

APPENDIX B

AGENCY RESPONSES



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

June 15, 2012

Kathy Bargsten
Stanley Consultants, Inc
8000 South Chester Street, Suite 500
Centennial, CO 80112

Re: Central Power Electric Cooperative and Mountrail-Williams Electric Cooperative proposed New Overhead 115-kV transmission line.

Dear Ms. Bargsten,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal for the for the construction of approximately 68 miles of new overhead 115 kV transmission line extending from Western Area Power's Snake Creek Pump Station to the Mountrail/Ward county line.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are several occurrences in our database within or adjacent to project area. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. Please see attached spreadsheet and map for more information on these occurrences. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

It is our policy to charge requests for data services including data retrieval, data analysis, manual and computer searches, packaging and collection of data. An invoice for services provided has been enclosed.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttonhefner@nd.gov). Thank you for the opportunity to comment on this proposed project.

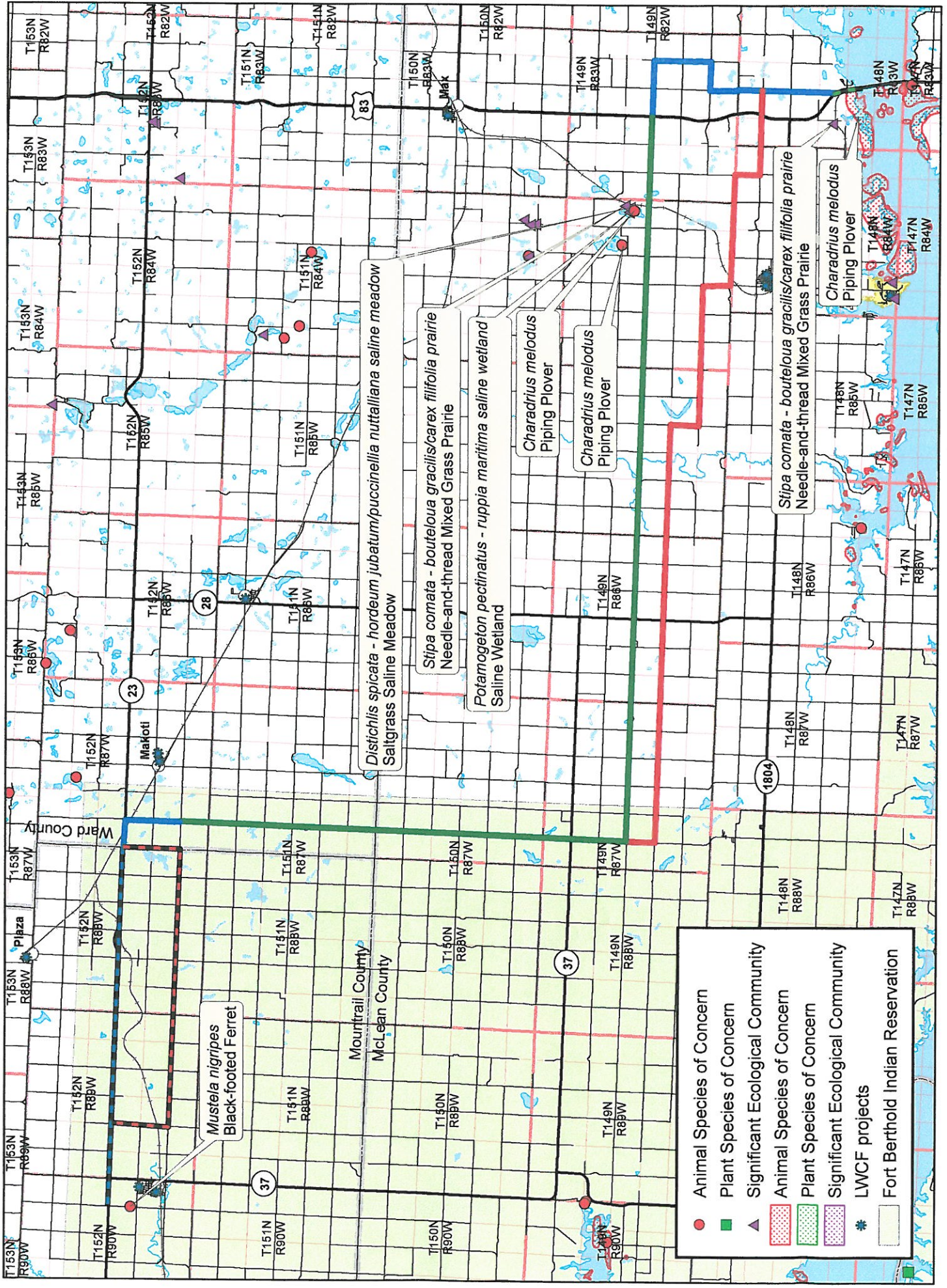
Sincerely,


Kathy Duttonhefner, Coordinator
Natural Resources Division

R.USNDNHI*2012_158KD6/15/2012DL6.21.2012

.....
Play in our backyard!

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	148N083W - 30; 148N083W - 28; 148N084W - 25; 148N083W - 20; 148N083W - 31; 148N083W - 21; 148N083W - 29	McLean	2000-05-19	Medium	S
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	149N084W - 11; 149N084W - 14	McLean	1991	Medium	S
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	149N084W - 13	McLean	1994-06-13	Medium	S
Distichlis spicata - hordeum jubatum/puccinellia nuttalliana saline meadow	Saltgrass Saline Meadow	S2S3	GNR		149N084W - 13	McLean	1984-08-09		S
Mustela nigripes	Black-footed Ferret	S1	G1	LE, XN	152N090W - 23; 152N089W - 30; 152N090W - 36; 152N090W - 14; 152N090W - 22; 152N090W - 35; 152N089W - 19; 152N090W - 25; 152N090W - 27; 152N090W - 24; 152N090W - 26; 152N090W - 13	Mountrail	1967	Low	M
Potamogeton pectinatus - ruppia maritima saline wetland	Saline Wetland	S3	GNR		149N084W - 13	McLean	1984-06-07		S
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		148N083W - 19	McLean	1985-08-21		S
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		149N084W - 13	McLean	1984-08-09		S

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

June 25, 2012

Kathy Bargsten
Stanley Consultants
8000 South Chester Street, STE 500
Centennial, CO 80112

Dear Ms. Bargsten:

This is in response to your request for review of environmental impacts associated with the Environmental Assessment for the USDA Rural Utilities Service for a project in North Dakota that involves both Central Power Electric Cooperative (CPEC), Minot, ND, and Mountrail Williams Electric Cooperative (MWEC), headquartered in Williston, ND. CPEC will construct approximately 55 miles of single-circuit line that will extend from Western Area Power's Snake Creek Pump Station near Lake Audubon and Highway 83 northwest to the Mountrail/Ward county line at Highway 23. MWEC will construct approximately 13 miles of overhead 115-kV transmission line that will extend from its Parshall Substation located northwest of Parshall, ND east to Mountrail/Ward county line at Highway 23.

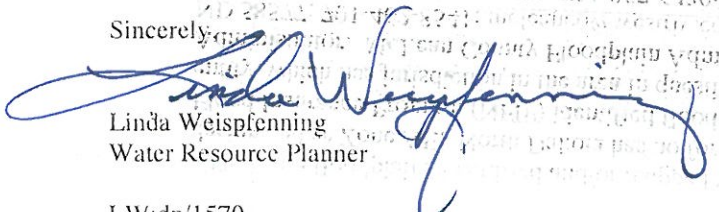
The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There are floodplains identified and/or mapped where the proposed project is to take place. The areas are designated as Zone AE. North Dakota has no formal "permitting" authority as a state entity in the National Flood Insurance Program (NFIP) identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the County Floodplain Administrator. McLean County Floodplain Administrator is: Marlan Hvinden; PO Box 1108; Washburn, ND 58577; 701-462-8541; mhinden@westriv.com. The Ward County Administrator is: Mike Vendsel; PO Box 5005; Minot, ND 58701; 701-857-6430; mike.vendsel@co.ward.nd.us.
- If transmission line poles are placed in wetlands, a permit will be needed. Please contact Dwight Comfort, at 701-328-4949, regarding the permit application and requirements.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,


Linda Weispenfening
Water Resource Planner

LW:dp/1570

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
SECRETARY AND STATE ENGINEER



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



June 4, 2012

Ms. Kathy Bargsten
Stanley Consultants, Inc.
8000 South Chester Street, Suite 500
Centennial, CO 80112

Re: Construction of Approximately 68 Miles of Overhead 115-kV Electric Transmission Line
McLean and Mountrail Counties, North Dakota

Dear Ms. Bargsten:

This department has reviewed the information concerning the above-referenced project submitted under date of May 23, 2012, with respect to possible environmental impacts.

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

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

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

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210

Ms. Kathy Bargsten

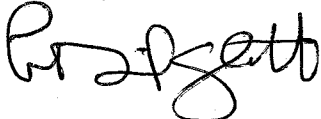
2.

June 4, 2012

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is stylized with a large, looped "L" and a cursive "Glatt".

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

June 12, 2012

Kathy Bargsten
Stanley Consultants, Inc.
8000 South Center Street, Suite 500
Centennial, CO 80112

EA TO CONSTRUCT APPROXIMATELY SIXTY-EIGHT MILES OF NEW OVERHEAD
115-kV TRANSMISSION TO MOUNTRAIL/WARD COUNTY LINE, WARD AND
MOUNTRAIL COUNTIES, NORTH DAKOTA

We have reviewed your April 23, 2012, letter.

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

However, if because of this project any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Jim Redding, Minot at 701-837-7625.

ROBERT A. FODE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57\raf\js

c: Jim Redding, Minot District Engineer



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

June 20, 2012

Kathy Bargsten
Stanley Consultants, Inc.
8000 South Chester Street, Suite 500
Centennial, CO 80112

Dear Ms. Bargsten:

RE: Snake Creek – Parshall Transmission Line Project
Central Power Electric Cooperative & Mountrail-Williams Electric Cooperative

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

The National Wetland Inventory indicates various wetlands within the proposed project corridor. We recommend that steps be taken to protect any wetlands that cannot be avoided, above-ground appurtenances not be placed in wetland areas, and existing drainage patterns be maintained.

We recommend that overhead lines be marked when placed over perennial streams or sited in close proximity to large wetland complexes to minimize possible avian impacts. The publication "Mitigating Bird Collisions with Power Lines: the State of the Art in 1994" provides a range of management options which can be used to reduce avian collisions.

We do not believe this project will have any significant adverse effects on wildlife or wildlife habitat provided these recommendations are implemented where appropriate and disturbed areas are reclaimed to pre-project conditions.

Sincerely,

(for)

Greg Link
Chief
Conservation & Communication Division

js



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

JUL 24 2012



Kathy Bargsten
Stanley Consultants Inc.
8000 South Chester Street, Suite 500
Centennial, Colorado 80112

Re: Snake Creek to Parshall 115-kV Transmission
Line Project
In reply please reference Tails #2012-CPA-0632

Dear Ms. Bargsten:

The U.S. Fish and Wildlife Service (Service) has reviewed the proposed Snake Creek to Parshall 115-kV transmission line project to be jointly constructed by Central Power Electric Cooperative (CEPC) and Mountrail-Williams Electric Power Cooperative (MWEC), as described in your May 23, 2012, letter. The proposed project includes construction of approximately 68 miles of new 115-kV transmission line from the Western Area Power Administration's Snake Creek substation to MWEC's Parshall substation. CPEC will construct the line from the Snake Creek substation to the Mountrail/Ward County line near Highway 23 and MWEC will construct the line from that point to the Parshall substation. The USDA Rural Utilities Service (RUS) is the lead federal agency for the proposed project. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended).

The Service holds certain resources in trust and manages them for the benefit of the American people. These resources include migratory birds, inter-jurisdictional fisheries, federally-listed threatened and endangered species of plants and animals and their habitats, and units of the National Wildlife Refuge system. When planning an activity, project proponents and federal action agencies should give careful consideration to potential impacts to these trust resources and compliance with the laws mentioned above. Additional information is provided below.

Migratory Birds

Adequate consideration for avian resources early in the project planning process can help to minimize impacts to migratory birds. The Service has coordinated with the Avian Power Line

Interaction Committee (APLIC) to develop guidelines to assist companies in formulating Avian Protection Plans (APP). These plans are utility-specific and designed to provide a structured way for a company to reduce avian mortality resulting from interactions with electric utility facilities (e.g. collisions and electrocutions). The APP can be tailored to each utility's industry-specific and site specific wildlife needs, while in the process furthering avian conservation and improved reliability and customer service. A utility that implements the principles contained in these APP guidelines will greatly reduce avian risk as well as its own risk of enforcement actions under the Migratory Bird Treaty Act (MBTA). The guidelines can be accessed from the Service's website at <http://www.fws.gov/migratorybirds/>.

To minimize the electrocution hazard to birds, the Service, with support from the Rural Utilities Service, recommends that new or updated overhead power lines be constructed in accordance with the current guidelines for preventing raptor electrocutions. The recommended guidelines can be found in "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends new power lines that cross or run adjacent to rivers or large wetlands be modified according to "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994." Both publications can be obtained by writing or calling the Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266, (1-800-334-5453) or visiting their website at www.eei.org.

The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing incidental take, the Service realizes that some birds may be killed during project construction and operation even if all known reasonable and effective measures to protect birds are used. The Service Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and agencies that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Individuals, companies, or agencies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

To the extent practicable, schedule construction for late summer or fall/early winter so as not to disrupt migratory birds during the breeding season, February 1 to July 15 (**note that if least terns and/or piping plovers are present, the breeding season may extend through August 31**). If work is proposed to take place during the breeding season, there may be take of migratory birds, their eggs, or active nests. If project construction cannot avoid the nesting season, the Service suggests that the vegetation within the proposed project area be mowed/cleared outside of the nesting season, in advance of the project initiation to remove potential breeding habitat for nesting

migratory birds in the project area. Once cleared the project area should be maintained in a state that is unsuitable for nesting until the end of the breeding season or until construction is complete. Alternatively, a qualified biologist could be hired to conduct bird/nest surveys within 5 days prior to the initiation of construction. If active nests are identified, the project proponent should cease construction, maintain a sufficient buffer around active nests to avoid disturbing breeding activities and contact the Service immediately. The Service recommends that the project proponent implement all practicable measures to avoid all take, such as suspending construction where necessary, and/or maintaining adequate buffers to protect the birds until the young have fledged. The Service further recommends that if you choose to conduct field surveys for nesting birds with the intent of avoiding take, that you maintain any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the survey(s), and any avoidance measures implemented at the project site. Should surveys or other available information indicate a potential for take of migratory birds, their eggs, or active nests, the Service requests that you contact this office for further coordination on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Bald and Golden Eagles

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. The BGEPA defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. The Service is aware of numerous bald and golden eagle nests in the project area.

The North Dakota Fish and Game Department maintains a GIS database with eagle nest location that can be accessed by contacting Sandra Johnson, Nongame Biologist at (701) 328-6382. We recommend conducting surveys to identify bald or golden eagle nests within one-half mile of the proposed route in winter/early spring before trees have leaves that could screen possible nests. To avoid/minimize impacts to nesting eagles from transmission line construction activities, the Service recommends (1) keeping a 0.5 mile distance between the activity and the nest, (2) maintaining natural areas between the activity and around nest trees (landscape buffers), and (3) avoiding activities during the breeding season (February 1 – July 15). The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally,

buffers would be large enough to protect existing nest sites and provide for alternative or replacement nest sites. The Service's May 2007, National Bald Eagle Management Guidelines contains detailed information on protecting bald eagles from disturbance due to human activity. The guidelines can be accessed on the Service's website: (<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>).

Threatened and Endangered Species

To obtain information on Service trust resources including federally threatened, endangered and candidate species and designated critical habitat that may occur in the identified areas, or may be affected by the proposed activities, we recommend you access the North Dakota Ecological Service Field Office website at (<http://www.fws.gov/northdakotafieldoffice/>). You may also access the Service Information, Planning, and Conservation System (IPaC) website at (<http://ecos.fws.gov/ipac/>).

If a federal agency authorizes, funds, or carries out a proposed action, in this case RUS, or their designated agent(s), is required to evaluate whether the action "may affect" listed species. If RUS determines the action "may affect, is likely to adversely affect" listed species, then RUS shall request formal section 7 consultation with this office, or work with this office to remove the likely adverse effects before proceeding. If the evaluation shows a "no effect" determination on listed species, further consultation is not necessary. If a private entity receives federal funding for a construction project, or if any federal permit is required, the federal agency may designate the fund recipient or permittee in writing as its agent for purposes of informal section 7 consultation. The funding, permitting, or licensing federal agency is responsible to ensure that its actions comply with the ESA, including obtaining concurrence from the Service for any action that may affect a threatened or endangered species, or result in the destruction or adverse modification of designated critical habitat.

The ultimate responsibility for Endangered Species Act (ESA) section 7 compliance remains with the federal action agency. Therefore, section 7 consultation cannot be completed until the RUS has provided the Service with written designation of Stanley Consultants Inc. as their non-Federal representatives for purposes of section 7 consultation. Until such time as RUS designates a non-federal agent for informal consultation, the following comments should be considered as preliminary, and are to be used to assist with project planning.

Piping plovers (*Charadrius melodus*), a federally threatened species, are known to use the Missouri River, Lake Sakakawea, and several alkali wetlands in the proposed project area during the breeding season. The designated piping plover critical habitat in the project area consists of sparsely vegetated sandbar, shoreline, and island habitats on the Missouri River, Lake Sakakawea, and Lake Audubon, and sandy to gravelly, sparsely vegetated beaches, salt-encrusted mud flats, and/or gravelly salt flats, and adjacent uplands 200 feet above the high water mark of alkali lakes and wetlands (enclosure 1). Piping plover mortalities have been documented as a result of collision with the existing transmission lines that cross the Snake Creek Embankment between Lake Sakakawea and Lake Audubon. The Service recommends installing and maintaining visual marking devices on all project lines, including guywires, within one mile of designated piping

plover critical habitat.

The Aransas Wood Buffalo Population (AWBP) of whooping cranes (*Grus americana*) is the only self-sustaining migratory population of whooping cranes remaining in the wild. Whooping cranes breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations.

Endangered whooping cranes have been documented using roosting/feeding habitat in the vicinity of the proposed transmission line route, which is located within whooping crane migration corridor that includes 95-percent of all confirmed whooping crane sightings in North Dakota (enclosure 2). The presence of suitable roosting and feeding habitat for whooping cranes within the proposed project area, and confirmed whooping crane sightings, document the potential for whooping crane presence in the area. A new transmission line in this area has the potential to adversely affect whooping cranes during their annual spring and fall migration through North Dakota. Currently, collisions with power lines are the greatest known source of mortality for fledged whooping cranes, and have accounted for the death or serious injury of at least 46 whooping cranes since 1956.

Due to the transmission line route location within the whooping crane migration corridor, the Service recommends that conservation measures be included in the project description. Conservation measures to avoid or reduce potential impacts to whooping cranes include, but are not limited to:

- Burying the new electrical transmission line.
- If burying the new line is not feasible, install and maintain visual marking devices on the new transmission line in the 95-percent whooping crane migration corridor within one mile of suitable whooping crane stopover habitat* and an equal length of existing transmission/distribution line within one mile of suitable whooping crane stopover habitat in the whooping crane migration corridor (preferably in the 75-percent migration corridor, but at a minimum within the 95-percent migration corridor).
- For replacement or upgrade of existing transmission lines install and maintain visual marking devices on the replaced/upgraded transmission line in the 95-percent whooping crane migration corridor within one mile of suitable whooping crane stopover habitat.

The recommendation to mark the line within one mile of stopover wetlands is intended to provide protection at a distance (one mile) between stopover habitat and the line(s), which represent the

* Potentially suitable migratory stopover habitat for whooping cranes includes wetlands with areas of shallow water without visual obstructions (i.e., high or dense vegetation) (Austin & Richert 2001; Jolms et al. 1997; Lingle et al. 1991; Howe 1987) and submerged sandbars in wide, unobstructed river channels that are isolated from human disturbance (Armbruster 1990). Roosting wetlands are often located within 1 mile of grain fields.

greatest collision risk to whooping cranes. Whooping cranes are most vulnerable to collision during low level flight as they are taking off from or landing in stopover wetlands or as they are moving between stopover wetlands and nearby foraging areas. For local flights, the proximity of power lines to locations where birds are landing and taking off is critical. Power lines dividing wetlands used for roosting from grain fields used for feeding caused the most collisions for cranes because these circumstances encouraged crossing the lines at low altitude. Cranes frequently fly 10-15 m (33-49 ft) above the ground between fields; as a consequence, a 12-m high (39 ft) transmission line obstructs their typical flight path. In some power line collision mortality studies, no sandhill crane or waterfowl collisions were observed where distances from power lines to bird use areas exceeded 1.6 km (1 mi).

If the above recommendations are followed, and line markers are maintained, the Service believes that RUS would be justified in making a "not likely to adversely affect" determination for the whooping crane, and that the Service would typically concur.

Service Property Interests

The Service administers Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota. A review of Service realty records indicates Service property interests are located in the planning area. The Service has an ongoing easement acquisition program and we recommend that for Mountrail County, contact David Gillund, Project Leader, Lostwood Wetland Management District, 8315 Hwy 8, Kenmare, ND 58746-9046; Phone: (701)848-2466; Email: david_gillund@fws.gov, and for Ward County contact Lloyd Jones, Project Leader, Audubon National Wildlife Refuge, 3275 11th St. NW, Coleharbor, ND 58531-9419; Phone: (701)442-5474; Email: lloyd_jones@fws.gov, for more specific information relative to Service easements and up to date realty records.

Following are some suggestions and explanations of the various land interests the Service is responsible for in the proposed project area. Wetland easements are legal agreements with private landowners that permanently protect wetland basins from being drained, burned, leveled, or filled. Grassland easements are legal agreements with landowners that permanently protect grassland vegetation, primarily native prairie, from being destroyed or developed. The primary responsibility in protecting these easements is to review all proposed uses to ensure that the requests are compatible with Service easement regulations and various laws and policies. Therefore, these comments and suggestions are made in an attempt to accomplish three goals: 1) avoid impacts to Service grassland and wetland easements in the project area as much as possible; 2) if unavoidable, ensure that any proposed project and associated infrastructure impacts on any Service easement areas are kept to a minimum; and 3) investigate potential alternatives to eliminate or reduce impacts to easement areas to protect the integrity of the easement.

General Comments

Our review of the National Wetland Inventory (NWI) maps and photographs indicate the proposed planning area includes numerous wetland basins and stream channels. You may access the NWI data directly through their website (wetlands.fws.gov). Other high value wildlife habitat types in

North Dakota include native prairie, wooded draws, and riparian forests. The Service recommends that construction through or adjacent to these areas be avoided where possible or measures be taken to minimize disturbance to these areas.

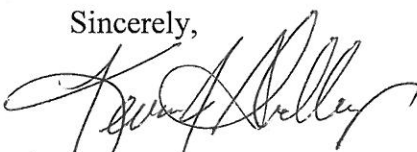
To minimize disturbance to existing fish and wildlife resources in the project area, the Service provides the following recommendations:

- Avoid construction in native prairie, if possible, and reseed disturbed native prairie with a comparable native grass/forb seed mixture. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.
- Make no stream channel alterations or changes in drainage patterns.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.

If construction routes intersect wetlands, streams, or rivers, the Corps of Engineers (Corps) may require a Department of the Army permit for the placement of dredge or fill material into waters of the U.S., including wetlands, or other impacts to navigable waters. We suggest you contact Mr. Daniel Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504, (701-255-0015), to determine the Corps' permit requirements.

Thank you for the opportunity to comment on this project. If additional information is required, please have your staff contact Terry Ellsworth of my staff, at (701) 250-4481 or at the letterhead address.

Sincerely,



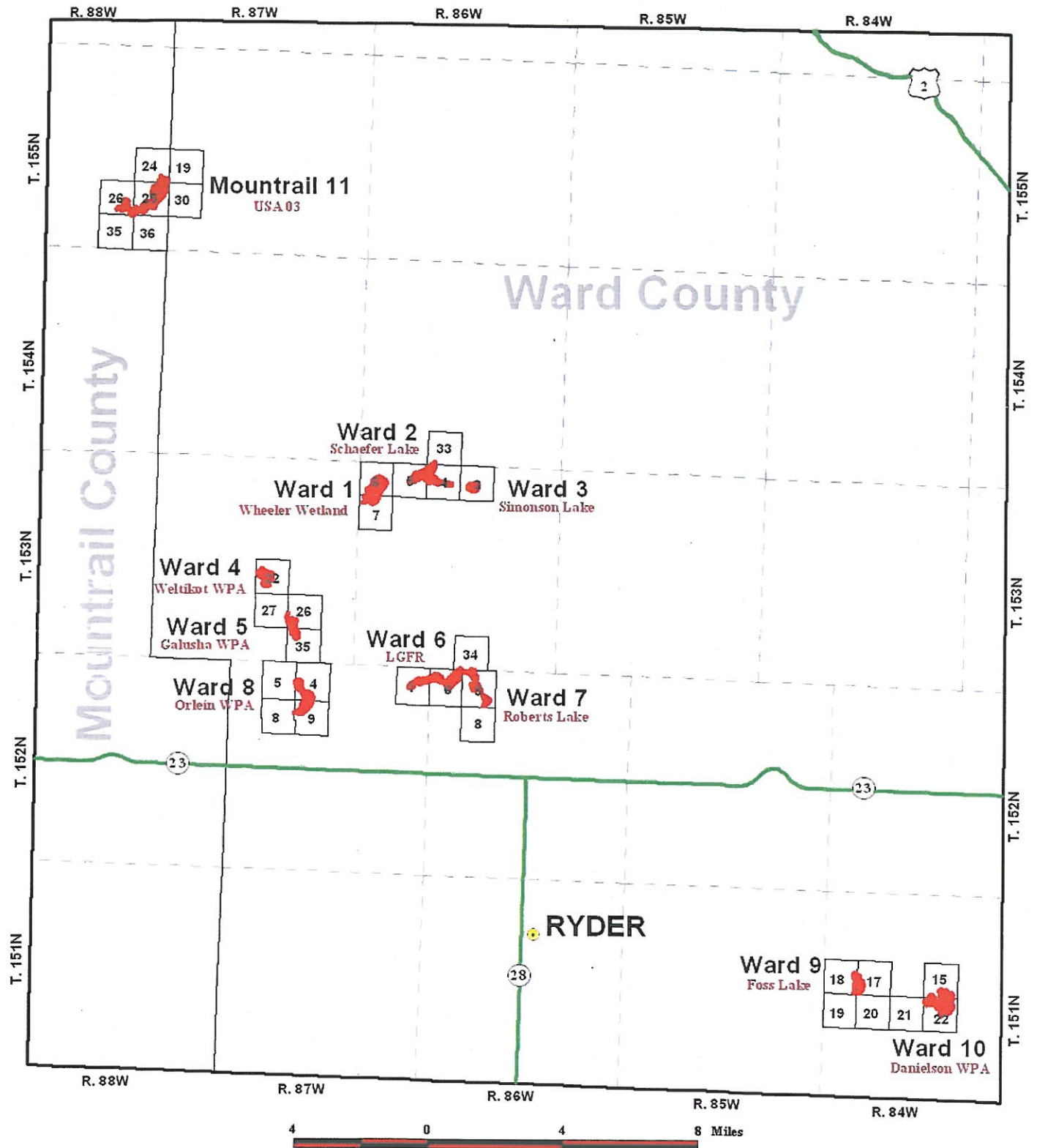
For Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures (2)

cc: Project Leader, Lostwood NWR
(Attn: D. Gillund)
Project Leader, Audubon NWR
(Attn: L. Jones)
Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)
Director, ND Game & Fish Department, Bismarck
(Attn: G. Link and S. Johnson)

Piping Plover Critical Habitat

Unit 3 (North Dakota)



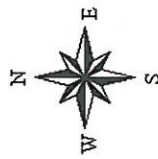
- Piping Plover Critical Habitat
- Sections
- Township Boundaries



Map compiled by USFWS, Ecological Services, Bismarck, ND, September, 2002. All features are for representative purposes only and may not depict the the actual size, shape and/or boundary.

Piping Plover Critical Habitat

Unit 4 (North Dakota)



Piping Plover
Critical Habitat

Sections

Township
Boundaries

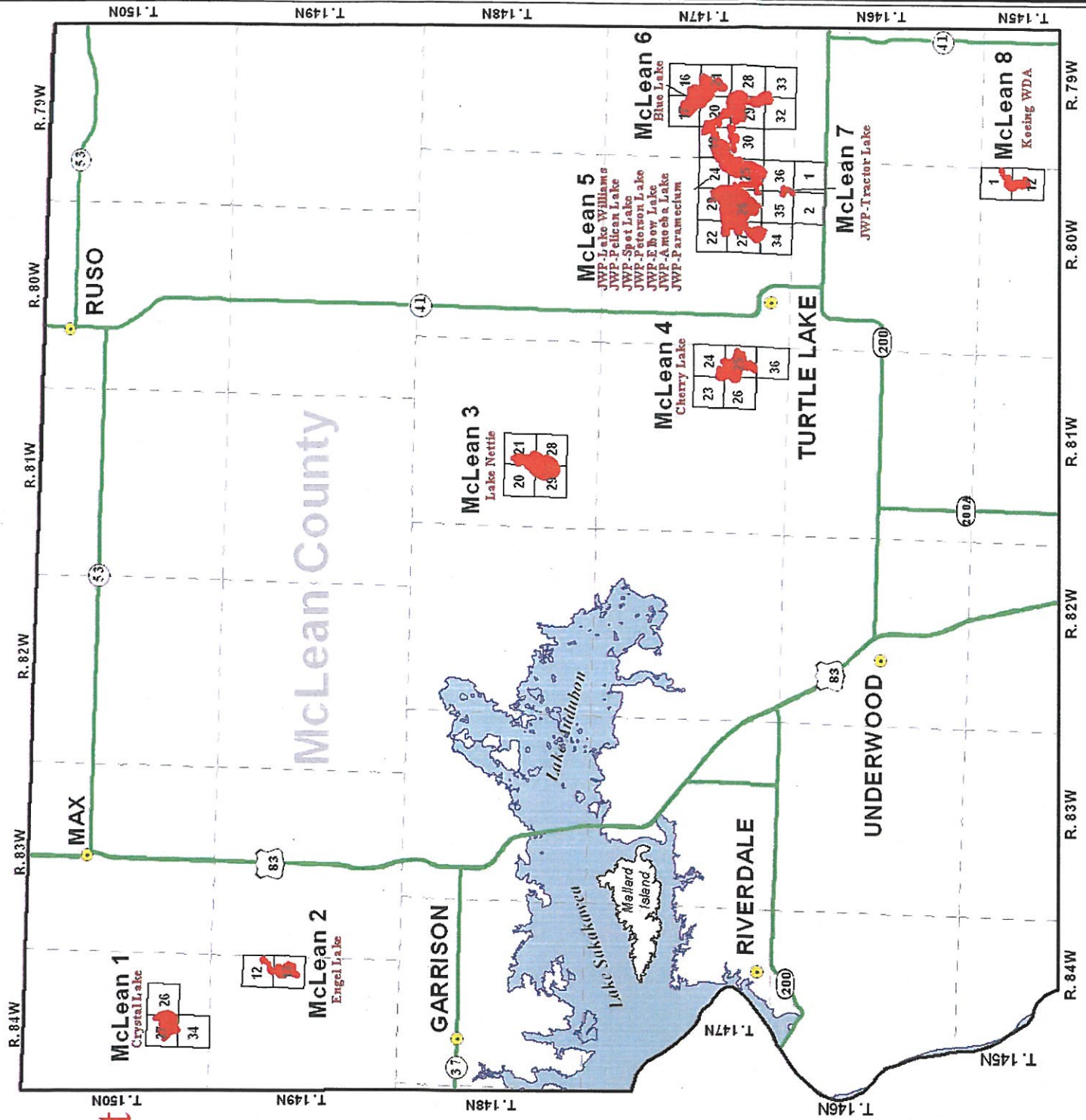
Map Location



North Dakota

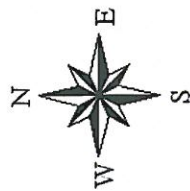


Map compiled by USFWS, Ecological Services,
Bismarck, ND, September, 2002. All features are
for representative purposes only and may not
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Piping Plover Critical Habitat

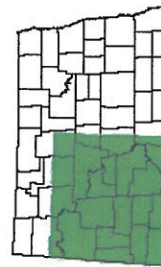
Unit 11 (North Dakota - Missouri River & Reservoirs)



- Piping Plover Critical Habitat
- County Boundary

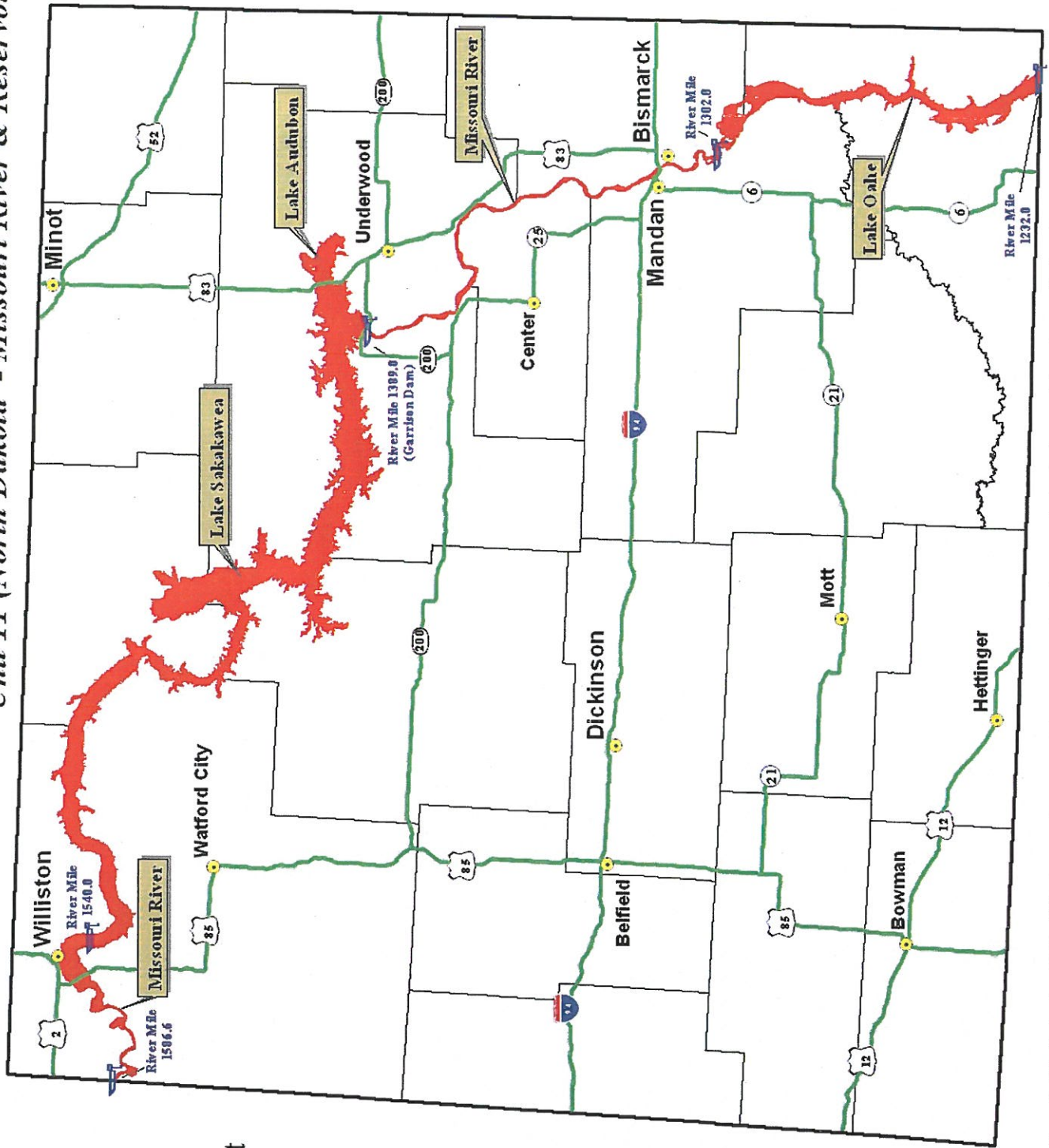


Map Location



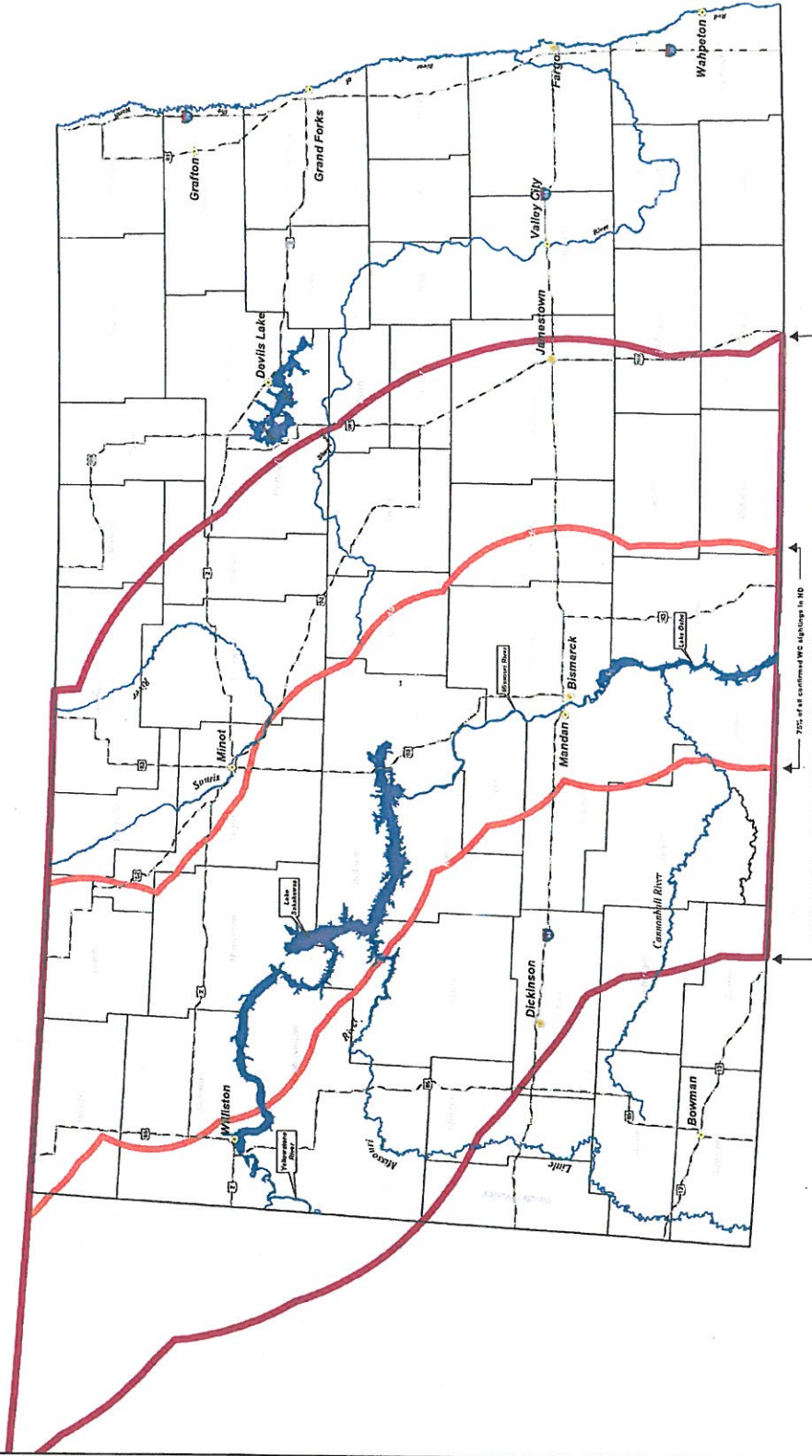
North Dakota

10 0 10 20 Miles





North Dakota Whooping Crane Migration Corridor



- 75% Whooping Crane Migration Corridor
- 95% Whooping Crane Migration Corridor

DISCLAIMER:
The USFWS makes no claim as to the accuracy or completeness of the displayed information. Species occurrence and habitat information is for illustrative purposes only. Federal action agencies and project proponents should consult the USFWS North Dakota Field Office for more detailed species information and technical assistance in evaluating potential project impacts to fish and wildlife resources.

Map produced 04/21/2010 by USFWS Ecological Services, Bismarck, ND.





Natural Resources Conservation Service
1301 Business Loop East Suite 1
Jamestown, ND 58401

July 30, 2012

Kathy Bargsten
Stanley Consultants
8000 South Chester Street
Suite 500
Centennial, CO. 80112

Subject: RE: Central Power Electric Cooperative, Inc. Mountrail-Williams Electric Cooperative
Snake Creek – Parshall Transmission Line Project – McLean County, North Dakota

Dear Ms. Bargsten,

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated May 23, 2012 concerning Snake Creek – Parshall Transmission Line Project - McLean County, North Dakota.

Farmland

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide importance and local importance) to non agriculture use when federal funding is used. Your proposed project consists of installing overhead transmission lines and replacing overhead transmission lines. An insignificant amount of farmland is affected by this activity so FPPA does not apply; therefore, no further action is needed.

Wetlands

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

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.



Ms. Bargsten
Page 2

- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches must be backfilled to the original wetland bottom elevation.

NRCS would recommend that impacts to wetlands be avoided. If the alignment of the permanent structure requires construction in a wetland, NRCS can complete a certified wetland determination if requested by the land owner/operator.

Should you have any questions pertaining to this letter please contact me at 701-252-1460, extension 115.

Sincerely,

/s/

FREDERICK P. AZIZ
Area Resource Soil Scientist

cc: Steven Seiler, State Soil Liaison, NRCS, Bismarck, ND
Virginia Mehlhoff, DC, NRCS, Garrison, ND