Minnkota Power COOPERATIVE

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July 21, 2025

Steve Kahl
Executive Director

Victor Schock
Director

Sent via email vschock@nd.gov

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

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

Dear Messrs. Kahl and Schock,

Due to heavily degraded structure foundations, Minnkota Power Cooperative, Inc, (MPC) is planning replacement of sixteen (16) structures on MPC's existing Center-Maple River 345kV transmission line, which was constructed prior to April 9, 1975. Replacement of the structures is necessary to prevent line failure and maintain grid reliability. The mobilization for the project is scheduled to commence on August 25, 2025, replacement of the structures is being coordinated with the Milton R. Young Station major outage-scheduled to comment September 1, 2025 and take approximately six (6) weeks. Construction of the remaining will be conducted in 2026.

All replacement structures will remain with the existing ROW and will be between 5-20' taller. Structures will be placed within approximately 10' of the existing ones. MPC will replace existing structure 467 with two structures (467A and 467B) to span the wetland, minimizing future impacts and improving access for maintenance. Structure 634 will be installed 30' east to move further out of the water while maintaining needed clearance. Structure 776 is at an angle and will be placed 15' south of the centerline, still within the ROW. Access routes to the project areas will not require grading or paving, see attached Maps.

For most structures, the degraded foundations will be excavated. A few foundations in wetter conditions will have the aluminum structure removed and the steel cut flush with the concrete foundation. These foundations would be abandoned in place. The design of the new structures does not require concrete foundations, instead they are directly embedded approximately 15' into the subsurface.

A notarized certification that the planned activities are excluded from the sitting permit process in accordance with NDCC 49-22-03(4)(a)(4) is enclosed along with maps of the structures can be found in the enclosed Environmental Report from Meadowlark Environmental, LLC, see Maps and Report.

Two of the structures 607 and 608 have higher quality habitat suitable for the Dakota skipper, but all activities are planned and will occur within the existing right-of-way and will avoid these avoidance and exclusion areas.

Please contact me at dinman@minnkota.com and copy to smikula@minnkota.com if you have any questions or require additional information.

Respectfully,

Daniel Inman
Senior VP of Power Delivery

CC: Kacey Borin, *Environmental Specialist II*
Shannon Mikula, *Regulatory Counsel*

CERTIFICATION OF APPLICANT PURSUANT TO N.D. CENTURY CODE 49-22-03(4)(a)(4)

MINNKOTA POWER COOPERATIVE, INC.

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

1. That MPC's Center-Maple River 345kV line is an electric transmission facility, per N.D.C.C. § 49-22-03 (7), that was constructed prior to April 9, 1975.

2. That the replacement of the sixteen structures in this project along the Center-Maple River 345kV line will not affect any known exclusion or avoidance area as defined under ND Administrative Code (NDAC) 69-06-08-02 (1) and (2), per NDCC 49-22-03(4)(a)(2).

3. That the replacement of all structures in this project is intended to improve system reliability needs of MPC's service area, per NDCC 49-22-03 (4)(b)(3).

4. 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, in accordance with NDCC 49-22-03 (4)(c).

Dated at Grand Forks, North Dakota this day of July 25th, 2025.

Daniel Inman, VP of Power Delivery

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

This instrument was acknowledged before me this 25th day of July 2025 by Daniel Inman, VP of Power Delivery on behalf of Minnkota Power Cooperative, Inc.

SHANNON R MIKULA
Notary Public
STATE OF NORTH DAKOTA
My Commission Expires DECEMBER 12, 2027

Signature

NATURAL RESOURCES REPORT

Line 12 Structure Replacement
Kidder, Stutsman, and Barnes Counties, ND

July 2025

PREPARED FOR —
Minnkota Power Cooperative, Inc.
5301 32nd Ave. S
Grand Forks, ND, 58201

ON BEHALF OF —
Barr Engineering Co.

325 Lake Ave South, Suite 700
Duluth, MN 55802

PREPARED BY —
Meadowlark Environmental, LLC
1411 27th St NW, Suite B
Mandan, ND 58554

MEADOWLARK Environmental

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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 17 existing structures on their Line 12, 345 kV transmission line in Kidder, Stutsman, and Barnes Counties, North Dakota (Project). Most of the new structures will be installed approximately ten feet from the existing structures, along the existing transmission line centerline within MPC right-of-way (ROW). However, structure #776 will be placed fifteen feet south of existing, outside of the centerline but within the ROW, and structure #634 will be placed 30 feet ahead of existing. Structure #467 will be replaced by the installation of two structures spanning a wetland, with structure #467A approximately 450 feet behind (west) of the existing structure and structure #467B approximately 500 feet ahead (east). Construction will consist of excavation and removal of the existing structures, and possibly their cement foundations, followed by directly embedding the new structures 14 feet into the subsoil in their new locations. These new structures will be an average of 14 feet taller than the existing structures. The locations of the existing and 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 though E, as applicable. This evaluation has been completed for MPC by Meadowlark Environmental, LLC (Meadowlark) on behalf of Barr Engineering Co. (Barr).

Methodology

Through a combination of field surveys and desktop reviews, each replacement structure location was assessed for vegetation community and habitat, and potential impacts to 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, and several additional publicly available GIS data sources. For purposes of this analysis, the Project area encompasses an Area of Potential Effect (APE) surrounding each replacement structure location, typically an approximately one-acre work area. The APEs were provided by MPC; depending on the work required, some APEs were larger in size.

2.1 Field Methodology

Meadowlark conducted field surveys at each replacement structure location on May 29 and 30, 2025 to collect vegetation data in order to assess habitat quality/conditions and the potential for federally protected species to be present within each APE.

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 May 2025 to request an official list of federally protected species and designated critical habitat that could be present within the vicinity of each replacement structure's APE (**Appendix A**). The IPaC tool was also used to generate a list of other resources under USFWS jurisdiction (**Appendix B**). Guidance from the USFWS Timing/Buffer Recommendations document, produced by the USFWS North Dakota Ecological Services Field Office in April 2025, was also reviewed and incorporated into this evaluation (**Appendix C**).

The IPaC official species list included two federally endangered species, three federally threatened species, two proposed threatened species, and one proposed endangered species as potentially being present in the replacement structure APEs; these are summarized in **Table**

1 and **Appendix A**. Proposed species are not fully protected under the ESA, but must be evaluated to determine if the Project will jeopardize the continued existence of the species. There was no critical habitat designated in the vicinity of the Project. Critical habitat includes areas that are considered essential for the conservation of a listed species.

The IPaC tool also noted that bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) could be present in the APEs. The Bald and Golden Eagle Protection Act (BGEPA) prevents the unlawful taking of these species and their nests. In addition, the USFWS administrates the Migratory Bird Treaty Act (MBTA) which extends protections to the active nests of migratory birds. Meadowlark contacted the North Dakota Game and Fish Department (NDGF) on May 27, 2025 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 May 30, 2025 indicating that there are no known eagles nests within 1 mile of the replacement structure locations.

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

Common Name	Scientific Name	Federal Status	Habitat
Northern long-eared bat	*Myotis septentrionalis*	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	*Grus americana*	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	*Hesperia dacotae*	Threatened	Inhabits native dry-mesic to dry prairie where mid-height grasses, such as little bluestem (*Schizachyrium scoparium* var. *scoparium*), prairie dropseed (*Sporobolus heterolepis*), and sideoats grama (*Bouteloua curtipendula* var. *curtipendula*), are a major component of the vegetation. Big bluestem is indicative of habitat. They prefer *Echinacea angustifolia* for foraging.
Piping plover	*Charadrius melodus*	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	*Calidris canutus rufa*	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	*Danaus plexippus*	Proposed Threatened	Inhabit areas where flowering plants are abundant, which provide a source of nectar. Obligate of milkweed species (Asclepias spp.) for reproduction.
Suckley's Cuckoo Bumble Bee	*Bombus suckleyi*	Proposed Endangered	The species has a broad historical distribution across North America and has been found in various habitat types including prairies, grasslands, meadows, urban and agricultural areas, and woodlands. The species has not been observed in the U.S. since 2016.
Western Regal Fritillary	*Argynnis idalia occidentalis*	Proposed Threatened	Extensive tracts of native prairie with a wheatgrass-needlegrass association and the presence of violet (Viola sp.) support this species.

Common Name	Scientific Name	Federal Status	Habitat
Bald eagle	*Haliaeetus leucocephalus*	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	*Aquila chrysaetos*	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

Meadowlark 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 though E, as applicable. North Dakota Century Code 69-06 sets forth the criteria for the corridor and route suitability evaluation process for transmission facilities (**Appendix D**). 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 and field survey of natural resources-based items on the Exclusion Areas list for each replacement structure's APE. 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 were reviewed as part of the natural resources inventory. The field surveys are discussed further below.

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 active cropland or upland grassland dominated by varying proportions of native and introduced species with adjacent wetlands. Introduced species are indicated in bold font in the tables below; otherwise, species can be assumed to be native to North Dakota. North Dakota noxious weeds are marked by an asterisk (North Dakota Department of Agriculture 2025). The percent absolute cover of species observed was estimated within each APE according to habitat boundaries, if more than one type of habitat occurred within an APE. When cropland was encountered, it was noted but not included as part of the cover of the vegetation community within an APE.

3.1 Field Survey

3.1.1 Line 12C Structure #467, #467A, and #467B

Structure #467 is located in Section 2, Township (T) 141 North (N), Range (R) 71 West (W), in Kidder County (**Figure 1a**). The existing structure #467 is within a wetland, and will be replaced by the installation of two structures to span the wetland. Structure #467A will be approximately 450 feet behind (west) of the existing structure and structure #467B will be approximately 500 feet ahead (east).

The vegetation community at the existing structure #467 consists of a deep water wetland, with emergent wetland vegetation on the margins (**Appendix E,** photographs 1 through 4). A summary of the vegetation community documented at structure #467 during the field visit is provided in **Table 2**. The site is dominated by cattails and other native wetland species.

Table 2. Line 12C Structure #467 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
cattail	*Typha sp.*	50
woolly Sedge	*Carex pellita*	15
bulrush sp.	*Scirpus sp.*	5
prairie cordgrass	*Spartina pectinata*	2
common three square	*Scirpus pungens*	1
silverweed	***Potentilla anserina***	1
sweetclover	***Melilotus officinalis***	1
giant goldenrod	*Solidago gigantea*	1
leafy spurge*	***Euphorbia esula***	1
standing water	-	30

The vegetation community at the proposed location for replacement structure #467A consists of upland grassland (**Appendix E,** photograph 4). The topography at this site slopes gently to the east toward the wetland. A summary of the vegetation community documented at structure #467A during the field visit is provided in **Table 3**. The site is dominated by introduced grasses and was low in quality; however, it did not appear to have ever been plowed and native species were present in low abundance. Grazing appears to be the main land use.

Table 3. Line 12C Structure #467A Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
smooth brome	***Bromus inermis***	30
Kentucky bluegrass	***Poa pratensis***	30
sweetclover	***Melilotus officinalis***	20
crested wheatgrass	***Agropyron cristatum***	10
white sagewort	*Artemisia ludoviciana*	5
fringed sagewort	*Artemisia frigida*	1
western wallflower	*Erysimum asperum*	1
common dandelion	***Taraxacum officinale***	1

The vegetation community at the proposed location for replacement structure #467B consists of upland grassland and remnants of planted rows of trees and shrubs (**Appendix E,** photograph 1). The topography at this site slopes gently to the west toward the wetland. A summary of the vegetation community documented at structure #467B during the field visit is provided in **Table 4**. The site is dominated by dense, introduced grasses. The planted trees and shrubs are all introduced species. Grazing appears to be the main land use.

Table 4. Line 12C Structure #467B Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
smooth brome	***Bromus inermis***	30
Kentucky bluegrass	***Poa pratensis***	30
crested wheatgrass	***Agropyron cristatum***	30
Caragana-Siberian Peashrub	***Caragana arborescens***	5 (10 count)
Siberian elm	***Ulmus pumila***	5 (6 count)
leafy spurge*	***Euphorbia esula***	5
sweetclover	***Melilotus officinalis***	2
field milkvetch	*Astragalus agrestis*	1

Common Name	Scientific Name	Approximate Absolute % Cover
Russian olive	***Elaeagnus angustifolia***	1 (1 count)

3.1.2 Line 12C Structure #602

Structure #602 is located in Section 4, T141N, R67W, in Stutsman County (**Figure 1b**). The existing structure #602 is within a pasture of rolling hills of upland grassland (**Appendix E,** photographs 5 through 8). The APE for the site is surrounded by a deepwater prairie pothole wetland. A summary of the vegetation community documented at structure #602 during the field visit is provided in **Table 5**. The vegetation community at the structure location consists of relatively good quality native prairie, with over 50% native species. Grazing appears to be the main land use.

Table 5. Line 12C Structure #602 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Kentucky bluegrass	***Poa pratensis***	30
white sagewort	*Artemisia ludoviciana*	25
prairie violet	*Viola pedatifida*	
common dandelion	***Taraxacum officinale***	
curly-top gumweed	*Grindelia squarrosa*	
purple locoweed	*Oxytropis lambertii*	
field milkvetch	*Astragalus agrestis*	
Pasque flower	*Anemone patens*	
wavy-leaf thistle	*Cirsium undulatum*	
stiff goldenrod	*Solidago rigida*	
sweetclover	***Melilotus officinalis***	
silky wormwood	*Artemisia dracunculus*	
small-leaf pussytoes	*Antennaria parvifolia*	
field chickweed	*Cerastium arvense*	
American vetch	*Vicia americana*	
common yarrow	*Achillea millefolium*	
fringed sagewort	*Artemisia frigida*	
torch flower	*Geum triflorum*	
purple coneflower	*Echinacea angustifolia*	

Common Name	Scientific Name	Approximate Absolute % Cover
sun sedge	*Carex inops*	20
western snowberry	*Symphoricarpos occidentalis*	10
little bluestem	*Schizachyrium scoparium*	10
Junegrass	*Koeleria macrantha*	
western wheatgrass	*Pascopyrum smithii*	
smooth brome	***Bromus inermis***	5
silverberry	*Elaeagnus commutata*	5

3.1.3 Line 12C Structure #607

Structure #607 is located in Section 3, T141N, R67W, in Stutsman County (**Figure 1c**). The existing structure #607 is within a pasture of rolling hills of upland grassland (**Appendix E,** photographs 9 and 10). A summary of the vegetation community documented at structure #607 during the field visit is provided in **Table 6**. The vegetation community at the structure location consists of low-quality native prairie that is dominated by approximately 90% introduced species. Grazing appears to be the main land use.

Table 6. Line 12C Structure #607 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Smooth brome	***Bromus inermis***	30
Kentucky bluegrass	***Poa pratensis***	30
sweetclover	***Melilotus officinalis***	20
absinthe wormwood*	***Artemisia absinthium***	10
stiff goldenrod	*Solidago rigida*	5
little bluestem	*Schizachyrium scoparium*	5
purple coneflower	*Echinacea angustifolia*	
blue-eyed grass	*Sisyrinchium sp.*	
western snowberry	*Symphoricarpos occidentalis*	
western wallflower	*Erysimum asperum*	
prairie coneflower	*Ratibida columnifera*	
fringed sagewort	*Artemisia frigida*	
wavyleaf thistle	*Cirsium undulatum*	

Common Name	Scientific Name	Approximate Absolute % Cover
blue grama	*Bouteloua gracilis*	

3.1.4 Line 12C Structure #608

Structure #608 is located in Section 3, T141N, R67W, in Stutsman County (**Figure 1c**). The existing structure #608 is within upland grassland that slopes east toward a wetland outside of the APE (**Appendix E,** photographs 11 and 12). A summary of the vegetation community documented at structure #608 during the field visit is provided in **Table 7**. The vegetation community at the structure location consists of invaded prairie that is dominated by introduced species. Occasional grazing appears to be the main land use; the area may also be used for hayland. An active red-tailed hawk nest was present on the structure, with one adult present and protecting the nest.

Table 7. Line 12C Structure #607 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Kentucky bluegrass	***Poa pratensis***	50
western snowberry	*Symphoricarpos occidentalis*	30
Smooth brome	***Bromus inermis***	25
white sagewort	*Artemisia ludoviciana*	10
sweetclover	***Melilotus officinalis***	5
alfalfa	***Medicago sativa***	5
common yarrow	*Achillea millefolium*	5
common dandelion	***Taraxacum officinale***	
purple coneflower	*Echinacea angustifolia*	
breadroot	*Pediomelum esculentum*	
silverleaf scurfpea	*Pediomelum argophyllum*	
field milkvetch	*Astragalus agrestis*	

3.1.5 Line 12C Structure #634

Structure #634 is located in Section 5, T141N, R66W, in Stutsman County (**Figure 1d**). The existing structure #634 is on the edge of a deepwater wetland, adjacent to cropland within the southeast corner of the APE and upland grassland within the northeast portion of the APE (**Appendix E,** photographs 13 and 14). A summary of the wetland vegetation community documented at structure #634 during the field visit is provided in **Table 8** and a summary of the upland vegetation community is provided in **Table 9**. The structure location is in open water,

adjacent to emergent wetland vegetation dominated by cattails and reed canary grass. The vegetation community in the northeast portion of the APE consists of invaded prairie that is dominated by introduced species. The area appears to be idle grassland with no current uses.

Table 8. Line 12C Structure #634 Wetland Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Open Water	-	85
cattail	*Typha sp.*	10
reed canary grass	***Phalaris arundinacea***	5
Slough sedge	*Carex atherodes*	2
Canada thistle*	***Cirsium arvense***	1
water smartweed	*Polygonum amphibium*	1

Table 9. Line 12C Structure #634 Upland Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
smooth brome	***Bromus inermis***	70
sweetclover	***Melilotus officinalis***	20
Kentucky bluegrass	***Poa pratensis***	10
absinthe wormwood*	***Artemisia absinthium***	10
meadow anemone	*Anemone canadensis*	10

3.1.6 Line 12C Structure #636

Structure #636 is located in Section 5, T141N, R66W, in Stutsman County (**Figure 1e**). The existing structure #636 is in rolling hills of active cropland (**Appendix E,** photographs 15 and 16). Smooth brome and absinthe wormwood were dense around the base of the structure. The north edge of the APE is upland grassland dominated by introduced species. A summary of the vegetation community documented to the north of structure #636 during the field visit is provided in **Table 10**. The area appears to be idle grassland with no current uses.

Table 10. Line 12C Structure #636 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
smooth brome	***Bromus inermis***	60
sweetclover	***Melilotus officinalis***	20
intermediate wheatgrass	***Thinopyrum intermedium***	20

Common Name	Scientific Name	Approximate Absolute % Cover
absinthe wormwood*	***Artemisia absinthium***	5
Kentucky bluegrass	***Poa pratensis***	5

3.1.7 Line 12C Structure #647

Structure #647 is located in Section 3, T141N, R66W, in Stutsman County (**Figure 1f**). The existing structure #647 is within a pasture of rolling hills of upland grassland (**Appendix E,** photographs 17 and 18). A summary of the vegetation community documented at structure #647 during the field visit is provided in **Table 11**. The vegetation community at the structure location consists of low-quality native prairie dominated by approximately 60% Kentucky bluegrass and smooth brome, both introduced species. Grazing appears to be the main land use and the site appears to have a history of heavy grazing.

Table 11. Line 12C Structure #647 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Kentucky bluegrass	***Poa pratensis***	50
little bluestem	*Schizachyrium scoparium*	25
smooth brome	***Bromus inermis***	10
sweetclover	***Melilotus officinalis***	10
common dandelion	***Taraxacum officinale***	
absinthe wormwood*	***Artemisia absinthium***	
white sagewort	*Artemisia ludoviciana*	
field chickweed	*Cerastium arvense*	
stiff goldenrod	*Solidago rigida*	
prairie rose	*Rosa arkansana*	
Flodman's thistle	*Cirsium flodmanii*	
pasque flower	*Anemone patens*	
common yarrow	*Achillea millefolium*	
curly-top gumweed	*Grindelia squarrosa*	
purple coneflower	*Echinacea angustifolia*	
sideoats grama	*Bouteloua curtipendula*	
prairie violet	*Viola pedatifida*	
silver-leaf scurf pea	*Pediomelum argophyllum*	

Common Name	Scientific Name	Approximate Absolute % Cover
small-leaf pussytoes	*Antennaria parvifolia*	
false gromwell	*Onosmodium bejariense*	
western snowberry	*Symphoricarpos occidentalis*	5

3.1.8 Line 12D Structure #682

Structure #682 is located in Section 3, T141N, R65W, in Stutsman County (**Figure 1g**). The existing structure #682 is within rolling hills of upland grassland in the west half of the APE; the east half of the APE is active cropland (**Appendix E,** photographs 19 and 20). A summary of the vegetation community documented at structure #682 during the field visit is provided in **Table 12**. The vegetation community at the structure location consists of invaded prairie dominated by introduced species. The area appears to be idle grassland with no current uses, though it may be used as hayland.

Table 12. Line 12D Structure #682 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Smooth brome	***Bromus inermis***	45
Kentucky bluegrass	***Poa pratensis***	45
western snowberry	*Symphoricarpos occidentalis*	5
pasque flower	*Anemone patens*	5
common dandelion	***Taraxacum officinale***	
sweetclover	***Melilotus officinalis***	
field milkvetch	*Astragalus agrestis*	
porcupine grass	*Hesperostipa spartea*	
groundplum	*Astragalus crassicarpus*	

3.1.9 Line 12E Structure #687

Structure #687 is located in Section 3, T141N, R65W, in Stutsman County (**Figure 1h**). The existing structure #687 is within rolling hills of upland grassland (**Appendix E,** photographs 21 and 22). A summary of the vegetation community documented at structure #687 during the field visit is provided in **Table 13**. The vegetation community at the structure location consists of invaded native prairie dominated by over 75% introduced species. The area appears to be used for grazing.

Table 13. Line 12E Structure #687 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Kentucky bluegrass	***Poa pratensis***	60
western snowberry	*Symphoricarpos occidentalis*	20
smooth brome	***Bromus inermis***	10
absinthe wormwood*	***Artemisia absinthium***	10
stiff goldenrod	*Solidago rigida*	
northern bedstraw	*Galium boreale*	
white sagewort	*Artemisia ludoviciana*	
common dandelion	***Taraxacum officinale***	
prairie rose	*Rosa arkansana*	
field chickweed	*Cerastium arvense*	
curly-top gumweed	*Grindelia squarrosa*	
sweetclover	***Melilotus officinalis***	
common yarrow	*Achillea millefolium*	
American vetch	*Vicia americana*	
porcupine grass	*Hesperostipa spartea*	
torch flower	*Geum triflorum*	
fringed sagewort	*Artemisia frigida*	

3.1.10 Line 12H Structure #757

Structure #757 is located in Section 22, T141N, R63W, in Stutsman County (**Figure 1i**). The existing structure #687 is within gently rolling active cropland that was recently planted, but with no growth yet. (**Appendix E,** photograph 23).

3.1.11 Line 12H Structure #761

Structure #761 is located in Section 22, T141N, R63W, in Stutsman County (**Figure 1j**). The existing structure #761 is within nearly level active cropland recently planted with wheat (*Triticum aestivum*) (**Appendix E,** photograph 24).

3.1.12 Line 12H Structure #768

Structure #768 is located in Section 26, T141N, R63W, in Stutsman County (**Figure 1k**). The existing structure #768 is within gently rolling active cropland that was recently tilled and planted but with no growth yet (**Appendix E,** photograph 25). Smooth brome (*Bromus inermis*) and absinthe wormwood (*Artemisia absinthium*), both introduced species, were dense around the

base of the existing structure. Outside of the APE to the northeast, between the structure and 89th Ave SE, is a depression that appears to be a wetland. The area is part of the cropland.

3.1.13 Line 12H Structure #770

Structure #770 is located in Section 25, T141N, R63W, in Stutsman County (**Figure 1l**). The existing structure #770 is within rolling hills of upland grassland on the edge of a fenceline (**Appendix E,** photographs 26, 27, and 28). The east half of the APE is active cropland planted with corn (*Zea mays*). A summary of the vegetation community documented at structure #670 during the field visit is provided in **Table 14**. The vegetation community at the structure location consists of low quality native prairie, with approximately 75% introduced species. However, within the APE in the northwest corner is a hillslope that is high quality native prairie. The composition within this area is predominantly native species. Additional species within this area that were not present elsewhere within the APE included western wheatgrass (*Pascopyrum smithii*), sun sedge (*Carex inops* ssp. *heliophila*), porcupine grass (*Hesperostipa spartea*), prairie ragwort (*Packera plattensis*), silverleaf scurfpea (*Pediomelum argophyllum*), purple coneflower (*Echinacea angustifolia*), western ragweed (*Ambrosia psilostachya*), purple prairie clover (*Dalea purpurea*), and white beardtongue (*Penstemon albidus*). Grazing appears to be the main land use. An active red-tailed hawk nest was present on the structure with one adult present and protecting the nest.

Table 14. Line 12H Structure #770 Vegetation Community

Common Name	Scientific Name	Approximate % Cover
Kentucky bluegrass	***Poa pratensis***	**50**
smooth brome	***Bromus inermis***	**25**
western snowberry	*Symphoricarpos occidentalis*	20
absinthe wormwood*	***Artemisia absinthium***	10
common dandelion	***Taraxacum officinale***	
stiff goldenrod	*Solidago rigida*	
prairie rose	*Rosa arkansana*	
small-leaf pussytoes	*Antennaria parvifolia*	
Flodman's thistle	*Cirsium flodmanii*	
white sagewort	*Artemisia ludoviciana*	
torch flower	*Geum triflorum*	
bastard toadflax	*Comandra umbellata*	
northern bedstraw	*Galium boreale*	
pasque flower	*Anemone patens*	
common yarrow	*Achillea millefolium*	
Canada goldenrod	*Solidago canadensis*	

3.1.14 Line 12H Structure #776

Structure #776 is located in Section 30, T141N, R62W, in Stutsman County (**Figure 1m**). The existing structure #776 is within upland grassland on the edge of a fenceline (**Appendix E,** photographs 29 and 30). A summary of the vegetation community documented at structure #776 during the field visit is provided in **Table 15**. The vegetation community at the structure location consists of low-quality, invaded prairie dominated by introduced species. A cluster of shrubs and weedy species were dense around the guy wires of the existing structures. The area appears to be used for hayland.

Table 15. Line 12H Structure 776 Vegetation Community

Common Name	Scientific Name	Approximate % Cover
Kentucky bluegrass	***Poa pratensis***	25
alfalfa	***Medicago sativa***	25
Smooth brome	***Bromus inermis***	10
western snowberry	*Symphoricarpos occidentalis*	10
northern bedstraw	*Galium boreale*	10
porcupine grass	*Hesperostipa spartea*	10
common dandelion	***Taraxacum officinale***	10
wild plum	*Prunus americana*	
prairie violet	*Viola pedatifida*	
Canada thistle*	***Cirsium arvense***	
candle anemone	*Anemone cylindrica*	
white sagewort	*Artemisia ludoviciana*	
honeysuckle	*Lonicera tartarica*	
absinthe* wormwood	***Artemisia absinthium***	
stinging nettle	***Urtica dioica***	

3.1.15 Line 12H Structure #785

Structure #785 is located in Section 29, T141N, R62W, in Stutsman County (**Figure 1n**). The existing structure #785 is within a natural wetland basin in the east half of the APE; the west half of the APE is active cropland that was recently planted, with no growth yet apparent (**Appendix E,** photographs 31 and 32). A summary of the vegetation community documented at structure #785 during the field visit is provided in **Table 16**. The vegetation community at the structure location consists of emergent wetland vegetation.

Table 16. Line 12H Structure #785 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
cattail	*Typha sp.*	60
field horsetail	*Equisetum arvense*	20
Canada thistle*	***Cirsium arvense***	10
buttercup species	*Ranunculus sp.*	10
barnyard grass	***Echinochloa sp.***	5
common dandelion	***Taraxacum officinale***	1

3.1.16 Line 12H Structure #827

Structure #827 is located in Section 28, T141N, R61W, in Stutsman County (**Figure 1o**). The existing structure #827 is within low, rolling hills of upland grassland within a prairie pothole landscape (**Appendix E,** photographs 33 and 34). A summary of the vegetation community documented at structure #827 during the field visit is provided in **Table 17**. The vegetation community at the structure location consists of invaded native prairie dominated by over 90% introduced species. The area may have been used for grazing in the past, but currently appears to be idle.

Table 17. Line 12H Structure #827 Vegetation Community

Common Name	Scientific Name	Approximate Absolute % Cover
Smooth brome	***Bromus inermis***	50
Kentucky blue grass	***Poa pratensis***	40
Western snowberry	*Symphoricarpos occidentalis*	40
soft goldenrod	*Solidago mollis*	5
Canada goldenrod	*Solidago canadensis*	5
prairie violet	*Viola pedatifida*	5
common yarrow	*Achillea millefolium*	
hoary puccoon	*Lithospermum canescens*	
Yellow sweet clover	*Melilotus officinalis*	
little bluestem	*Schizachyrium scoparium*	
prairie rose	*Rosa arkansana*	
Flodman’s thistle	*Cirsium flodmanii*	
candle anemone	*Anemone cylindrica*	
big bluestem	*Andropogon gerardii*	

Common Name	Scientific Name	Approximate Absolute % Cover
field milkvetch	*Astragalus agrestis*	

3.1.17 Line 12H Structure #848

Structure #848 is located in Section 25, T141N, R61W, in Stutsman County (**Figure 1p**). The existing structure #848 is within gently rolling, active cropland planted to soybeans (*Glycine max*) (**Appendix E,** photographs 35 and 36). Outside of the APE to the east, between the structure and 102nd Ave SE, is a wide depression that had poor vegetation growth and alkaline crusts, indicating the presence of a wetland. The area had been seeded as part of the active cropland.

3.2 Federally Protected Species

3.2.1 Northern Long-Eared Bat

Based on the field surveys and desktop reviews, no active season habitat (i.e., trees) are located near any of the replacement structure locations except for the proposed location for replacement structure #467B. At this location, there are approximately six Siberian elm (*Ulmus pumila*) trees within the APE. However, they are distributed on the edges of the APE and will be avoided during construction. In addition, no hibernacula have been identified in North Dakota (NDGF 2025a). Due to the lack of suitable habitat within or near the project area, no direct or indirect effects to northern long-eared bat individuals or habitat would occur from the Project. The Project would have ***no effect*** to the northern long-eared bat.

3.2.2 Whooping Crane

The westernmost replacement structure location (structure #467) is located within the "primary range" whooping crane migration corridor, while the remaining replacement structure locations are located in the "possible range" whooping crane migration corridor (NDGF 2025b). 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, floodplain wetlands, and cropland ponds (NDGF 2025b) during their migration. Whooping cranes 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, the wetland/agricultural matrix of habitat this species may use for stopover habitat is present at replacement structures #467, #634, and #785, and in the vicinity of replacement structures #602, #608, #647, #682, #757, #768, #827, and #848. The landscape at these structure locations is typically gently rolling with grassland and cropland interspersed with prairie pothole wetlands. MPC will install bird flight diverters at Structure #467 to increase line visibility for birds.

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 C**). 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. Based on the implementation of construction design features described above, there would be no adverse effects to the species from the Project. The Project ***may affect, but is not likely to adversely affect*** the whooping crane.

3.2.3 Dakota Skipper

Based on the field surveys and desktop reviews, the Project area contained upland grassland within the APEs of 12 of the replacement structures (#467, #602, #607, #608, #634, #636, #647, #682, #687, #770, #776, and #827). The grassland in these areas did not appear to be previously tilled and therefore was native prairie at one time; however, currently the majority of these areas are invaded prairie dominated by introduced species, some comprised of over 90% introduced species. The history of replacement structures #682 and #776 is unclear; these sites may have been tilled at one time or over-seeded with alfalfa. Replacement structures #602 and

#770 had areas of suitable habitat for the Dakota skipper within the APE, and replacement structures #607 and #608 had suitable habitat outside of, but nearby, the APE, including along potential access routes. Suitable habitat includes native bunchgrasses and forbs used for larval development and nectaring within high quality prairie (NDGF 2025c).

The suitable habitat within the APE for replacement structure #770 was delineated in the northwest corner of the APE and will be avoided by construction. Construction will occur outside of the Dakota skipper adult flight period (June 10 – July 25).

The suitable habitat within the APE for replacement structure #602 includes the majority of the area within the APE and cannot be avoided by construction.

The suitable habitat nearby and along the access roads for replacement structures #607 and #608 will not be easily avoided by construction.

Due to the avoidance of suitable habitat within the Project area of replacement structures #467, #634, #636, #647, #682, #687, #770, #776, and #827, and the implementation of construction timing limitations during the Dakota skipper flight period, no direct or indirect effects to Dakota skipper individuals or habitat would occur. The Project would have ***no effect to the Dakota skipper at these locations*****.**

Since suitable habitat cannot be avoided at structure #602 and along the access roads of structures #607 and #608, the USFWS recommended occupancy surveys be conducted to inform effect determinations at these locations. Occupancy surveys were completed during the 2025 Dakota skipper flight period. Survey findings will be documented in a separate report, along with a determination of effects specific to these three structures.

3.2.4 Piping Plover

The Project area does not include designated critical habitat for the piping plover. Suitable habitat for piping plover, consisting of beaches and alkaline wetlands (NDGF 2025d), is not present at any of the replacement structure locations; however, piping plovers could pass through the area. Based on USFWS guidance (**Appendix C**), 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 C**). Construction will occur outside of the April 15 to August 15 time period. Due to the lack of suitable habitat within or near the Project area and avoidance of construction during the breeding and nesting season, no direct or indirect effects to piping plover individuals or habitat would occur from the Project. The Project would have ***no effect*** to the piping plover. However, MPC will install bird flight diverters at Structure #467 to increase line visibility for birds.

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 (NDGF 2025e). Wetland habitat is present at replacement structures #467, #634, and #785, and in the vicinity of replacement structures #602, #608, #647, #682, #757, #768, #827, and #848 that could potentially be used as stopover

habitat for rufa red knots. MPC will install bird flight diverters at Structure #467 to increase line visibility for birds.

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, the Project ***may affect, but is not likely to adversely affect*** 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 and require milkweed plants (*Asclepias* sp.) for reproduction. Monarchs rely exclusively on the presence of milkweed (*Asclepias* sp.) to complete the caterpillar life stage (NDGF 2025f). No milkweed plants were documented during the field surveys within the replacement structure APEs; however, milkweed was common at varying densities in nearby wetlands and native prairie.

Based on the field surveys and desktop reviews, upland grassland is located within the APEs of 12 of the replacement structures (#467, #602, #607, #608, #634, #636, #647, #682, #687, #770, #776, and #827). The grassland in these areas did not appear to be previously tilled, and therefore was native prairie at one time. Currently the majority of these areas are invaded prairie dominated by introduced species, some comprised of over 90% introduced species. The history of replacement structures #682 and #776 is unclear; these sites may have been tilled at one time or over-seeded with alfalfa. Replacement structures #602, #647, #687, #770, and #827 had areas of native prairie with suitable habitat for the Monarch within the APE, and replacement structures #607 and #608 had suitable habitat outside of, but nearby, the APE, including along potential access routes. Suitable habitat contained native grasses and forbs within moderate to high quality prairie. The suitable habitat within the APEs and along the access roads of these replacement structures cannot be entirely avoided by construction. The area of soil and vegetation habitat disturbance is expected to be less than 0.1 acre at each structure location.

Because the Monarch butterfly is not federally protected, a formal determination of effect has not been made. However, due to the small disturbed area of native prairie, direct or indirect effects to Monarch individuals and habitat from construction of the project would be negligible; therefore, no measurable adverse effects to Monarch individuals or habitat would occur from construction of the Project. The Project will not jeopardize the continued existence of the species.

3.2.7 Suckley's Cuckoo Bumble Bee

Suckley's Cuckoo Bumble Bee has a broad historical distribution across North America and has been found in various habitat types including prairies, grasslands, meadows, urban and agricultural areas, and woodlands. The species has not been observed in the U.S. since 2016 (USFWS 2024a).

While the Project area contained upland grassland within the APEs of 12 of the replacement structures (#467, #602, #607, #608, #634, #636, #647, #682, #687, #770, #776, and #827), and

native prairie at seven of these, the Project is not known to be near historical habitat for this species (USFWS 2024a). The suitable habitat within the replacement structure APEs cannot be entirely avoided by construction. However, the area of soil and vegetation habitat disturbance is expected to be less than 0.1 acre at each structure location.

Because the Suckley's Cuckoo Bumble Bee is not federally protected, a formal determination of effect has not been made. However, due to the limited nature of habitat disturbance, direct or indirect effects to Suckley's Cuckoo Bumble Bee individuals and habitat from construction of the Project would be negligible; therefore, no measurable adverse effects to Suckley's Cuckoo Bumble Bee individuals or habitat would occur from construction of the Project.

3.2.8 Western Regal Fritillary

Regal fritillaries require relatively non-degraded prairies and the presence of violets (*Viola* sp.). Adult regals feed on a variety of nectar plants; however, milkweeds and thistles are the preferred nectar sources (USFWS 2024b). Violets were documented within the APEs at several of the structure locations. Violets are hard to detect after flowering, but can be present in any areas of native prairie.

Based on the field surveys and desktop reviews, the Project area contained upland grassland within the APEs of 12 of the replacement structures (#467, #602, #607, #608, #634, #636, #647, #682, #687, #770, #776, and #827). The grassland in these areas did not appear to be previously tilled, and therefore was native prairie at one time. Currently the majority of these areas are invaded prairie dominated by introduced species, some comprised of over 90% introduced species. Replacement structures #602, #647, #687, #770, #827 had areas of native prairie with suitable habitat for the Regal fritillary within the APE, and replacement structures #607 and #608 had suitable habitat outside of, but nearby, the APE, including along potential access routes. Suitable habitat includes native grasses and forbs within moderate to high quality prairie. The suitable habitat within the APEs and along the access roads of these replacement structures cannot be entirely avoided by construction. However, the area of soil and vegetation habitat disturbance is expected to be less than 0.1 acre at each structure location.

Because the Western Regal Fritillary is not federally protected, a formal determination of effect has not been made. However, due to the small disturbed area of native prairie, direct or indirect effects to Regal fritillary individuals and habitat from construction of the Project would be negligible; therefore, no measurable adverse effects to Regal fritillary individuals or habitat would occur from construction of the Project. The Project will not jeopardize the continued existence of the species.

3.2.9 Bald Eagle

Bald eagles may be year-round residents or seasonal migrants in North Dakota (NDGF 2025g). 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, which consists of large

mature trees near water, is not present at any of the structure locations. As such, the Project will have **no effect** to bald eagles.

3.2.10 Golden Eagle

Golden eagles are uncommon in North Dakota but may be year-round residents or seasonal migrants (NDGF 2025h). 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, which consists of cliffs or large trees, is not present at any of the replacement structure locations. As such, the Project will have ***no effect*** to golden eagles.

3.3 Natural Resources Inventory

A natural resources inventory was completed to document compliance with North Dakota Century Code 69-06-08-02 Exclusion Areas A through E. Exclusion Areas D and E were determined to be the only two Exclusion Areas applicable to the Project.

Exclusion Area D applies to 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, piping plover, bald eagle, and golden eagle. A ***may affect, not likely to adversely affect*** determination was concluded for whooping crane and rufa red knot. While these 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.

As noted in Section 3.2.3, due to a lack of suitable habitat, a ***no effect*** determination was concluded for the Dakota skipper at all replacement structure locations except structures #602 and along the access roads for structures #607 and #608. The USFWS recommended occupancy surveys be conducted to inform effect determinations at these locations. Occupancy surveys were completed during the 2025 Dakota skipper flight period. Survey findings will be documented in a separate report, along with a determination of effects specific to these three structures.

Three species proposed for listing as threatened or endangered species were also considered, and are discussed in Sections 3.2.6 to 3.2.8. While broadly suitable habitat is present for these species at some structure locations, the effects to habitat will be negligible and the Project will not jeopardize the continued existence of these species.

Due to the presence of suitable Dakota skipper habitat at structure #602 and the access roads to structures #607 and #608, occupancy surveys were completed during the 2025 Dakota skipper flight period. Impacts to areas critical to the life stages of the Dakota skipper will be determined using the results of these surveys in consultation with the USFWS. Compliance with

Exclusions Area D will therefore be determined following this consultation and detailed in a separate report. The Project would not cause impacts to areas critical to the life stages of any other threatened or endangered animal or plant species that could be present in the replacement structure APEs.

Exclusion Area E applies to areas where animal or plant species that are unique or rare to North Dakota would be irreversibly damaged.

As discussed in Section 3.1, the dominant habitats across the replacement structure locations consists of active cropland, upland grassland dominated by introduced species, a few areas of native prairie, and wetlands. Native prairie communities of moderate to high quality were present within or near the APEs of replacement structure locations #602, #607, #608, #647, #687, #770, and #827. 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), other than the specific locations detailed in Section 3.2.

Since the Project would occur within an existing utility corridor, in habitat that for the most part 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 siting rules.

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 cropland or disturbed upland grassland, mostly dominated by introduced species. Native prairie and prairie pothole wetlands are present in portions of the structure replacement APEs. The land within the APEs 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 C, 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 C, between April 15 and August 15 a 0.5-mile buffer around any piping plover nests is recommended. However, construction will occur outside of the April 15 to August 15 time period. In addition, MPC will install bird flight diverters at Structure #467 to increase line visibility for birds.

Meadowlark used IPaC to obtain an official species list of federally protected species that could be present in the replacement structure APEs and informally consulted with the USFWS regarding this Project and suitable Dakota skipper habitat at structure #602 and along the access roads of structures #607 and #608. The USFWS recommended occupancy surveys be conducted to inform effect determinations at these locations, and those surveys were completed during the 2025 Dakota skipper flight period. 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.

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North Dakota Game and Fish. 2025e. Red Knot. Available online at: https://gf.nd.gov/wildlife/id/shorebirds/red- knot

North Dakota Game and Fish. 2025f. Monarch Buterfly. Available online at: https://gf.nd.gov/pollinators/monarchs

North Dakota Game and Fish. 2025g. Bald Eagle. Available online at: https://gf.nd.gov/wildlife/id/raptors/bald-eagle

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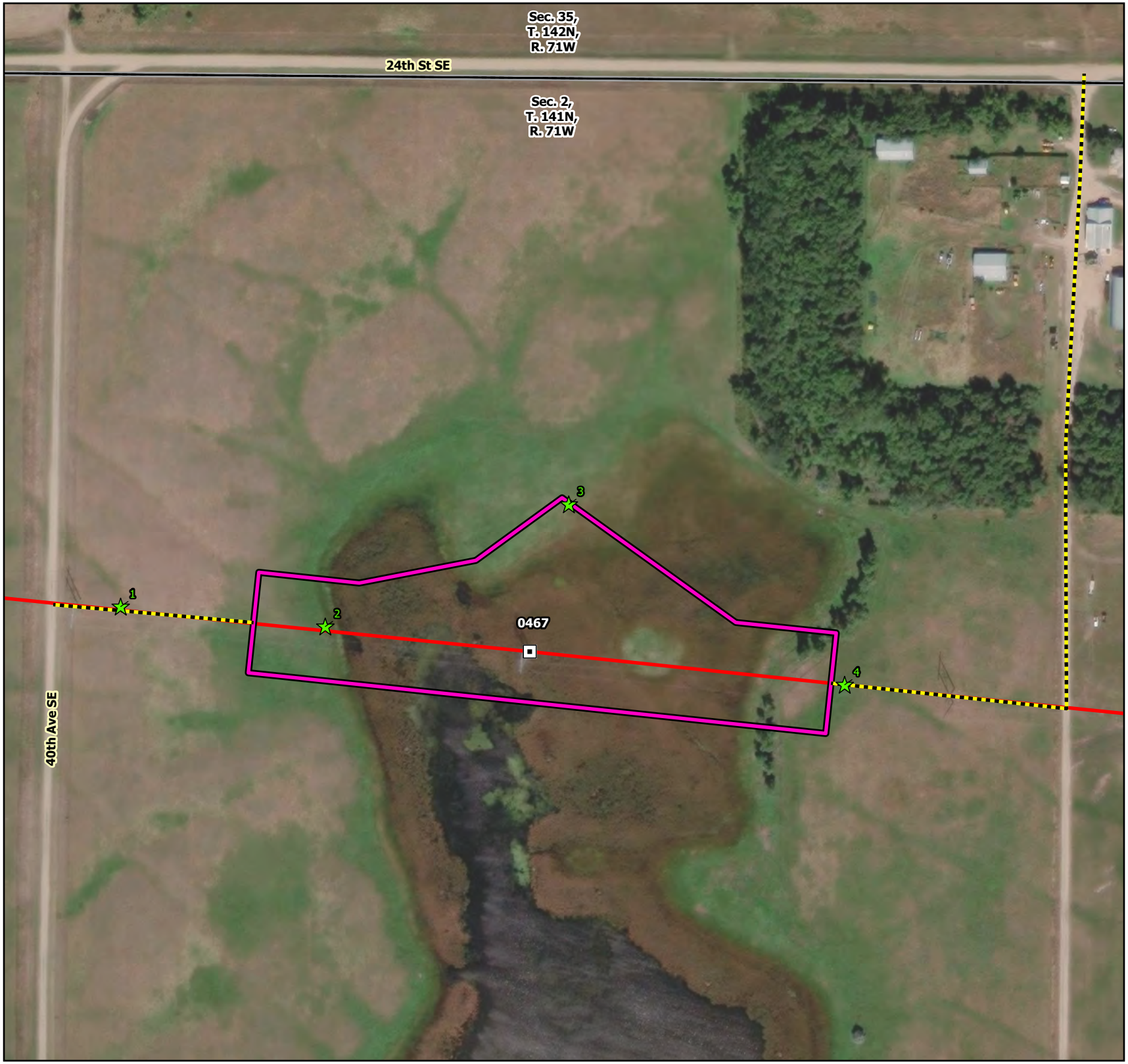
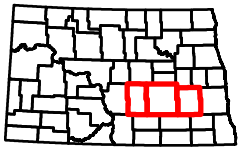
Figure 1 – Project Location





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

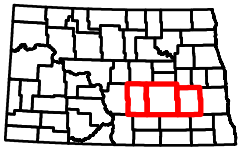
0 150 300 Feet

Figure: 1a

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Kidder County, ND

MEADOWLARK Environmental



Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

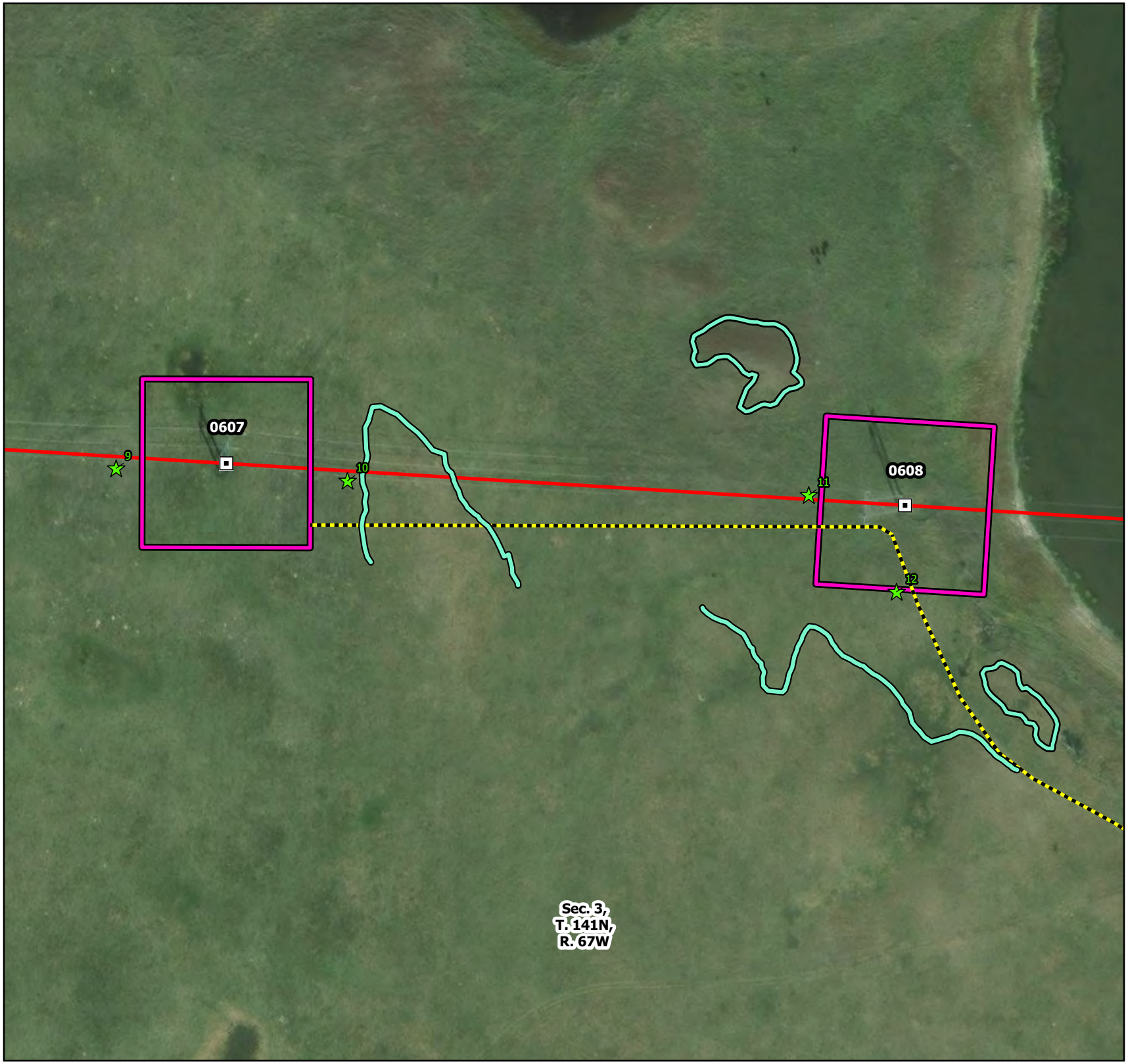
0 100 200 Feet

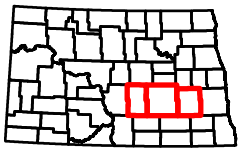
Figure: 1b

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- DASK Habitat Boundary
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

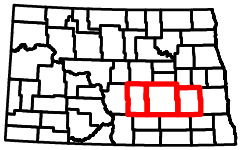
0 100 200 Feet

Figure: 1c

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental



Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

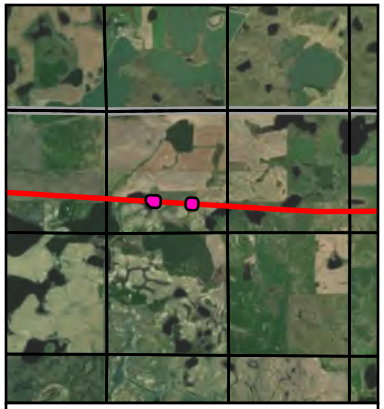
0 100 200 Feet

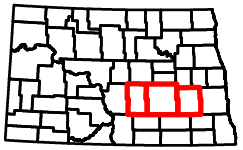
Figure: 1d

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

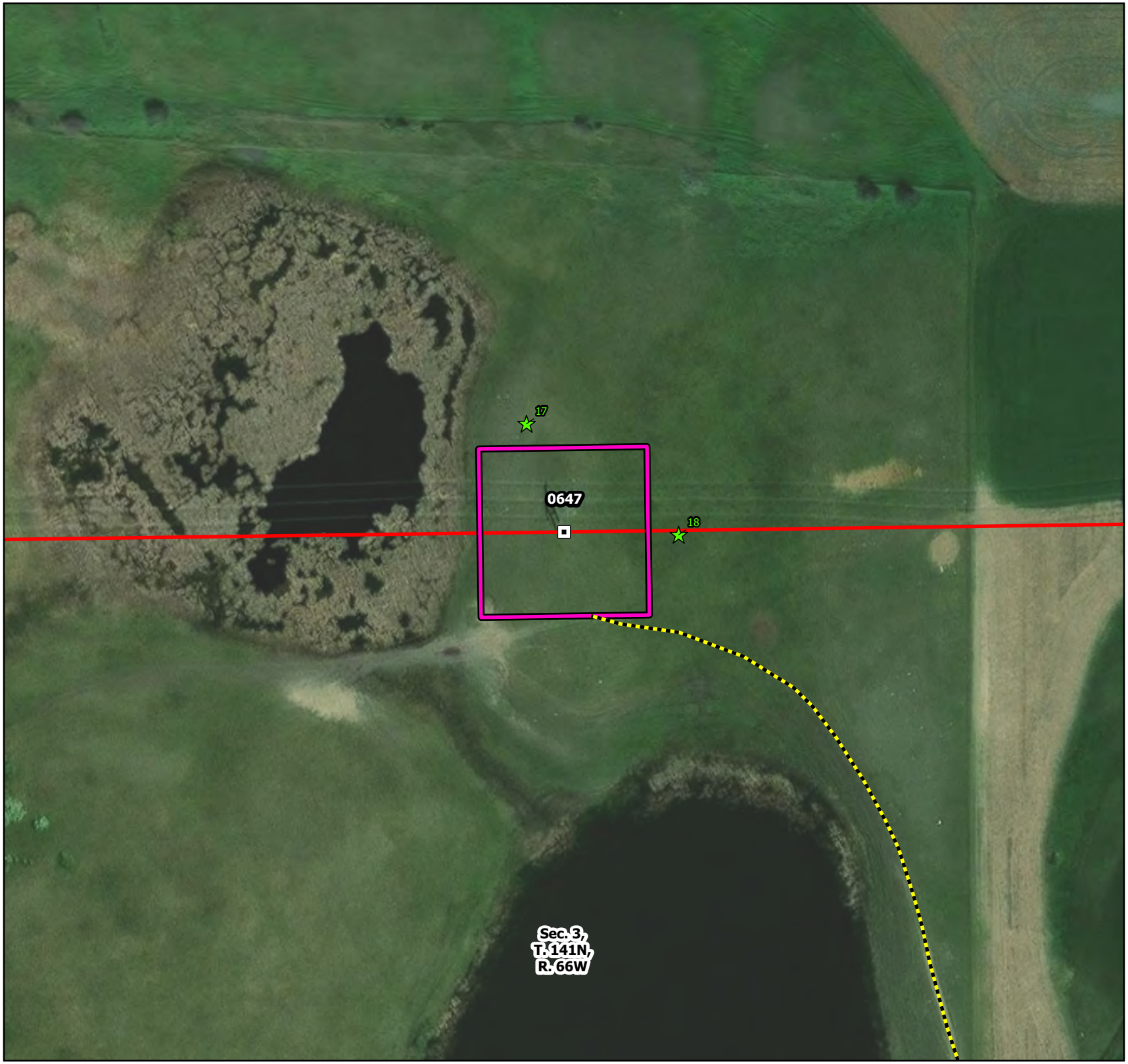
0 100 200 Feet

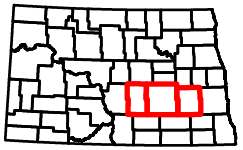
Figure: 1e

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

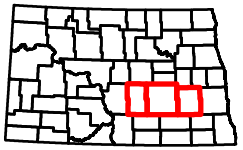
0 100 200 Feet

Figure: 1f

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental



Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

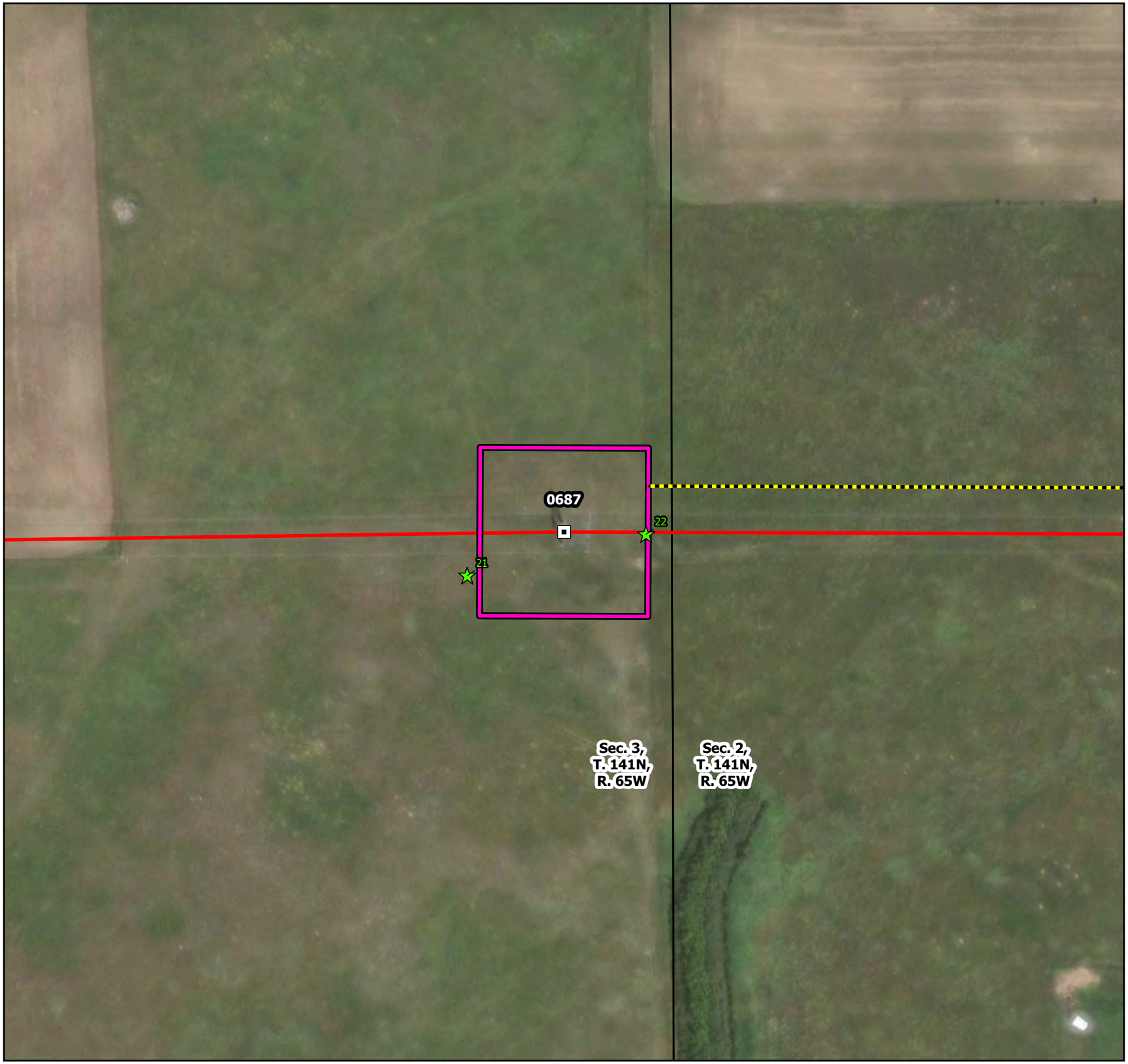
0 100 200 Feet

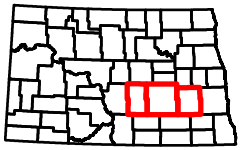
Figure: 1g

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

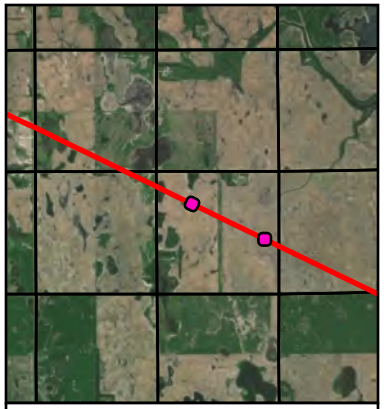
0 100 200 Feet

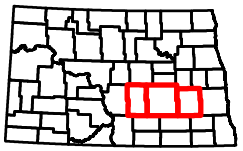
Figure: 1h

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

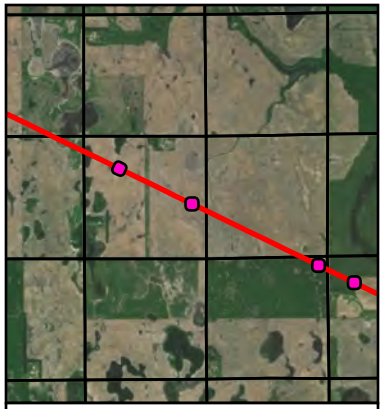
0 100 200 Feet

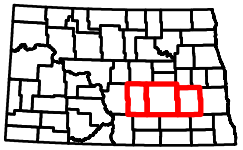
Figure: 1i

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

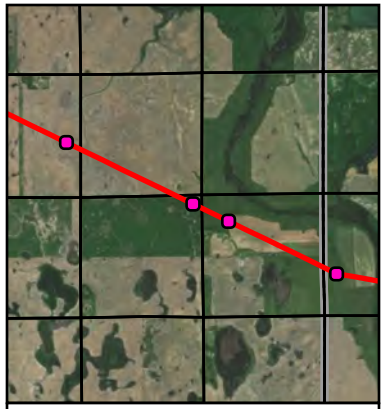
0 100 200 Feet

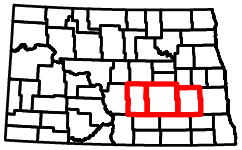
Figure: 1j

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

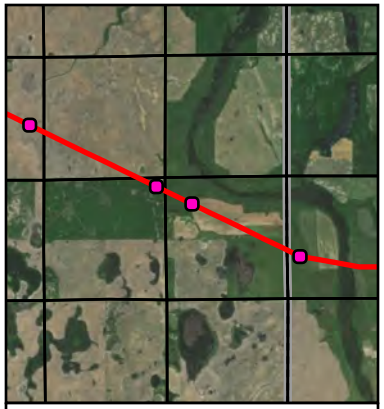
0 100 200 Feet

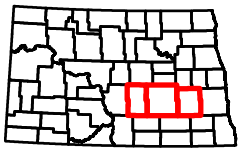
Figure: 1k

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- DASK Habitat Boundary
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

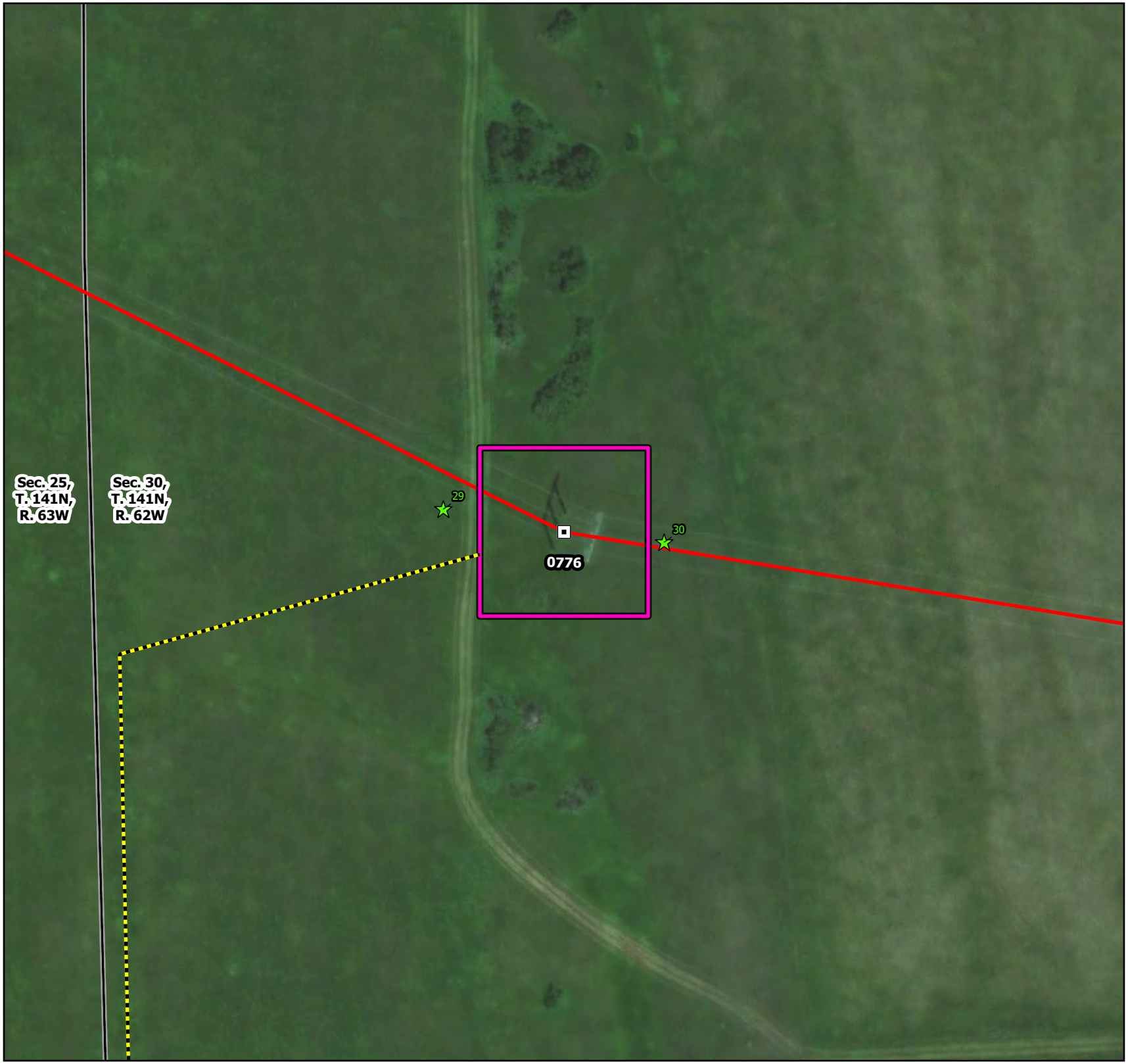
0 100 200 Feet

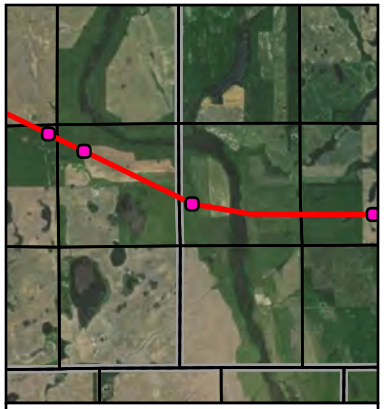
Figure: 1l

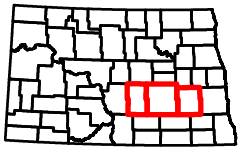
Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental







Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

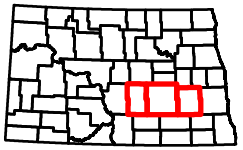
0 100 200 Feet

Figure: 1m

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental



Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

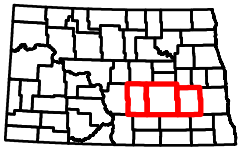
0 100 200 Feet

Figure: 1n

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Stutsman County, ND

MEADOWLARK Environmental



Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

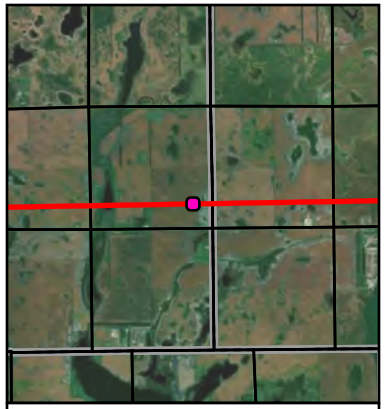
0 100 200 Feet

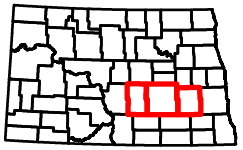
Figure: 1o

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Barnes County, ND

MEADOWLARK Environmental





Kidder, Stutsman, & Barnes Counties, North Dakota

- Structure Location
- Area of Potential Effect
- Line 12
- Access Roads
- Photo Location
- Section Boundary
- Township/Range Boundary
- County Boundary

N

0 100 200 Feet

Figure: 1p

Project Location

Line 12 345kV Structure Replacement Project
Minnkota Power Cooperative, Inc.
Barnes County, ND

MEADOWLARK Environmental

Appendix A – Official Project Species List

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: 06/13/2025 17:54:23 UTC
Project Code: 2025-0108925
Project Name: Minnkota 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

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: 2025-0108925
Project Name: Minnkota Line 12 Structure Replacements
Project Type: Transmission Line - Maintenance/Modification - Above Ground
Project Description: Minnkota is planning maintenance work on select transmission line structures along its existing Line 12 Transmission Line. The work will involve removing existing structures and replacing with new structures in new locations. The majority involve moves ahead or back (up or down the line) a distance of 10 feet. One involves removing a structure within a wetland, and replacing with two new structures spanning either side of the wetland. The structures are in Kidder, Stutsman, and Barnes counties, North Dakota.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@47.05553495,-99.07193949010227,14z

Counties: Barnes and Stutsman counties, North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

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

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

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

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

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

BIRDS

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

INSECTS

NAME	STATUS
Dakota Skipper *Hesperia dacotae* 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 *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered
Western Regal Fritillary *Argynnis idalia occidentalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

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

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Sara Simmers
Address: 1411 27th St NW, Suite B
City: Mandan
State: ND
Zip: 58554
Email sarasimmers@meadowlarkenv.com
Phone: 7014252804

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Rural Utilities Service

Appendix B – IpaC Species List

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

Migratory bird information is currently unavailable. We are aware of the problem and working on a solution. In the meantime, you can obtain similar project-specific bird occurrence results using the AKN RAIL tool.

Thi
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bel
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

Barnes , Kidder , and Stutsman counties, North Dakota

Local office

North Dakota Ecological Services Field Office

(701) 250-4481
(701) 355-8513

3425 Miriam Avenue
Bismarck, ND 58501-7926

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 species[1] 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 Fisheries[2]).

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

Birds

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

Insects

NAME	STATUS
Dakota Skipper Hesperia dacotae Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1028	Threatened
Monarch Butterfly Danaus plexippus Wherever found There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

Suckley's Cuckoo Bumble Bee Bombus suckleyi — Proposed Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/10885

Western Regal Fritillary Argynnis idalia occidentalis — Proposed Threatened
Wherever found
No critical habitat has been designated for this species.

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 Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly surveyed area. If it is, you may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

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-incidental-take-migratory-birds

- Nationwide avoidance and minimization 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

Bald and Golden Eagle information is not available at this time

Bald & Golden Eagles FAQs

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 an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report
On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). 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 line or no data line (red horizontal) 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 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 and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are 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 resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), 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.

Interpreting the Probability of Presence Graphs

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 taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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

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.

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.

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.

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.

Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] 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 (FWS). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The FWS interprets the MBTA to prohibit incidental take.

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-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds

- 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

Migratory bird information is not available at this time

Migratory Bird FAQs

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

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed 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 Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

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) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection 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, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

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 to 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 resident), you may query your location using the RAIL Tool and view 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 IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), 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 Bald and Golden Eagle Protection 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 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 BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ “Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds”.

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.

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 look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). 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 does not represent all birds present in your project area. 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 and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs
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 taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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

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.

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.

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.

Facilities

Wildlife refuges and fish hatcheries

Refuge and fish hatchery information is not available at this time

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
- PABF

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 tuberficid 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 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

2025 USFWS NDFO Conservation and Consultation Guidance[1]

The U.S. Fish and Wildlife Service (the Service), North Dakota Field Office (NDFO) have developed these conservation recommendations to provide options to avoid impacts to species protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA), as well as other trust wildlife resources. We encourage project proponents contact us on specific project level effects as there is flexibility on how these measures may be applied, and these general recommendations are not a substitute for consultation requirements under section 7 of the ESA. For more information, contact us at ndfieldoffice@fws.gov or (701) 250-4481.

Species/ Type	Recommended Avoidance Area	Conservation Recommendations	Period of Concern
Bald Eagle	660 ft if the activity visible from nest OR 330 ft if visual screen	Aerial survey recommended in the spring, before leaf-out	Feb. 1 – July 15
Dakota skipper	250m – 500m from suitable habitat	Field surveys are recommended to identify habitat if projects are in native grasslands.	June 10 – July 25
Golden Eagle	No visual buffer – ½ mile buffer Visual buffer – 660 feet	Aerial survey recommended in the spring, before leaf-out	Jan 15 – August 31
Grassland Ground-nesting birds			May 1 – July 15
Northern Long Eared Bat		Optimal Tree Removal Period August 16-May 31	April 15 – Oct. 31
Piping plover	0.5 mile buffer around occupied habitat during the nesting season	Avoid impacts to suitable habitat during the nesting season	April 15 – Aug. 15
Pallid sturgeon		Avoid impacts during the migration and Spawning period	April 1 – July 31
Whooping Crane	1.2 mile no-activity zone when present	See species specific section for project specific recommendations	March 15 – May 15 Sept. 10 – Nov. 15

[1] **Suggested Citation:** USFWS. 2025. USFWS NDFO Conservation Recommendations. U.S. Fish and Wildlife Service - North Dakota Ecological Services Field Office. Bismarck, ND. Version 4/17/2025

Information for Planning and Consultation (IPaC)

To streamline ESA compliance, please consider using the Information for Planning and Consultation (IPaC) tool (http://ecos.fws.gov/ipac). This tool provides guidance to determine:

1) If listed species or critical habitat may be present within an action area
2) If the project and associated actions are likely to affect listed species
3) Provide minimization measures to ensure the recovery of species affected.

To learn how to use IPaC, the Service has a beta version that is intended for new users to test out the tool, along with links to helpful video demonstrations (https://ipacb.ecosphere.fws.gov/). Additionally, the NDFO website (https://www.fws.gov/office/north-dakota-ecological-services/library) contains step-by-step guidance for navigating IPaC and determination keys for projects located within North Dakota.

Consultation Guidance

Under section 7(a)(2) of the ESA, if a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species or critical habitat. The following bullets lay out next steps for Federal action agencies based on their effect determinations made to listed species or critical habitat from proposed actions.

- If a *"no effect"* determination is made for listed species or critical habitat, the responsibility for the "no effect" determination remains with the Federal action agency and no further consultation with the Service is necessary. The Service recommends retaining documentation of the determination in the decisional records for the action.
- If a *"may affect, not likely to adversely affect"* determination is made for listed species or critical habitat the responsible Federal action agency should reach out to the NDFO for written concurrence. For projects using determination keys, see the guidance below.
- If a *"may affect, is likely to adversely affect"* determination is made for listed species or critical habitat, the responsible Federal action agency shall request formal section 7 consultation with the NDFO.

Determination Keys

Determination keys are logic-based questions to help provide consistent effects analyses for standard project reviews. They are intended to provide a streamlined consultation process. When using determination keys in IPaC, there may be several to select during the screening process:

- **North Dakota Determination Key**: This key covers all project types except wind energy development and purposeful take. Wind energy projects need to work directly with the field office. The key covers all species in the state, except the northern long-eared bat. Proponents with northern long-eared bat on their official species list would need to complete both the North Dakota determination key and the northern long-eared bat specific keys to be in full compliance.
- **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key**: Specific to these two bat species, this range wide key covers project types that may occur within the range of these species, but does not include transportation projects. If these species are present in the project area, this key will need to be completed in addition to the statewide key.

- **FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting IBAT, NLEB, or TCB:** Similar to the range wide nothern long-eared bat dkey, this key covers all transportation related projects analyzed within the programmatic consultation for projects authorized by the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration. If the northern long-eared bat is present within a project area and meets this project type, this key will need to be completed in addition to the statewide key.

After completing a determination key, the resulting letter may be labeled as either a 1) Concurrence, 2) "May Affect" or MA Consistency, or 3) Consistency/Technical Assistance.

1) When a project using an IPaC determination key generates a **Concurrence letter**, this indicates your project activities were consistent with the analysis and no additional consultation for that project is needed unless one or more of the following occurs:
   a) The scope, timing, duration, or location of the proposed project changes.
   b) New information reveals the action may affect listed species or designated critical habitat.
   c) A new species is listed or critical habitat designated
2) When a project receives a **"May Affect" or MA Consistency letter** that does not further distinguish to "is likely to adversely affect" (LAA) or "not likely to adversely affect" (NLAA), this indicates the project includes additional complexities that are not covered by the analysis and additional consultation is needed. To complete consultation, contact the NDFO at ndfieldoffice@fws.gov and include with your email the IPaC Project number, a shapefile of the Action Area, the generated "May Affect" letter, and we can assist with processing the consultation request.
3) When a project receives a **Consistency/Technical Assistance[2] letter** it could indicate either:
   a) All effect determinations made for indicated project activities were "no effect" or
   b) The user has indicated they are not the federal action agency nor are they a designated non-federal representative for the lead federal action agency on the project.
      i) If the Consistency/Technical Assistance letter is due to:
         (1) All effect determinations for the indicated project activities being "no effect", this letter is only being produced for federal action agency record keeping purposes. The responsibility for the "no effect" determination(s) remains with the Federal action agency and no further consultation with the Service is necessary.
         (2) The user indicates they are not a federal action agency nor are they a designated non-federal representative for the lead federal action agency, consultation with the Service is not complete. The federal action agency or its designated non-federal representative will need to log into IPaC using their agency email account and *Search by record locator* – the produced Consistency/Technical Assistance letter will have the record locator number to search for the specific project. Once the federal action agency or its designated non-federal representative certify the letter, it will produce a Concurrence letter (so long as the project activities meet the scope of the

[2] The title of this letter varies between determination keys. Some producing this letter type refer to it as a consistency letter, while other determination keys may refer to it as a technical assistance letter.

determination key analysis), meeting the ESA consultation requirement for the project.

Bald and Golden Eagle Protection Act (BGEPA)

The Bald and Golden Eagle Protection Act protects bald or golden eagles, including their parts, nests, or eggs, from "take" unless a permit is obtained from the Service. If a bald or golden eagle is present near a proposed project, the 2024 eagle permit revisions (89 FR 9920; Feb. 12, 2024), as allowed under BGEPA, are intended to increase the efficiency and effectiveness of permitting, facilitate and improve compliance, and increase the conservation benefit for eagles for activities that are otherwise lawful. They include a new system of general permits in addition to the specific-permit situations the Service has authorized in the past. These general permits are designed for situations with low risks to eagles and are an alternative approach to authorize certain energy generation projects, power-line infrastructure, activities that may disturb breeding bald eagles, and bald eagle nest take. The Service will continue to review specific permits for situations that have high or uncertain risks to eagles, thus meeting the preservation standard for eagles.

BGEPA defines "**take**" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.

"**Disturb**" is defined 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) 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."

Unlike bald eagles, whose numbers have increased in recent years, golden eagle populations appear to be slightly decreasing. These declines may be due to several factors, including susceptibility to some human disturbances, 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.

Conservation Recommendations

- For bald eagles, reduce disturbance by maintaining a 660-foot buffer between the activity and any active nest if no landscape buffer exists OR maintain a minimum 330-foot buffer between the activity and the active nest if a visual buffer is present (i.e. tree screen, or other landscape feature).
- For golden eagles, maintain a ½-mile buffer between the activity and any active nest if no landscape buffer exists, OR maintain a minimum 660-foot buffer between the activity and the active nest if a visual buffer is present (i.e. tree screen, or other landscape feature)

Additional Information

- U.S. Fish and Wildlife Service (USFWS). 2025a. Bald and Golden Eagle Protection Act. Accessible at https://www.fws.gov/law/bald-and-golden-eagle-protection-act. Accessed March 2025.
- USFWS 2025b. Eagle Management. Accessible at: https://www.fws.gov/program/eagle-management. Accessed March 2025.
- USFWS 2007. National Bald Eagle Management Guidelines. Available at: https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Accessed March 2025.

Dakota Skipper

The Dakota skipper (*Hesperia dacotae*) butterfly occupies remnant native prairie throughout North Dakota and can be identified when adults are in flight from approximately June 10 – July 25. A range wide survey protocol was developed in 2024 to define suitable habitat and protocols for conducting surveys (USFWS 2024a). A model has also been developed by the USFWS Habitat and Population Evaluation Team (HAPET) that helps project proponents identify, at the desktop scale, if suitable habitat may be present in a particular area (Barnes KW and Others 2023).

Conservation Recommendations

- If suitable habitat, defined generally as intact native grassland identified during a field evaluation, is present within a particular project area, our general recommendation for reducing effects would be to maintain a 250-meter buffer between a project and suitable Dakota skipper habitat and a 500-meter buffer from occupied suitable habitat and/or designated critical habitat. A more detailed definition of suitable habitat is present in the 2024 survey protocol (USFWS 2024a).

Additional Information

- USFWS 2025c. Dakota Skipper. https://www.fws.gov/species/dakota-skipper-hesperia-dacotae. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.
- USFWS 2024a. 2024 Dakota Skipper (*Hesperia dacotae)* Survey Protocol, Midwest and Mountain Prairie Regions. Available online at: https://www.fws.gov/sites/default/files/documents/2024-05/2024-usfws-dakota-skipper-survey-protocol.pdf. Accessed March 2025.
    - This survey protocol can be used to guide mapping suitable habitat, conducting occupancy surveys, and determining when a site may be absent.
- Barnes KW and Others. 2023. Dakota Skipper Habitat Suitability Model. Accessible online at: https://iris.fws.gov/APPS/ServCat/Reference/Profile/159874 HAPET. Bismarck, ND.
    - Used in concert with the official species range present in IPAC, this tool can be used to help refine where probability of suitable habitat may be present on the landscape.

Northern Long-Eared Bat

Northern long-eared bats (*Myotis septentrionalis;* NLEB) spend winters in hibernation and spring, summer, and fall in forested areas. During hibernation, NLEB use caves, karst, and mines, called hibernacula, that can vary in size, but maintain constant temperatures, high humidity, and no air currents throughout the winter months. Currently, there are no known northern long-eared bat hibernacula in North Dakota. There is potential for NLEB to use hibernacula as many have not been surveyed to determine presence or absence.

During the summer and portions of the fall and spring, NLEBs may be found roosting singly or in colonies underneath bark, in cavities or in crevices of both live trees or dead trees/snags. Recently, a maternity colony of NLEBs was detected in northwestern North Dakota when females were captured during the 2024 summer field season. Deciduous trees >3-inch diameter at breast height (DBH) and coniferous trees >16 inch DBH are considered potential habitat for this species, as well as caves, karst, or mine features that may be used as hibernacula.

Conservation Recommendations

- If the project area is located outside of a known location, but within an area where NLEBs may be present (i.e., "Species List Area", defined in the Additional Information section below), we recommend conducting a voluntary presence/probable absence survey following the Service's *Survey Guidelines* (USFWS 2024b), or assume presence and avoid removing suitable roost trees (deciduous trees >3" and coniferous trees >16" DBH) during the pup season (June 1 – August 15).
- If tree removal activities cannot be avoided during the pup season, we recommend retaining suitable roost trees within 600 feet of a known maternity roosts.
- If a NLEB hibernacula is identified in North Dakota in the future, we would recommend avoiding activities resulting in the disruption or disturbance of NLEB in their hibernacula during hibernation; avoiding activities resulting in adverse effects to NLEB hibernaculum entrance(s) or intern environments (e.g., adverse alterations to airflow, microclimate, and hydrology) at any time of year; and avoiding removal of suitable roost trees within 0.25 mile of a known NLEB hibernaculum entrance(s).

Active Season [April 15 – October 31] is an overall term that is used to encompasses the *Spring Staging, Pup Season,* and *Fall Swarming* time periods.

Spring Staging [April 15 – May 14] is the timeframe when most bats are emerging from hibernation, roosting in trees near hibernacula, and preparing/migrating to summer home ranges.

Pup Season [June 1 – August 15] is a timeframe that includes late pregnancy, when most young are born, and up until those young are able to fly and forage independently. This is an especially venerable timeframe as escape from hazards, such as tree removal, is made harder due to the non-flying pups' reliance on the mother to move the individual.

Fall Swarming [August 16 – October 31] is the timeframe when most bats are migrating back to hibernacula and a period of increased activity (e.g., foraging and mating) prior to entering hibernation.

Inactive Season [November 1 – April 14] is a time frame when most bats are hibernating.

- When bridge/culvert repair, retrofit, and rehabilitation work is anticipated to occur during the NLEB active season (April 15 – October 31) where NLEB have the potential to occur (i.e. "Species List Area"), we recommend conducting bat use surveys to determine bat use following the Service's standard protocols (USFWS 2024b). If the project structure has evidence of use, notify the NDFO of findings and we will assist with coordinating next steps.

Additional Information

- USFWS 2025d. Northern Long-eared Bat. https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis. Accessed March 2025.
    - The Service released final tools and guidance to replace the species specific 4 (d) rule regulations on October 23, 2024, found at the above link. These resources are updated as new information become available. Please check this link periodically to ensure the most recent guidance is used.
    - "Species List Area" is defined as the known NLEB occurrences and modeled likelihood of occurrence where the species may be present. This is the range used in IPaC when generating Official Species List. The "Species List Area" (also sometimes referred to as "AOI", "Current Range", "Consultation Range", or "Legal Range") can be found at the link above.
- USFWS. 2024b. Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines. U.S. Fish and Wildlife Service, Region 3, Bloomington, MN. 95 pp. https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines. Accessed March 2025.
    - The *Survey Guidelines* are annually reviewed and updated by the Service in March; ensure you are using the most up to date version when planning voluntary presence/probable absence surveys.
- USFWS 2025e. Land-based Wind Energy Voluntary Avoidance Guidance for the Northern Long-eared Bat. https://www.fws.gov/library/collections/land-based-wind-energy-voluntary-avoidance-guidance-northern-long-eared-bat.
    - The NLEB Range for wind energy projects is different from the "Species List Area".
- If you have evaluated your project through the *Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key* (NLEB/TCB) using IPaC and received a "May Affect" determination letter, this indicates your project includes some additional complexities that the NLEB/TCB determination key does not cover and additional consultation is needed. To complete the consultation process, please contact the NDFO at ndfieldoffice@fws.gov and include with your email the IPaC Project number, a shapefile of the Action Area, the generated "May Affect" letter, and any other pertinent information that will assist the consultation.
    - See the IPaC section for more information regarding the use of IPaC and determination keys.

Pallid Sturgeon

In North Dakota, the pallid sturgeon (*Scaphirhynchus albus*) is known to use habitat in the Yellowstone River, Missouri River, and Lake Sakakawea, specifically upstream of the Garrison Diversion. Projects that directly affect these water resources may result in effects to this species.

Conservation Recommendations

- To the extent practicable, avoid in-stream work in in the Yellowstone River, Missouri River, and Lake Sakakawea from **April 1-July 31** during the migration and spawning season. If in-stream work is needed during these times, please coordinate with the NDFO to reduce effects to the species.
    - Spawning dates vary from year to year and state to state depending on water temperatures, dam releases, and other environmental and climatic influences; dates recommended for North Dakota may differ from adjacent states.
- For cooling water intakes, we recommend following the Environmental Protection Agency Best Technology Available (BTA) Standards for impingement mortality, explained in detail in 40 CFR 125.94(c) and summarized below:
    - Use closed-cycle recirculating systems and conduct daily monitoring of actual intake flows; or
    - Demonstrate ≤ 0.5 ft/sec through-screen design velocity: or
    - Demonstrate ≤ 0.5 ft/sec through-screen actual velocity and daily monitoring of velocity; or
    - Use existing offshore velocity cap and daily monitoring of intake flow; or
    - Use modified traveling screens, optimized to minimize impingement mortality; or
    - Install BTA systems of technology, management practices, and operational measures; or
    - Conduct 12-month impingement mortality performance standard and monthly monitoring, which should include the number of fish killed or number of fish impinged lower than 24 percent
- For general water intakes, we recommend:
    - Designing facilities to have intake velocities less than 0.5 feet per second (fps)
    - Using intake screens sized to have a maximum mesh opening of ¼ inch
    - Using a Johnson (or Johnson Type) screen/intake if feasible.
- For intakes proposed in potential reproduction areas, specifically in the Yellowstone River or in the Missouri River below river mile 1519 (approximately 3 miles south of Lewis and Clark State Park), we recommend:
    - Using floating intakes with navigation hazard warning lights
    - Locate floating intakes over water with a minimum depth of 20 feet or over the deepest water available. If water depth falls below 6 feet, we recommend moving the intake to deeper water or limit the maximum intake velocity to ¼ foot per second over the maximum practicable attainable depth.

Additional Information

- USFWS 2025. Pallid Sturgeon. https://www.fws.gov/species/pallid-sturgeon-scaphirhynchus-albus. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.

Piping Plover

The piping plover (*Charadrius melodus*) is a small shorebird that uses gravelly and sandy beaches along the Missouri River/Lake Sakakawea and alkali wetlands in the prairie pothole region of North Dakota. The Northern Great Plains population segment of this species typically breeds in the great plains, including North Dakota, during the summer months and migrates south to the gulf coast to overwinter.

Conservation Recommendations

- During the piping plover nesting season from **April 15-August 15**, avoid direct effects to nesting habitat, which includes sand and gravel beaches, alkali flats, gravel shorelines, and river sandbars.
- If effects to suitable piping plover habitat are proposed during the nesting season, surveys are recommended to determine species presence. We recommend the following when conducting surveys:
    - If suitable habitat is present, conduct presence surveys for piping plovers within a 0.5-mile radius of the proposed project in suitable habitat.
    - Surveys should be conducted by a qualified biologist daily, starting seven (7) days prior to construction activities.
    - Conduct surveys primarily in the morning when there is adequate light to detect and identify birds. From a good vantage point, survey areas using a binoculars or spotting scope for a minimum of 20 minutes in each 0.5-mile direction. Monitoring from several different viewing areas may need to occur, moving areas until the entire 0.5-mile radius is surveyed. Focus specifically for bird movements along sandbars in the middle of the channel, along the shoreline, and on recently formed floodplain sand deposits.
    - If no birds are observed, project activities can commence with no additional surveys.
    - If birds are present foraging or nesting, contact us for recommendations to avoid effects to the species.
- 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 start or continue construction activity within 0.5 miles of the adult, chick, or nest until piping plovers or their nests are no longer present within 0.5 miles of the project, or it is determined by the USFWS that there is no risk for disturbance.

Additional Information

- USFWS 2025f. Piping Plover. https://www.fws.gov/species/piping-plover-charadrius-melodus Accessed March 2025.

Rufa Red Knot

The rufa red knot (*Calidris canutus rufa*) is a rare migrant that occasionally uses stopover habitat in North Dakota during its long-distance migration. This species has been documented in various aquatic habitats in North Dakota, from the Missouri River to prairie pothole wetlands.

Conservation Recommendations

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

Additional Information

- USFWS 2025g. Rufa Red Knot. https://www.fws.gov/species/rufa-red-knot-calidris-canutus-rufa. Accessed March 205.

Western Prairie Fringed Orchid

The western prairie fringed orchid (*Platanthera praeclara*; WPFO) is known to occur on in southeast North Dakota in Ransom and Richland counties or near the Sheyenne National Grasslands in North Dakota. Activities involving herbicide application, water drainage, water/wetland alteration, breaking native prairie, or burning, may have adverse effects to this species.

Conservation Recommendations

- Noxious weeds at WPFO sites should be controlled, but herbicide use at WPFO sites should be limited to spot spraying, especially during summer. Avoid insecticide use that could harm pollinators of the orchid.
- Mowing, haying, brush cutting, etc. should be avoided to the extent possible if it overlaps with the orchid's growing season (late spring through the end of July) and in the spring it should not be cut too close to the ground.
- Fire and grazing with goats and sheep should also be avoided to the extent possible if it overlaps with the growing season, although fire may be more restrictive. Studies by the Minnesota Department of Natural Resources indicate fire can damage the plant as soon as it emerges and is more than a few inches tall (as early as April), but damage is less in the fall (mid-September or after) since the chances of damaging seed capsules that have not properly dispersed is low.
- Maintain grassland habitats to promote recovery of this species.

Additional Information

- USFWS 2025h. Western Prairie Fringed Orchid. https://www.fws.gov/species/western-prairie-fringed-orchid-platanthera-praeclara. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.

Whooping Crane

The endangered whooping crane (*Grus americana*) migrates through North Dakota during the spring and fall, which occurs from approximately **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 overnight in one area before continuing the next morning. Disturbance, such as flushing the cranes, stresses them at critical times of the year, including migration.

Whooping crane strikes of electrical utility lines have been cited as a cause for mortality, and indirect effects from energetic losses due to avoidance around renewable energy projects may also occur. For these reasons, we recommend project proponents consider implementing specific conservation measures to avoid impacts to this species.

Conservation Recommendations

- If a whooping crane is sighted within 1.2 miles of the action area for projects with a Federal nexus, the USFWS should be contacted at 701-250-4481 or ndfieldoffice@fws.gov
- Within a 1.2 miles (2 km) buffer from proposed new construction of overhead utility lines and a 5 km buffer from a wind turbine center point, quantify potential impacts to habitat using the whooping crane habitat suitability model developed by Niemuth et al. 2018 (link for geospatial dataset available below in "Additional Resources").
- For all new, replaced, or upgraded utility lines within 1.2 miles (2 km) of potentially suitable habitat, we recommend marking the lines and maintain markers for the life of the project to ensure effectiveness to reduce the potential for strikes and possible mortality.

Additional Resources:

- Neimuth et al 2018. Whooping Crane Migration through North Dakota and South Dakota. Geospatial Dataset. North Dakota, South Dakota. https://ecos.fws.gov/ServCat/Reference/Profile/148840. Accessed March 2025.
- Ellis KS, Pearse AT, Brandt DA, Bidwell MT, Harrell W, Butler MJ and Post van der Burg M. 2022. Balancing future renewable energy infrastructure siting and associated habitat loss for migrating whooping cranes. Front. Ecol. Evol. 10:931260. doi: 10.3389/fevo.2022.931260 https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2022.931260/full. Accessed March 2025.
- Niemuth, ND, Ryba AJ, Pearse AT, Kvas SM, Brandt DA, Wangler B, Austin JE, and Carlisle MJ. 2018. Opportunistically collected data reveal habitat selection by migrating Whooping Cranes in the U.S. Northern Plains, The Condor, 120(2), 343–356, https://doi.org/10.1650/CONDOR-17-80.1. Accessed March 2025.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act protects migratory birds from killing, capturing, selling, trading, and transport without prior authorization. In North Dakota, migratory birds are typically most vulnerable to development activities during the nesting season (May 1 – July 15). For projects

that may impact migratory birds or if further information is needed, please contact our office for further guidance.

Additional Resources:

- USFWS 2025i. Migratory Bird Treaty Act of 1918. https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php. .Accessed April 2025.
    - This resource includes a complete list of species that are covered as well as not covered under MBTA.
- USFWS 2025j. U.S. Fish and Wildlife Service ePermits. https://fwsepermits.servicenowservices.com/fws. Accessed April 2025.

US Fish and Wildlife Service Easement Interests

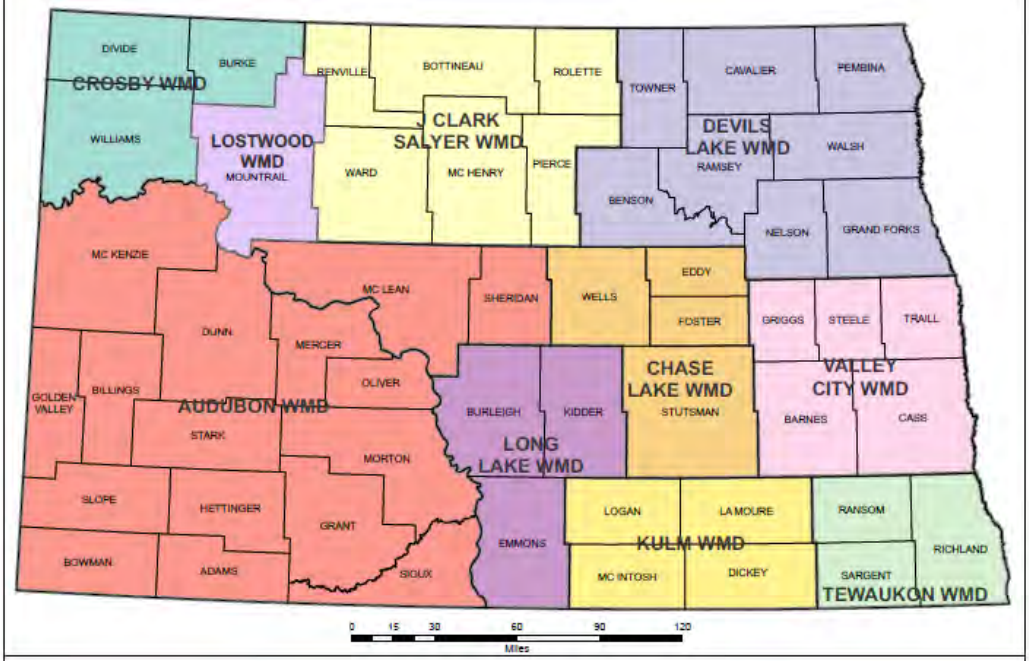
The Service may hold wetland or grassland easements within project areas that overlap within defined acquisition areas for each wetland management district; in North Dakota, these areas are concentrated in the prairie pothole region through the central portion of North Dakota. If there are specific questions related to management or easement terms, please contact the local Wetland Management Districts (WMDs) that administers the easement, with general numbers provided in the map below. If you are unsure of the local contact, please contact us and we can direct you to the responsible individual.

Additional Resources:

- USFWS 2025j. National Wildlife Refuge System and Fish Hatcheries, FWS National Realty Tracts and Acquisition Boundaries. https://experience.arcgis.com/experience/17640b43745d4b44b53fc8f57dc28ed7?org=fws Accessed March 2025.

U.S. Fish & Wildlife Service

USFWS North Dakota Wetland Management Districts



Crosby WMD
10100 Hwy 42 NW
Crosby, ND 58730
701-965-6488

Lostwood WMD
8315 Highway 8
Kenmare, ND 58746
701-385-4046

J Clark Salyer WMD
681 Salyer Road
Upham, ND 58789
701-768-2548

Devils Lake WMD
221 2nd St. NW, Suite 2
Devils Lake, ND 58301
701-662-8611

Audubon WMD
3275 11th Street NW
Coleharbor, ND 58531
701-442-5474

Long Lake WMD
12000 353rd St SE
Moffit, ND 58560
701-387-4397

Chase Lake WMD
5924 19th St SE
Woodworth, ND 58496
701-752-4218

Valley City WMD
11515 River Rd
Valley City, ND 58072
701-845-3466

Kulm WMD
1st St. SW
P.O.Box E
Kulm, ND 58456
701-647-2866

Tewaukon WMD
9754 143 1/2 Ave. SE
Cayuga, ND 58013
701-724-3598

Data Sources: BLM: County Boundaries, USFWS: WMD Boundaries, Complex Boundaries. Map Date: 4/23/2024, HAPET

Appendix D – 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 E – Photolog

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 1 Site: 467A and 467 Direction: East Description: Proposed location of Site 467A in foreground with existing Structure 467, located in wetland, shown in the distance. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.064566 Longitude: -99.642114
	Photo #: 2 Site: 467 Direction: East Description: Existing Structure 467, located in wetland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.064467 Longitude: -99.640486

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 3 Site: 467 Direction: South Description: North edge of the APE for Structure 467, located within wetland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.065141 Longitude: -99.638558
	Photo #: 4 Site: 467B Direction: West Description: Proposed location of Site 467B in foreground with existing Structure 467, located in wetland, shown in the distance to the west. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.064174 Longitude: -99.636353

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 5 Site: 602 Direction: Northeast Description: Southwest corner of the APE for Site 602 with existing structures in view. Located in native prairie. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.059664 Longitude: -99.180111
	Photo #: 6 Site: 602 Direction: Southeast Description: Northwest corner of the APE for Site 602 with existing structures in view. Located in native prairie. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.060287 Longitude: -99.179879

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 7 Site: 602 Direction: South Description: Native prairie hilltop in southwest corner of Site 602. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.060287 Longitude: -99.179879
	Photo #: 8 Site: 602 Direction: Southwest Description: Northeast corner of the APE for Site 602 with existing structures in view. Located in native prairie. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.060228 Longitude: -99.179118

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 9 Site: 607 Direction: East Description: West side of Site 607 with existing structure in view. Located in low-quality native prairie. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.059230 Longitude: -99.162502
	Photo #: 10 Site: 607 Direction: West Description: East side of Site 607 with existing structure in view. Located in low-quality native prairie. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.059191 Longitude: -99.161399

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 11 Site: 608 Direction: East Description: West side of Site 608 with existing structure in view next to wetland. Located in invaded prairie. Observer: Sara Simmers Date: 6/18/2025 Latitude: 47.059147 Longitude: -99.159198
	Photo #: 12 Site: 608 Direction: North Description: South side of Site 608 with existing structure and adjacent wetland in view. Located in invaded prairie. Observer: Sara Simmers Date: 6/18/2025 Latitude: 47.058832 Longitude: -99.158778

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 13 Site: 634 Direction: East Description: Site 634 with existing structure in view next to wetland. Located in wetland adjacent to pasture and cropland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.055283 Longitude: -99.074498
	Photo #: 14 Site: 634 Direction: Southeast Description: Northwest corner of Site 634 APE with existing structure in view at edge of wetland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.055887 Longitude: -99.072512

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 15 Site: 636 Direction: East Description: West side of Site 636 APE with existing structure in view. Located in cropland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.055262 Longitude: -99.065816
	Photo #: 16 Site: 636 Direction: West Description: East side of Site 636 APE with existing structure in view. Located in cropland. Observer: Sara Simmers Date: 5/29/2025 Latitude: 47.055202 Longitude: -99.064736

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 17 Site: 647 Direction: South Description: North side of Site 647 with existing structure in view. Located in low-quality native prairie. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.054812 Longitude: -99.029806
	Photo #: 18 Site: 647 Direction: West Description: East side of Site 647 with existing structure in view. Located in low-quality native prairie. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.054451 Longitude: -99.029080

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 19 Site: 682 Direction: Northeast Description: Overview of Site 682 with existing structure in the distance. Located in pastureland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.054338 Longitude: -98.911448
	Photo #: 20 Site: 682 Direction: East Description: East half of Site 682 APE; located in cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.055555 Longitude: -98.909681

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 21 Site: 687 Direction: Northeast Description: West side of Site 687 with existing structure in view on hilltop. Located in pastureland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.055595 Longitude: -98.891106
	Photo #: 22 Site: 687 Direction: West Description: East side of Site 687 APE with existing structure in view. Located in pastureland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.055729 Longitude: -98.890253

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 23 Site: 757 Direction: Southeast Description: Existing structure at Site 757. Located in cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.022013 Longitude: -98.654966
	Photo #: 24 Site: 761 Direction: West Description: Existing structure at Site 761. Located in cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.014844 Longitude: -98.636626

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 25 Site: 768 Direction: Southwest Description: Existing structure at Site 768. Located in cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.007761 Longitude: -98.616341
	Photo #: 26 Site: 770 Direction: Northeast Description: Southwest corner of Site 768 with existing structure in view. Structure and west half of APE located in native prairie pastureland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.005042 Longitude: -98.611286

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 27 Site: 770 Direction: North Description: Existing structure at Site 770 showing raptor nest on north side of structure. Structure and west half of APE located in native prairie pastureland and directly adjacent to cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.004961 Longitude: -98.611387
	Photo #: 28 Site: 770 Direction: Southeast Description: Northwest corner of Site 770 APE with existing structure and raptor nest in view. Structure and west half of APE located in native prairie pastureland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 47.005614 Longitude: -98.611387

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 29 Site: 776 Direction: East Description: West side of Site 776 APE with existing structure in view. Located in hayland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.999130 Longitude: -98.592713
	Photo #: 30 Site: 776 Direction: West Description: East side of Site 776 APE with existing structure in view. Located in hayland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.999019 Longitude: -98.591662

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 31 Site: 785 Direction: Northeast Description: West side of Site 785 with existing structure in view; located in wetland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.997438 Longitude: -98.561364
	Photo #: 32 Site: 785 Direction: South Description: North side of Site 785 with existing structure in view on edge of wetland and adjacent to cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.998017 Longitude: -98.560679

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 33 Site: 827 Direction: East Description: West side of Site 827 with existing structure in view. Located in native prairie not currently used for grazing. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.996654 Longitude: -98.418397
	Photo #: 34 Site: 827 Direction: Northwest Description: Southeast corner of Site 827 APE with existing structure and adjacent wetland in view. Located in native prairie not currently used for grazing. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.995917 Longitude: -98.417111

On-Site Photographs

Minnkota – Line 12 Structure Replacement

	Photo #: 35 Site: 848 Direction: North Description: South side of Site 848 with existing structure in view. Located in cropland. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.994122 Longitude: -98.344021
	Photo #: 36 Site: 848 Direction: West Description: East side of Site 848 with existing structure in view, located in cropland. Adjacent wetland is outside the APE. Observer: Sara Simmers Date: 5/30/2025 Latitude: 46.997083 Longitude: -98.340714