA wetland easements. Only structure 340 is within a protected basin. NDAC 69-06-08-02(2)(a) describes national wildlife areas and wildlife refuges as avoidance areas. Regardless of whether WPAs are considered wildlife areas, a term not clearly defined in NDCC 49-22-03 nor in NDAC 69-06-01-01, MPC’s easement rights to structure replacement within the easement corridor predate the WPA easement.

Structures 452 and 618 are in standing water and have been identified as a challenge to remove. If unable to get to in August, these structures may be worked on in the winter when the frozen ground provides a more stable ground for equipment and minimize ground disturbance. Structures 452 and 737 are on the banks of wetlands and may be able to remove this year since it’s been drier.

Barr Engineering, Inc (Barr) completed a Natural Resources Survey, dated January 2024, on behalf of MPC. The report assessed the potential impacts of the project to listed species and surveyed the vegetation community around the structures. MPC additionally completed an impact assessment and relevant consultations compiled in the attached Environmental Report. Additionally, a notarized certification indicating the planned improvement qualifies for exclusion in accordance with NDCC 49-22-03 is attached to this letter. Please contact me at kborin@minnkota.com or 701-795-4287 if you have any questions or require additional information.

Sincerely,



Kacey Borin
Environmental Specialist
Minnkota Power Cooperative, Inc.

Attachments: Certification of Applicant
Structure Relocation Maps
Environmental Report, dated June 10, 2024

CERTIFICATION OF APPLICANT PURSUANT
TO N.D. CENTURY CODE 49-22-03(3)(b)
MINNKOTA POWER COOPERATIVE, INC.

I, Brendan Kennelly, a duly authorized agent of Minnkota Power Cooperative, Inc. (Minnkota) that has authority to bind the company in these matters, do hereby certify under oath:

1. That the replacement of structures 8, 132, 212, 290, 339, 340, 452, 600, 618, 684, 699, and 737 on Minnkota's 345 kV transmission line will not affect any known exclusion areas as defined under the N.D. Administrative Code 69-06-08-02 (1).
2. That the replacement of structures 8, 107, 132, 212, 290, 452, 618, 699, and 737 on Minnkota's 345 kV transmission line will not affect any known avoidance area as defined under the N.D. Administrative Code 69-06-08-02 (2).
3. That the replacement of structure 107 may impact an exclusion area as defined under N.D. Administrative Code 69-06-08-02 (1)(d). The exclusion area is a 0.5-mile buffer around Piping Plover designated critical habitat along the Missouri River. Mitigation measures have been established to minimize impact to Piping Plovers.
4. That the replacement of structures 339, 340, 600, and 684 may impact avoidance areas as defined under N.D. Administrative Code 69-06-08-02 (1)(d). The avoidance areas are Waterfowl Production Area easements with private landowners that were taken subject to Minnkota's existing utility right-of-way easements.
5. That the replacement of all structures in this project is intended to improve system reliability needs of Minnkota's service area.
6. That Minnkota Power Cooperative 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 June __, 2024.

Brendan Kennelly, VP Power Delivery

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

This instrument was acknowledged before me this ___ day of June 2024 by Brendan Kennelly, VP Power Delivery on behalf of Minnkota Power Cooperative, Inc.

Notary Public

Signature

ATTACHMENTS: ENVIRONMENTAL JUSTICE



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

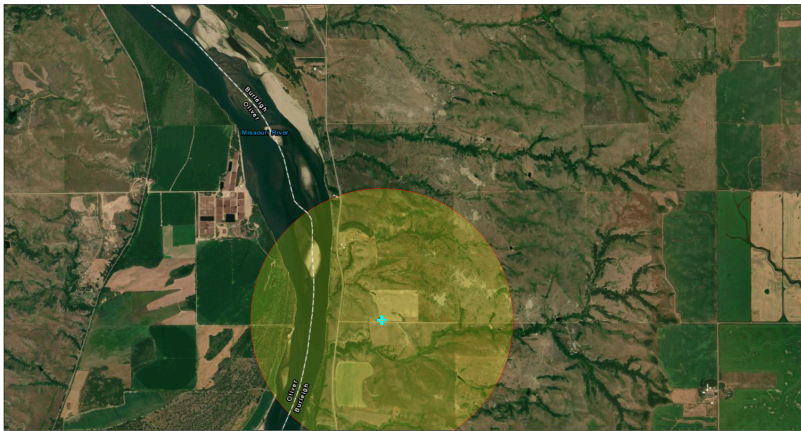
Burleigh County, ND

1 mile Ring Centered at 47.026815,-100.867023

Population: 14

Area in square miles: 3.14

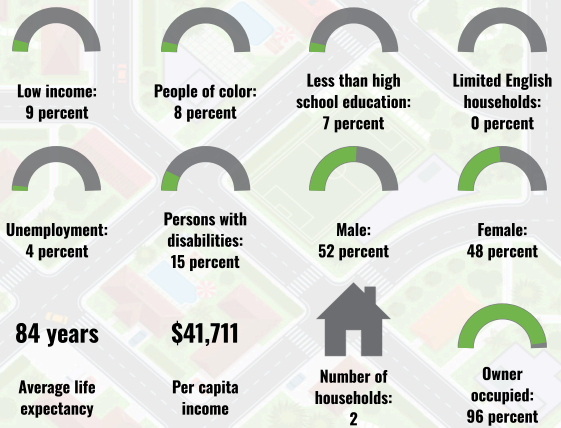
A3 Landscape



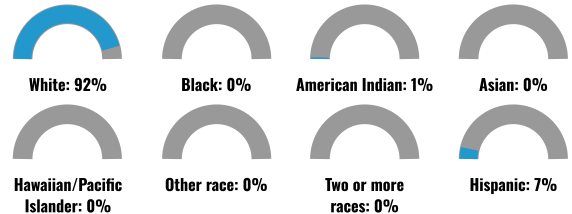
May 3, 2024
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 0 0.3 0.6 1.2 mi
 0 0.5 1 2 km
 Esri, HERE, Garmin, Mapbox

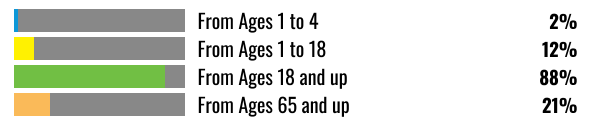
COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

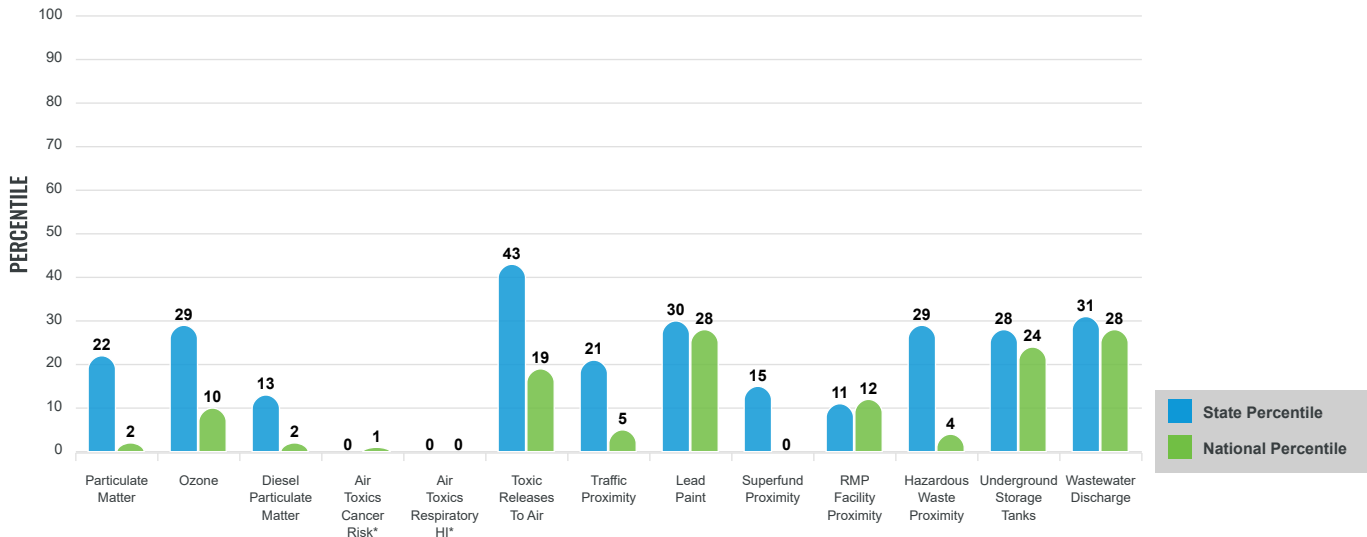
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

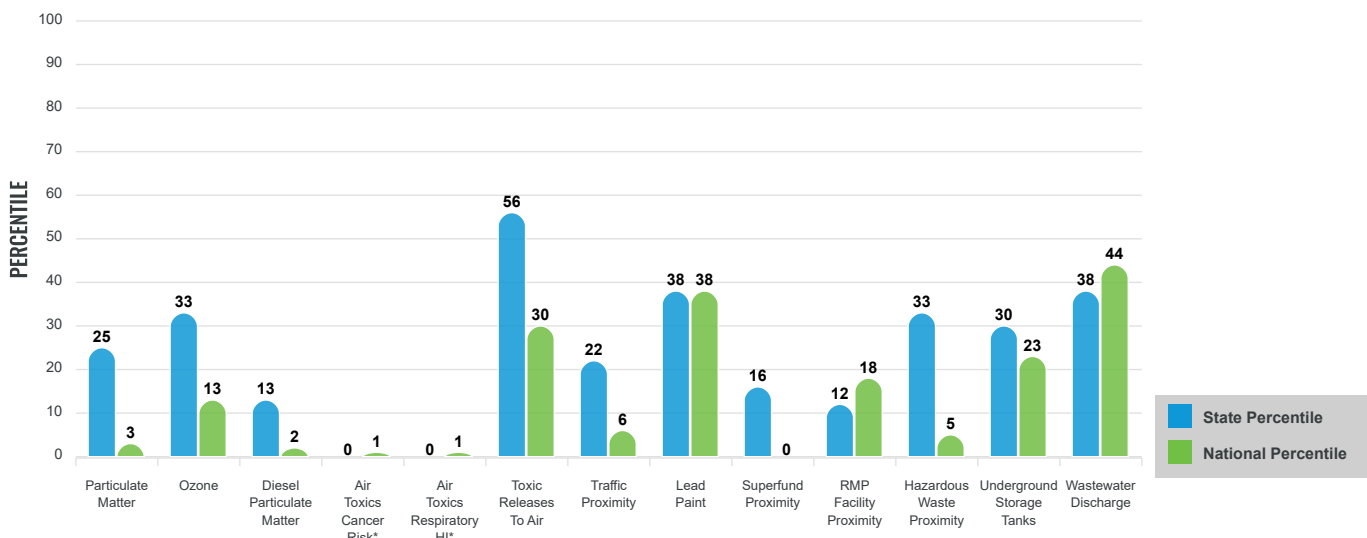
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 47.026815,-100.867023

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	4.98	5.41	33	8.08	3
Ozone (ppb)	57.2	57.3	43	61.6	19
Diesel Particulate Matter (µg/m ³)	0.043	0.157	19	0.261	3
Air Toxics Cancer Risk* (lifetime risk per million)	10	16	0	25	1
Air Toxics Respiratory HI*	0.1	0.16	0	0.31	1
Toxic Releases to Air	410	460	67	4,600	43
Traffic Proximity (daily traffic count/distance to road)	2.7	85	25	210	8
Lead Paint (% Pre-1960 Housing)	0.32	0.29	54	0.3	60
Superfund Proximity (site count/km distance)	0.0027	0.0049	21	0.13	0
RMP Facility Proximity (facility count/km distance)	0.087	0.64	12	0.43	24
Hazardous Waste Proximity (facility count/km distance)	0.043	0.37	37	1.9	8
Underground Storage Tanks (count/km ²)	0.024	2.1	33	3.9	23
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.0093	8.9	45	22	67
SOCIOECONOMIC INDICATORS					
Demographic Index	9%	21%	15	35%	7
Supplemental Demographic Index	7%	11%	19	14%	16
People of Color	8%	16%	40	39%	19
Low Income	9%	26%	12	31%	16
Unemployment Rate	4%	3%	74	6%	52
Limited English Speaking Households	0%	1%	0	5%	0
Less Than High School Education	7%	7%	58	12%	44
Under Age 5	2%	7%	15	6%	24
Over Age 64	21%	17%	67	17%	69
Low Life Expectancy	15%	18%	20	20%	11

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	0
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	0
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	No
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	No
Selected location contains an EPA IRA disadvantaged community	No

Report for 1 mile Ring Centered at 47.026815,-100.867023

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	15%	18%	20	20%	11
Heart Disease	7.9	6.4	78	6.1	83
Asthma	9.1	9.3	46	10	27
Cancer	8.3	6.8	79	6.1	92
Persons with Disabilities	13.1%	11.8%	67	13.4%	54

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	11%	9%	70	12%	70
Wildfire Risk	46%	19%	81	14%	85

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	23%	17%	75	14%	80
Lack of Health Insurance	3%	8%	13	9%	16
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 47.026815,-100.867023



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

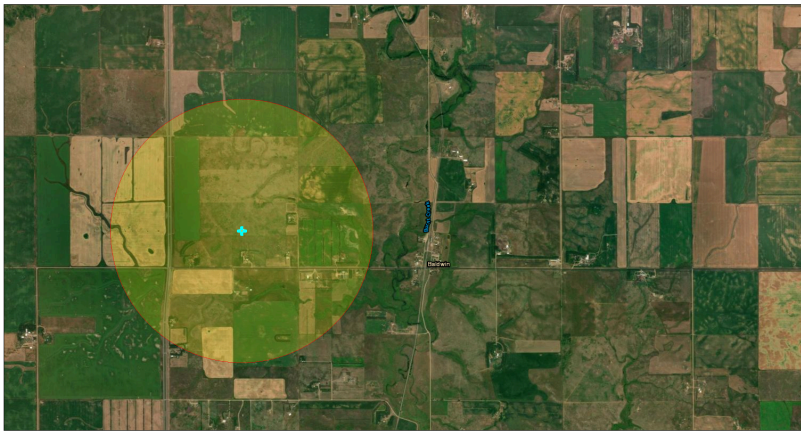
Burleigh County, ND

1 mile Ring Centered at 47.030530,-100.779819

Population: 15

Area in square miles: 3.14

A3 Landscape



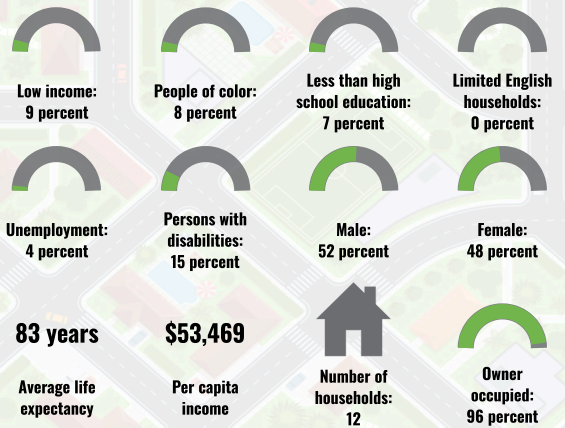
May 3, 2024
 012CD132
 012_new_locations
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0 0.3 0.6 1.2 mi
 0 0.5 1 2 km
 Esri, HERE, Garmin, Mapbox

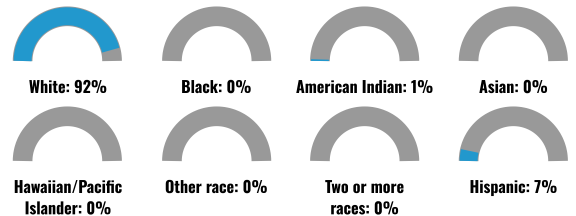
LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

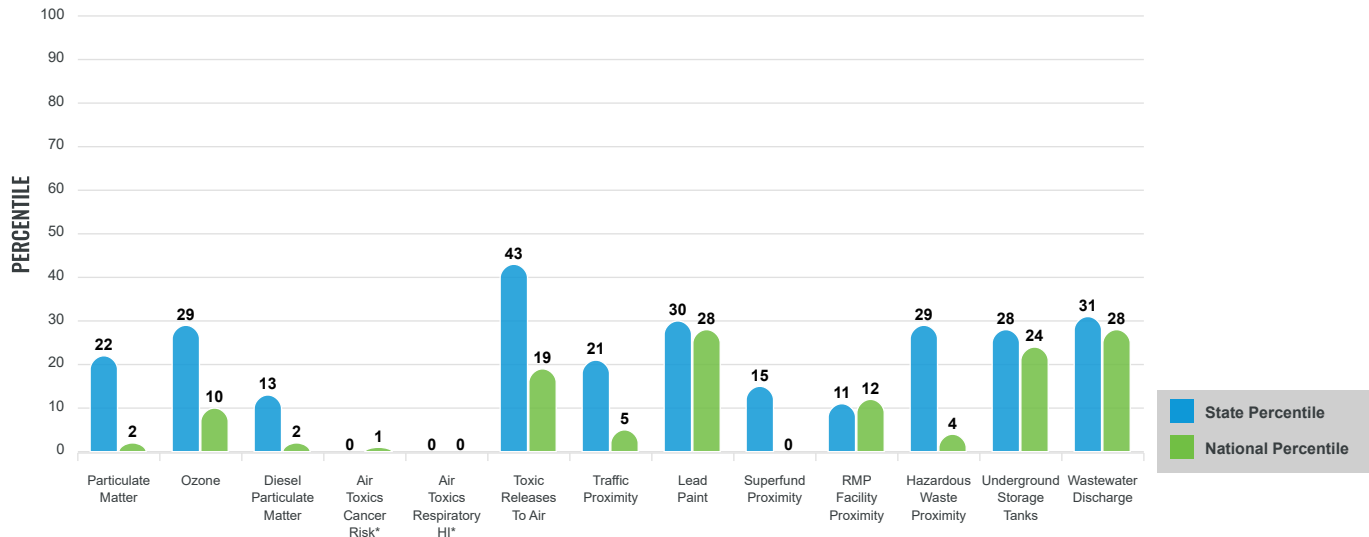
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EJ INDEXES

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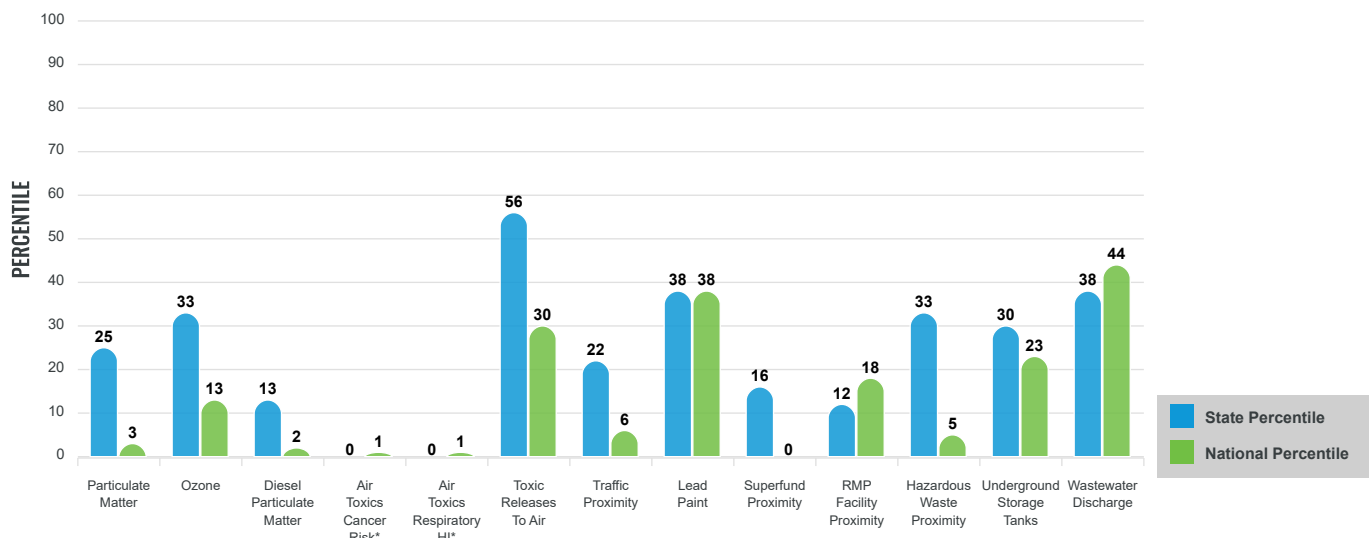
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 47.030530,-100.779819

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	4.98	5.41	33	8.08	3
Ozone (ppb)	57.2	57.3	43	61.6	19
Diesel Particulate Matter (µg/m ³)	0.043	0.157	19	0.261	3
Air Toxics Cancer Risk* (lifetime risk per million)	10	16	0	25	1
Air Toxics Respiratory HI*	0.1	0.16	0	0.31	1
Toxic Releases to Air	410	460	67	4,600	43
Traffic Proximity (daily traffic count/distance to road)	2.7	85	25	210	8
Lead Paint (% Pre-1960 Housing)	0.32	0.29	54	0.3	60
Superfund Proximity (site count/km distance)	0.0027	0.0049	21	0.13	0
RMP Facility Proximity (facility count/km distance)	0.087	0.64	12	0.43	24
Hazardous Waste Proximity (facility count/km distance)	0.043	0.37	37	1.9	8
Underground Storage Tanks (count/km ²)	0.024	2.1	33	3.9	23
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.0093	8.9	45	22	67
SOCIOECONOMIC INDICATORS					
Demographic Index	9%	21%	15	35%	7
Supplemental Demographic Index	7%	11%	19	14%	16
People of Color	8%	16%	40	39%	19
Low Income	9%	26%	12	31%	16
Unemployment Rate	4%	3%	74	6%	52
Limited English Speaking Households	0%	1%	0	5%	0
Less Than High School Education	7%	7%	58	12%	44
Under Age 5	2%	7%	15	6%	24
Over Age 64	21%	17%	67	17%	69
Low Life Expectancy	15%	18%	20	20%	11

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	0
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	0
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	No
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	No
Selected location contains an EPA IRA disadvantaged community	No

Report for 1 mile Ring Centered at 47.030530,-100.779819

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	15%	18%	20	20%	11
Heart Disease	7.9	6.4	78	6.1	83
Asthma	9.1	9.3	46	10	27
Cancer	8.3	6.8	79	6.1	92
Persons with Disabilities	13.1%	11.8%	67	13.4%	54

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	11%	9%	70	12%	70
Wildfire Risk	46%	19%	81	14%	85

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	23%	17%	75	14%	80
Lack of Health Insurance	3%	8%	13	9%	16
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 47.030530,-100.779819



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Kidder County, ND

1 mile Ring around the Area
Population: 13
Area in square miles: 3.25

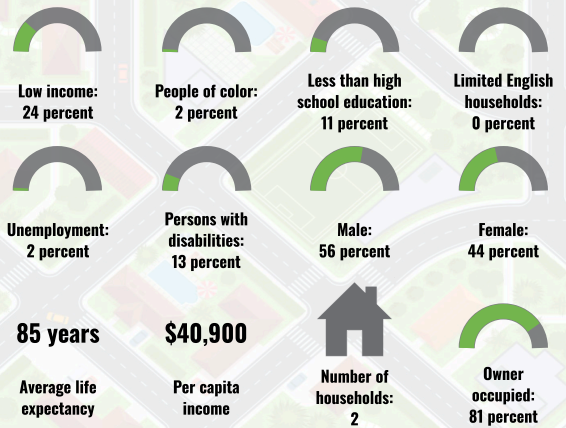
A3 Landscape



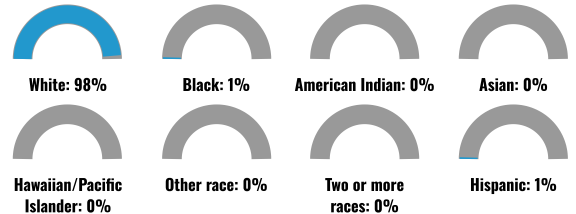
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COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

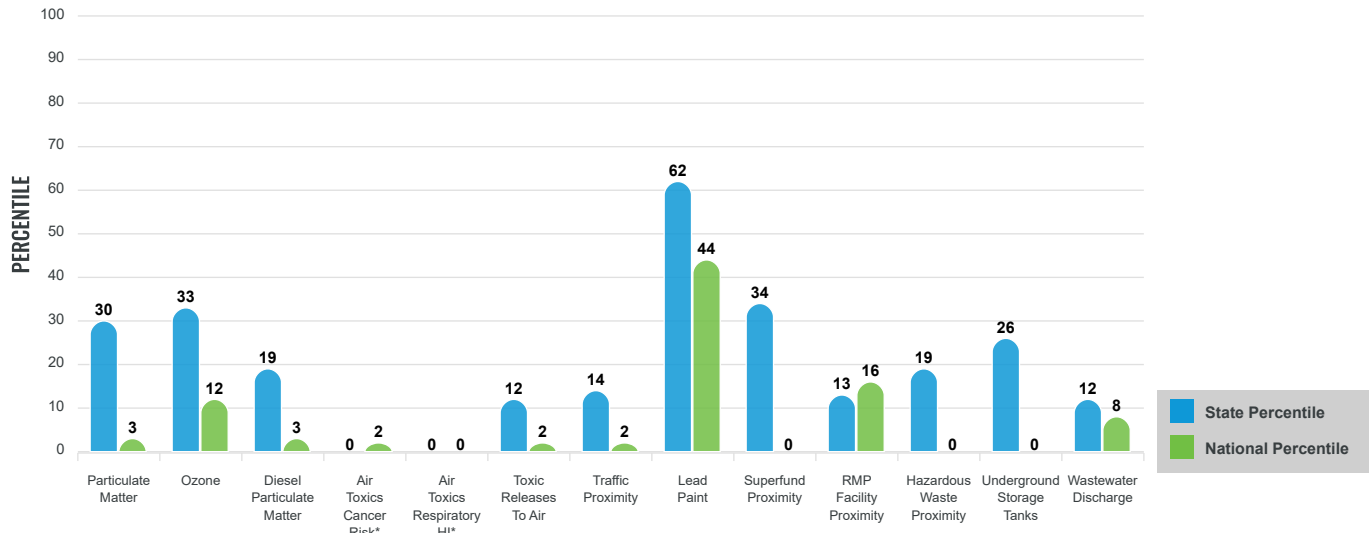
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

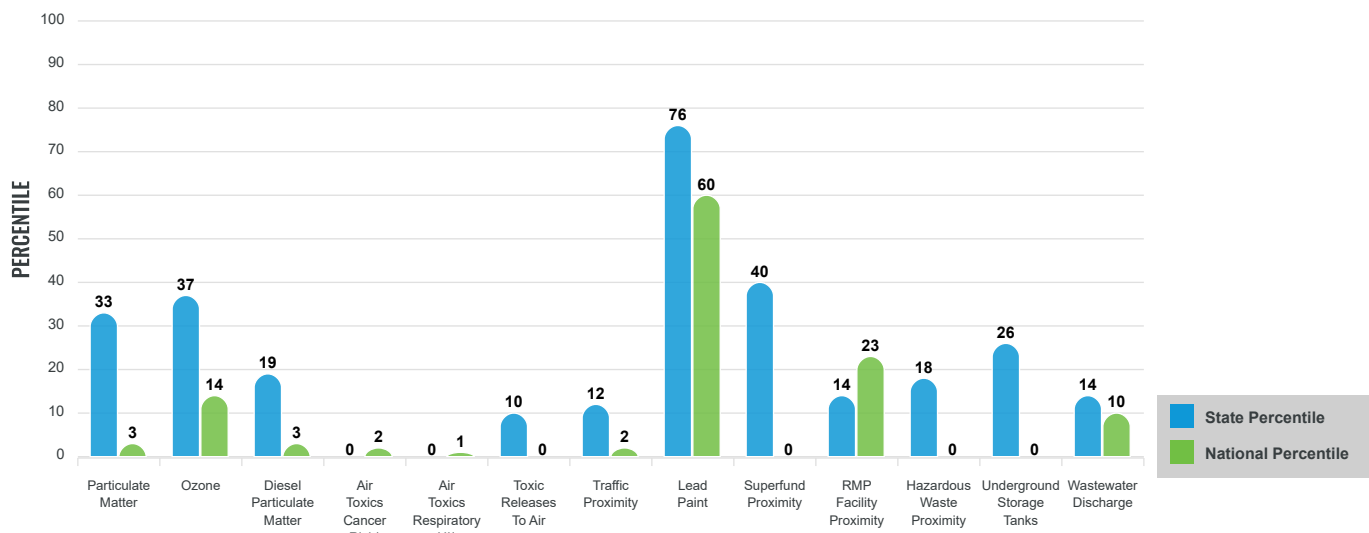
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring around the Area

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	4.92	5.41	30	8.08	3
Ozone (ppb)	56.4	57.3	33	61.6	15
Diesel Particulate Matter (µg/m ³)	0.0425	0.157	17	0.261	3
Air Toxics Cancer Risk* (lifetime risk per million)	10	16	0	25	1
Air Toxics Respiratory HI*	0.1	0.16	0	0.31	1
Toxic Releases to Air	0.002	460	10	4,600	1
Traffic Proximity (daily traffic count/distance to road)	0.62	85	11	210	2
Lead Paint (% Pre-1960 Housing)	0.52	0.29	83	0.3	75
Superfund Proximity (site count/km distance)	0.0031	0.0049	37	0.13	0
RMP Facility Proximity (facility count/km distance)	0.077	0.64	10	0.43	21
Hazardous Waste Proximity (facility count/km distance)	0.015	0.37	17	1.9	1
Underground Storage Tanks (count/km ²)	0.0052	2.1	21	3.9	0
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.7E-06	8.9	10	22	10
SOCIOECONOMIC INDICATORS					
Demographic Index	13%	21%	32	35%	16
Supplemental Demographic Index	10%	11%	45	14%	35
People of Color	2%	16%	10	39%	6
Low Income	24%	26%	49	31%	45
Unemployment Rate	2%	3%	48	6%	30
Limited English Speaking Households	0%	1%	72	5%	0
Less Than High School Education	11%	7%	78	12%	61
Under Age 5	2%	7%	13	6%	22
Over Age 64	35%	17%	95	17%	93
Low Life Expectancy	13%	18%	10	20%	5

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	0
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	0
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	No
Impaired Waters	No

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for 1 mile Ring around the Area

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	13%	18%	10	20%	5
Heart Disease	8.9	6.4	89	6.1	92
Asthma	9.3	9.3	65	10	33
Cancer	8.4	6.8	79	6.1	92
Persons with Disabilities	10.5%	11.8%	41	13.4%	36

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	11%	9%	70	12%	69
Wildfire Risk	2%	19%	56	14%	79

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	29%	17%	89	14%	88
Lack of Health Insurance	12%	8%	85	9%	75
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Report for 1 mile Ring around the Area



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Stutsman County, ND

1 mile Ring Centered at 47.055563,-98.848286

Population: 42

Area in square miles: 3.14

A3 Landscape



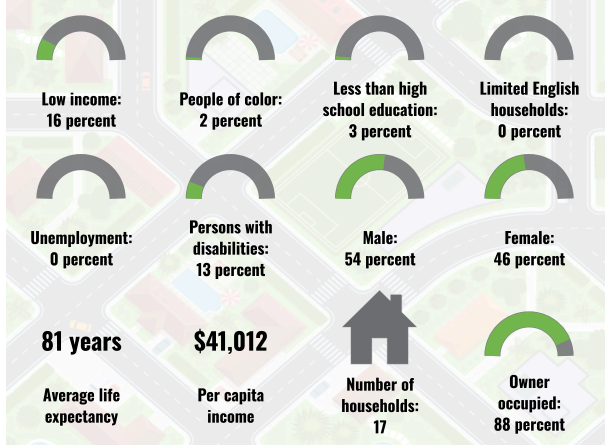
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 Esri, HERE, Garmin, Mapbox

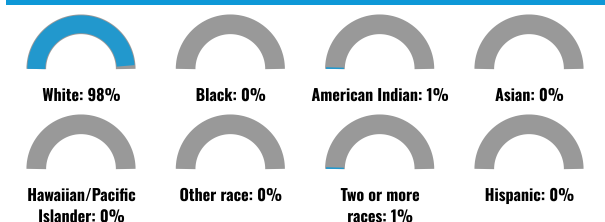
LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

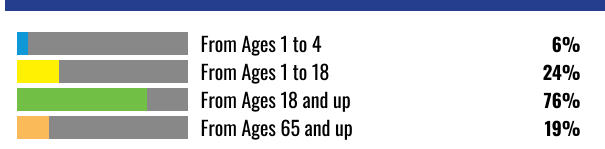
COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

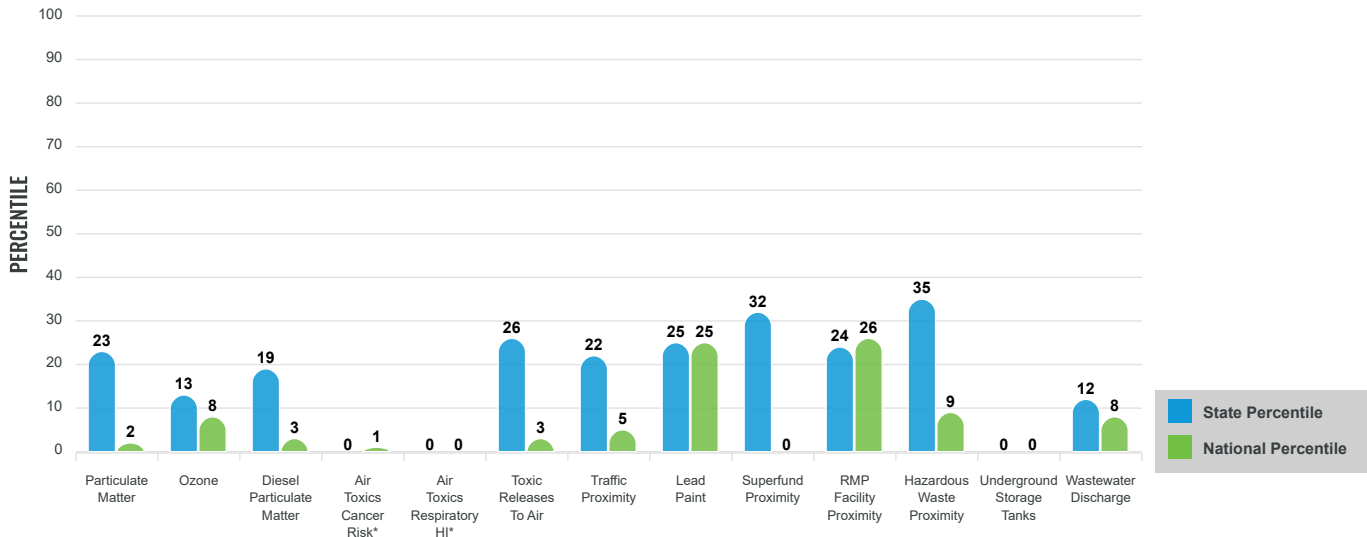
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

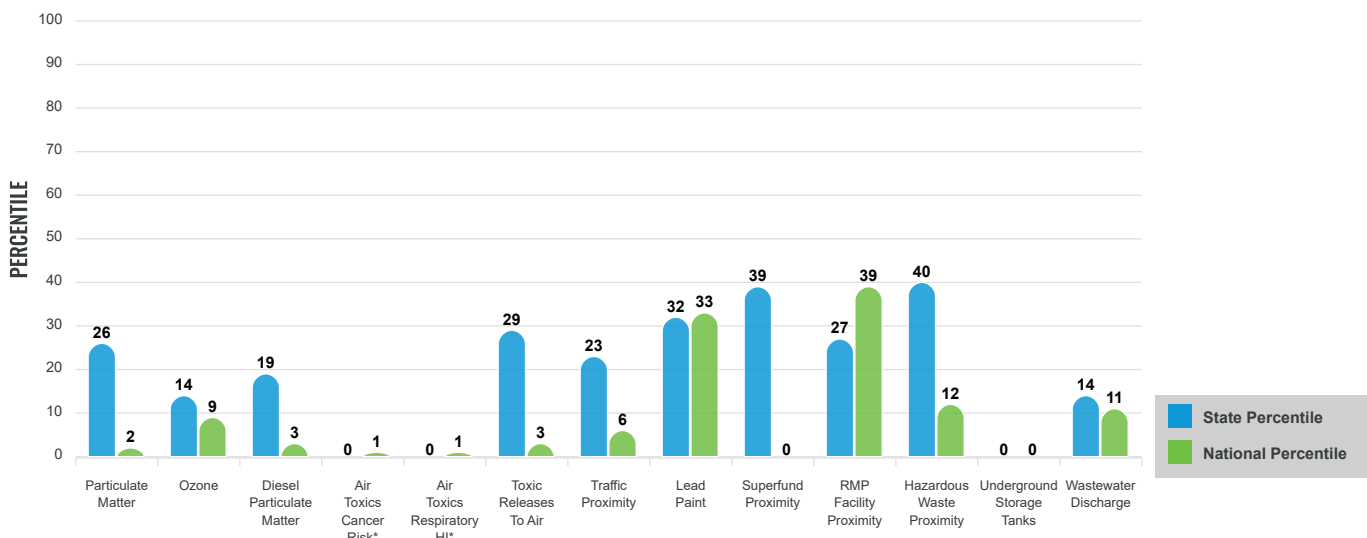
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 47.055563,-98.848286

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	5.01	5.41	34	8.08	3
Ozone (ppb)	56.2	57.3	22	61.6	13
Diesel Particulate Matter (µg/m ³)	0.0487	0.157	25	0.261	4
Air Toxics Cancer Risk* (lifetime risk per million)	10	16	0	25	1
Air Toxics Respiratory HI*	0.1	0.16	0	0.31	1
Toxic Releases to Air	2	460	38	4,600	5
Traffic Proximity (daily traffic count/distance to road)	2.8	85	26	210	8
Lead Paint (% Pre-1960 Housing)	0.22	0.29	43	0.3	50
Superfund Proximity (site count/km distance)	0.0038	0.0049	52	0.13	0
RMP Facility Proximity (facility count/km distance)	0.19	0.64	31	0.43	55
Hazardous Waste Proximity (facility count/km distance)	0.086	0.37	44	1.9	17
Underground Storage Tanks (count/km ²)	0	2.1	0	3.9	0
Wastewater Discharge (toxicity-weighted concentration/m distance)	7E-06	8.9	16	22	15
SOCIOECONOMIC INDICATORS					
Demographic Index	9%	21%	16	35%	8
Supplemental Demographic Index	7%	11%	18	14%	16
People of Color	2%	16%	10	39%	6
Low Income	16%	26%	26	31%	29
Unemployment Rate	0%	3%	0	6%	0
Limited English Speaking Households	0%	1%	0	5%	0
Less Than High School Education	3%	7%	27	12%	22
Under Age 5	6%	7%	52	6%	61
Over Age 64	19%	17%	62	17%	63
Low Life Expectancy	17%	18%	30	20%	24

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	0
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	1
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	No
Impaired Waters	No

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	No
Selected location contains an EPA IRA disadvantaged community	No

Report for 1 mile Ring Centered at 47.055563,-98.848286

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	17%	18%	30	20%	24
Heart Disease	6.5	6.4	53	6.1	60
Asthma	8.7	9.3	12	10	17
Cancer	7.5	6.8	62	6.1	81
Persons with Disabilities	11%	11.8%	45	13.4%	39

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	9%	9%	57	12%	63
Wildfire Risk	19%	19%	71	14%	82

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	14%	17%	42	14%	58
Lack of Health Insurance	4%	8%	20	9%	25
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	No	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 47.055563,-98.848286



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Stutsman County, ND

1 mile Ring Centered at 47.040124,-98.714476

Population: 15

Area in square miles: 3.14

A3 Landscape

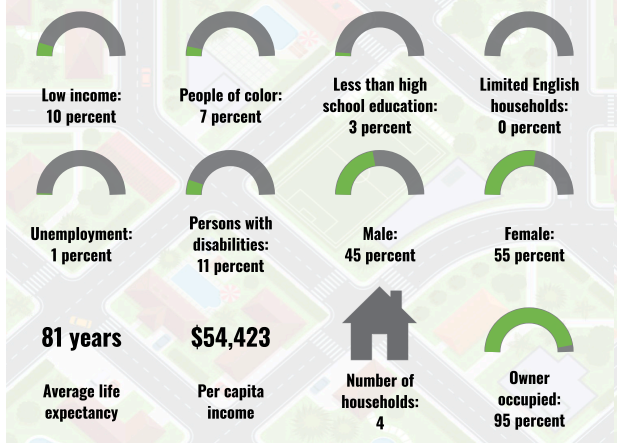


May 3, 2024
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 0 0.5 1 2 km
 Esri, HERE, Garmin, Mapbox

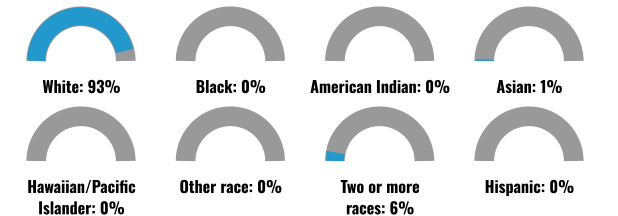
LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
No language data available.	

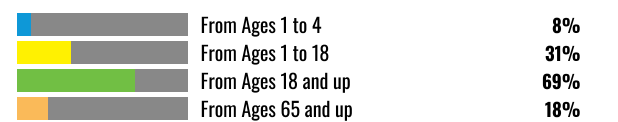
COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

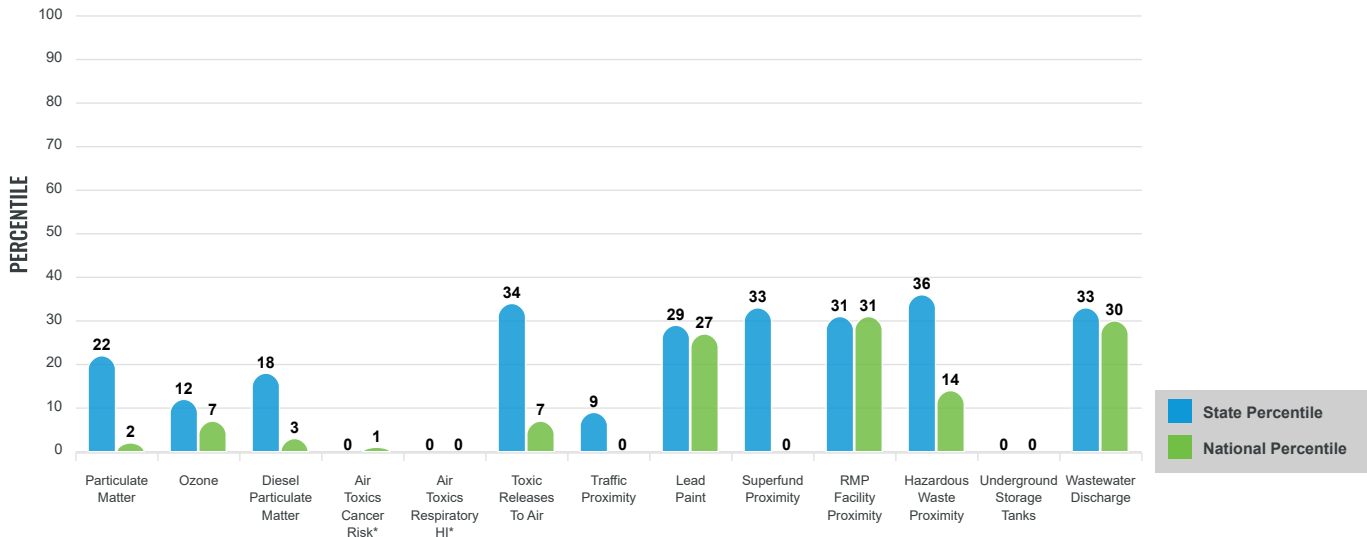
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

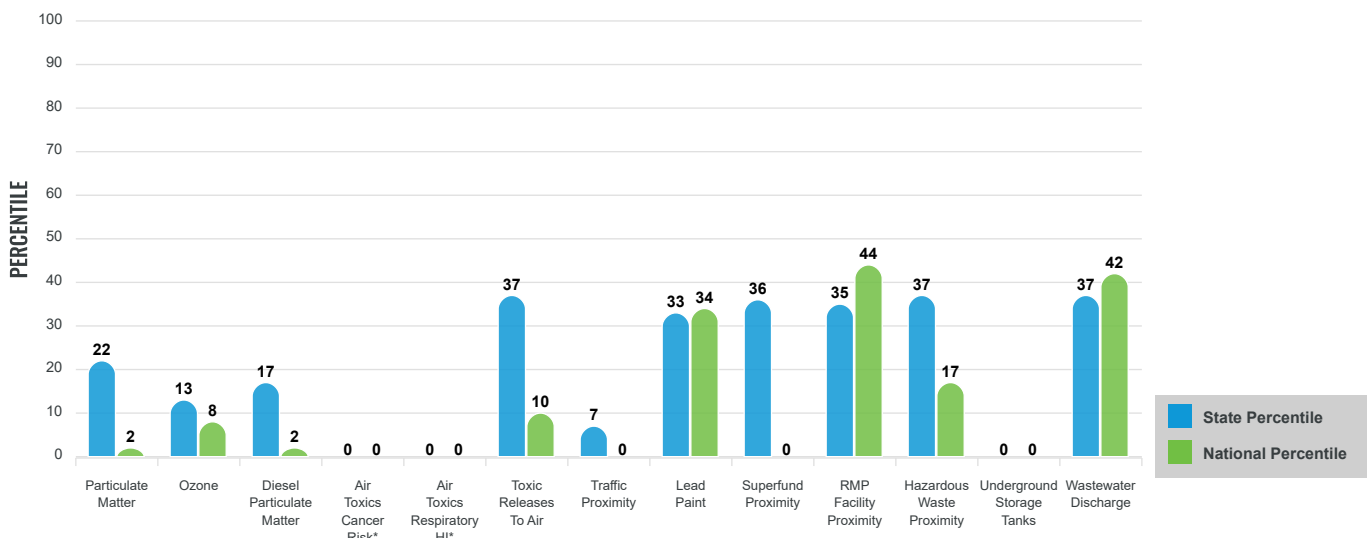
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 47.040124,-98.714476

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	5.01	5.41	34	8.08	3
Ozone (ppb)	56.2	57.3	22	61.6	13
Diesel Particulate Matter (µg/m ³)	0.0487	0.157	25	0.261	4
Air Toxics Cancer Risk* (lifetime risk per million)	10	16	0	25	1
Air Toxics Respiratory HI*	0.1	0.16	0	0.31	1
Toxic Releases to Air	45	460	52	4,600	16
Traffic Proximity (daily traffic count/distance to road)	0.57	85	10	210	2
Lead Paint (% Pre-1960 Housing)	0.31	0.29	53	0.3	59
Superfund Proximity (site count/km distance)	0.0041	0.0049	56	0.13	0
RMP Facility Proximity (facility count/km distance)	0.38	0.64	49	0.43	72
Hazardous Waste Proximity (facility count/km distance)	0.14	0.37	47	1.9	26
Underground Storage Tanks (count/km ²)	0	2.1	0	3.9	0
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.018	8.9	50	22	72
SOCIOECONOMIC INDICATORS					
Demographic Index	8%	21%	14	35%	7
Supplemental Demographic Index	6%	11%	13	14%	12
People of Color	7%	16%	38	39%	17
Low Income	10%	26%	13	31%	17
Unemployment Rate	1%	3%	44	6%	28
Limited English Speaking Households	0%	1%	0	5%	0
Less Than High School Education	3%	7%	32	12%	26
Under Age 5	8%	7%	67	6%	75
Over Age 64	18%	17%	57	17%	60
Low Life Expectancy	17%	18%	30	20%	24

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	0
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	0
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	No
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	No
Selected location contains an EPA IRA disadvantaged community	No

Report for 1 mile Ring Centered at 47.040124,-98.714476

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	17%	18%	30	20%	24
Heart Disease	6.5	6.4	53	6.1	60
Asthma	8.7	9.3	12	10	17
Cancer	7.5	6.8	62	6.1	81
Persons with Disabilities	11%	11.8%	45	13.4%	39

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	9%	9%	56	12%	62
Wildfire Risk	2%	19%	58	14%	79

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	8%	17%	23	14%	38
Lack of Health Insurance	4%	8%	21	9%	25
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	No	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 47.040124,-98.714476